

GREG REILLY

Assistant Professor of Law
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EDUCATION

Harvard Law School, J.D., *magna cum laude*, 2006

Harvard Civil Rights-Civil Liberties Law Review, Editor
Joseph H. Beale Prize (Highest Grade in Conflict of Laws), 2006

Georgetown University, B.A., American Government, *summa cum laude*, 2001

Phi Beta Kappa, 2001
Alpha Sigma Nu (National Jesuit Honor Society), 2001
Valerie A. Earle Award (Most Outstanding American Government Student), 2001

Trinity College Dublin, Study Abroad, 1999-2000

PUBLICATIONS

Amending Patent Claims, 32 HARVARD JOURNAL OF LAW & TECHNOLOGY (forthcoming 2018)

The Constitutionality of Administrative Patent Cancellation, 23 BOSTON UNIVERSITY JOURNAL OF SCIENCE & TECHNOLOGY LAW 377 (2017) (invited symposium contribution)

- Cited by Scotusblog (www.scotusblog.com/2017/06/relist-watch-108/), PatentlyO (<https://patentlyo.com/patent/2017/08/patent-validity-revocation.html>), and multiple briefs in *Oil States Energy Servs., LLC v. Greene's Energy Group, LLC*, No. 16-712 (U.S. 2018)

Decoupling Patent Law, 97 BOSTON UNIVERSITY LAW REVIEW 551 (2017)

Rethinking the PHOSITA in Patent Litigation, 48 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 501 (2017) (invited symposium contribution)

- Featured on: Anthony McCain, PatentlyO Bits and Bytes, PatentlyO (Oct. 31, 2016), <https://patentlyo.com/patent/2016/10/patentlyo-bits-and-bytes-by-anthony-mccain-26.html>

Patent "Trolls" and Claim Construction, 91 NOTRE DAME L. REV. 1045 (2016)

- Cited by: Federal Trade Commission, Patent Assertion Entity: An FTC Study at n.64 (Oct. 2016), <https://www.ftc.gov/reports/patent-assertion-entity-activity-ftc-study>

Forum Selling (with Daniel M. Klerman) 89 S. CAL. L. REV. 241 (2016)

- Cited by: *Tyler v. Michaels Stores, Inc.*, 153 F.3d 53, 66 n.29 (D. Mass. 2015) (describing *Forum Selling* as "[a] brilliant new article"); *Symbology Innovations, LLC v. Lego Systems, Inc.*, 2:17-cv-86, 2017 WL 4324841, at *1 (E.D. Va. Sept. 28, 2017)

- Reviewed by:
 - Allan Erbsen, *Judicial Competition for Case Filings in Civil Litigation*, JOTWELL (Courts Law) (Feb. 25, 2015), <http://courtslaw.jotwell.com/judicial-competition-for-case-filings-in-civil-litigation/>
 - Keith Hylton, *Making Courts Attractive to Plaintiffs*, JOTWELL (Torts) (Feb. 3, 2015), <http://torts.jotwell.com/making-courts-attractive-to-plaintiffs/>
 - Lisa Larrimore Ouellette, *Patent Forum Selling*, WRITTEN DESCRIPTION (Jan. 15, 2015), <http://writtendescription.blogspot.com/2015/01/patent-forum-selling.html>

Linking Patent Reform and Civil Litigation Reform, 47 LOY. U. CHI. L.J. 179 (2015)

- Reviewed by: Michael Risch, *Is Patent Discovery Different?*, WRITTEN DESCRIPTION (Mar. 2, 2015), <http://writtendescription.blogspot.com/2015/03/is-patent-discovery-different.html>

Aggregating Defendants, 41 FLA. ST. U. L. REV. 1011 (2014)

Judicial Capacities and Patent Claim Construction: An Ordinary Reader Standard,
20 MICH. TEL. & TECH. L. REV. 243 (2014)

SHORTER ACADEMIC AND ON-LINE WORKS

Our 19th Century Patent System, 7 IP THEORY (forthcoming 2018) (solicited contribution)

Brief for 72 Professors of Intellectual Property Law as Amici Curiae in Support of Respondents, *Oil States Energy Servs., LLC v. Greene's Energy Group, LLC*, No. 16-712 (U.S. 2018) (with Mark A. Lemley & Arti K. Rai), available at www.scotusblog.com/wp-content/uploads/2017/11/16-712-bsac-72-Professors-of-Intellectual-Property-Law.pdf

How Can the Supreme Court Not "Understand" Patent Law?, 16 CHICAGO-KENT JOURNAL OF INTELLECTUAL PROPERTY 292 (2017) (invited symposium contribution)

- Reviewed by: Michael Risch, *Does the Supreme Court Understand Patent Law?*, WRITTEN DESCRIPTION (Feb. 24, 2017), <http://writtendescription.blogspot.com/2017/02/does-supreme-court-understand-patent-law.html>.

Forcing Patent Applicants to Internalize Costs from Overclaiming, WRITTEN DESCRIPTION (Nov. 2, 2016), <http://writtendescription.blogspot.com/2016/11/guest-post-by-greg-reilly-forcing.html>

Completing the Picture of Uncertain Patent Scope, 91 WASH. U. L. REV. 1353 (2014)

- Reprinted in INTELLECTUAL PROPERTY LAW REVIEW (Thomson Reuters/West) (2015), as one of "the best law review articles related to intellectual property law published within the last year"

Improviently Granted: Why the Federal Circuit Chose the Wrong Claim Construction Issue for En Banc Review, 80 U. CHI. L. REV. DIALOGUE 43 (2013)

ACADEMIC APPOINTMENTS AND TEACHING EXPERIENCE

IIT Chicago-Kent College of Law

Assistant Professor of Law August 2016-present
Visiting Faculty Fall 2015
Courses: Patent Law (3x); Civil Procedure (2x); Patent Claim Construction Seminar
Significant Service: Bar Passage Committee (2017-2018); Speakers Committee (2017-2018); Law Review Committee (2017-2018); VAP Committee (2017)

California Western School of Law

Associate Professor of Law; Assistant Professor of Law July 2014-August 2016
Courses: Civil Procedure I (2x); Civil Procedure II (3x); Torts I; Patent Law
Significant Service: U.S. PTO Trademark Clinic Director; Appointments Committee

University of Chicago Law School

Harry A. Bigelow Teaching Fellow and Lecturer in Law July 2012-June 2014
Courses: Legal Research & Writing (2x); Patent Claim Construction Seminar

Teach for America, Vance County Schools (Henderson, NC)

Teacher, Henderson Middle School, 7th Grade Language Arts 2001-2003

CLERKSHIP

The Honorable Timothy B. Dyk

U.S. Court of Appeals for the Federal Circuit

Law Clerk 2006-2007

OTHER LEGAL EXPERIENCE

Progress LLP

Of Counsel 2015-present

- Provide occasional consulting and expert advice regarding patent litigation and related matters to firm and its attorneys

Morrison & Foerster LLP

Litigation Associate, San Diego, CA 2007-2012

- Appellate, Intellectual Property (Patent Litigation), and Products Liability Groups
- Primary brief author in 11 appellate matters in Federal, Second, Fourth, and Ninth Circuits, including en banc briefing for appellee in *Therasense, Inc. v. Becton, Dickinson & Co.*, 649 F.3d 1276 (Fed. Cir. 2011) (en banc)

- Second-chaired three day commercial, trademark, and cybersquatting arbitration, conducting direct examinations of key fact witness and damages expert
- Took or defended 20 depositions of fact and expert witnesses
- Argued two summary judgment motions regarding patent infringement, a patent claim construction hearing, and motions to compel and in limine in patent cases
- Responsible for all aspects of day-to-day litigation, including discovery, dispositive motions, trial preparation, and client relations

Wilmer Cutler Pickering Hale and Dorr LLP

Summer Associate, Washington, DC

Summer 2005

Professor Arthur R. Miller, Harvard Law School

Research Assistant

2004-2006

- Updated Fed. R. Civ. P. 12 and venue sections and revised venue sections of FEDERAL PRACTICE & PROCEDURE
- Analyzed issues related to class action settlement

Massachusetts Attorney General's Office, Appeals Section

Legal Intern

Fall 2005

PRESENTATIONS

Conferences Organized

The Power of PTAB: The New Authority in Patent Law, Chicago-Kent College of Law, Oct. 2017 (co-organized with Ed Lee)

Invited or Competitively Selected Presentations

Amending Patent Claims, Junior Scholars in Intellectual Property Workshop at Michigan State College of Law, May 2018

Putting in Context Oil States Energy Services v. Greene's Energy Group, University of Notre Dame Law School, Nov. 2017

Commentator for Gary Lawson, *Appointments & Illegal Adjudication*, Perspectives on the PTAB Conference, George Mason University Antonin Scalia Law School, Center for the Protection of Intellectual Property, Nov. 2017

Panelist for *Oil States' Impact on Patent Law and Innovation*, Is Administrative Review of Granted Patents Constitutional?, Duke University School of Law, Center for Innovation Policy, Washington, DC, Sept. 2017

Panelist for *TC Heartland LLC v. Kraft Foods Group Brands LLC* and *Sandoz, Inc. v. Amgen, Inc.*, Supreme Court Intellectual Property Review, Chicago-Kent College of Law, Sept. 2017

Moderator for Janet Freilich, *Prophetic Patents*, bioip Conference at Loyola University Chicago School of Law, May 2017

The Constitutionality of Patent Office Cancellation Procedures, Boston University Journal of Science and Technology Law Symposium "Bridging the Gap between the Federal Courts and the USPTO," Feb. 2017

- Rethinking the PHOSITA in Patent Litigation*, Edward D. Manzo Scholars in Patent Law, DePaul University College of Law, Feb. 2017
- Decoupling Patent Law*, Brigham Young University Intellectual Property Colloquium, Nov. 2016
- Panelist for *Stryker Corp. v. Zimmer, Inc. and Halo Electronics, Inc. v. Pulse Electronics, Inc. and Cuozzo Speed Technologies, LLC v. Lee*, Supreme Court Intellectual Property Review, Chicago-Kent College of Law, Sept. 2016
- Patents, Judges, and Experts*, Loyola University Chicago Law Journal Symposium on Judicial Decisionmaking, Apr. 2016
- America Invents Act in Review: Post-grant Review, Inter Partes Review and Pre-Issuance Submissions*, San Diego Center for Systems Biology's Intellectual Property and Licensing Workshop, University of California-San Diego, Mar. 2016
- Decoupling Patent Law*, Corporate Innovation and Policy Seminar, University of San Diego School of Law, Mar. 2016
- Decoupling Patent Law*, Faculty Workshop, University of San Diego School of Law, Feb. 2016
- Decoupling Patent Law*, IP Colloquium, University of Illinois College of Law, Feb. 2016
- Commentator for Mark Lemley, *Rethinking Assignor Estoppel*, 2016 USD Annual Patent Conference, University of San Diego School of Law, Jan. 2016
- Decoupling Patent Law*, UNH IP Scholars' Roundtable, Nov. 2015
- Forum Selling*, Judicial Behavior Workshop, University of Chicago Law School, Nov. 2015 (with Daniel M. Klerman)
- Linking Patent Reform and Civil Litigation Reform*, Faculty Workshop, University of Florida Levin College of Law, Oct. 2015
- Linking Patent Reform and Civil Litigation Reform*, Faculty Workshop, Chicago-Kent College of Law, Oct. 2015
- Panelist for *Teva Pharmaceuticals v. Sandoz & Preview of October Term 2015*, Supreme Court Intellectual Property Review, Chicago-Kent College of Law, Sept. 2015
- Forum Selling*, American Law and Economics Association Annual Meeting, Columbia Law School, May 2015 (with Daniel M. Klerman)
- Linking Patent Reform and Civil Litigation Reform*, University of San Diego School of Law IP Speakers Series, Apr. 2015
- Linking Patent Reform and Civil Litigation Reform*, Corporate Innovation and Policy Seminar, University of San Diego School of Law, Feb. 2015
- Commentator for Saurabh Vishnubhakat, *Patent Propagation*, 2015 USD Annual Patent Conference, University of San Diego School of Law, Jan. 2015
- Forum Selling*, USC Gould School of Law, Faculty Workshop, Oct. 2014 (with Daniel M. Klerman)
- Aggregating Defendants*, Sixth Annual Junior Federal Courts Workshop, Brooklyn Law School, Oct. 2013
- Aggregating Defendants*, Valparaiso University Law School, Faculty Workshop, Sept. 2013

Amending Patent Claims

- Patent Conference (PatCon8), University of San Diego School of Law, Mar. 2018

Does History Limit Congress's Patent Power? (and prior titles)

Faculty Workshop, IIT Chicago-Kent, Nov. 2017

Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, Yeshiva University, Aug. 2017

Chicago Works-in-Progress, Chicago-Kent College of Law, Feb. 2017

Fourteenth Annual Works-in-Progress Intellectual Property Colloquium (WIPIP), Boston University School of Law, Feb. 2017

The Constitutionality of Administrative Patent Cancellation

Patent Conference (PatCon7), Northwestern Univ. Pritzker School of Law, Apr. 2017

Decoupling Patent Law

Faculty Workshop, IIT Chicago-Kent, Sept. 2016

Thirteenth Annual Works-in-Progress Intellectual Property Colloquium (WIPIP), University of Washington School of Law, Feb. 2016

Claim Construction and Patent "Trolls"

Intellectual Property Scholars Conference, DePaul University College of Law, Aug. 2015

Forum Selling

Intellectual Property Scholars Conference, U.C. Berkeley School of Law, Aug. 2014

Linking Patent Reform and Civil Litigation Reform (and prior titles)

Twelfth Annual Works-in-Progress Intellectual Property Colloquium (WIPIP), U.S. Patent & Trademark Office, Feb. 2015

Patent Conference (PatCon4), University of San Diego School of Law, Apr. 2014

Aggregating Defendants

Midwestern Law and Economics Association Annual Meeting, University of Illinois College of Law, Oct. 2013

Faculty Work-In-Progress Workshop, University of Chicago Law School, Aug. 2013

Chicago Junior Faculty Workshop, DePaul University College of Law, Aug. 2013

Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, Yeshiva University, Aug. 2013

Judicial Capacities and Patent Claim Construction

University of Chicago Law School Research Colloquium, May 2013

Patent Conference (PatCon3), IIT Chicago-Kent College of Law, Apr. 2013

Works in Progress Intellectual Property (WIPIP), Seton Hall Univ. School of Law, Feb. 2013

PROFESSIONAL ACTIVITIES & BAR ADMISSIONS

Peer Reviewer, Yale Law Journal, 2018

The Richard Linn American Inn of Court, 2017-present

Planning Committee, Federal Circuit Bar Association's Chicago Dinner & Program, 2018

Newsletter Editor, Federal Bar Association, San Diego Chapter, 2009
The Hon. J. Clifford Wallace American Inn of Court, San Diego, CA, 2008-2009
The Giles S. Rich American Inn of Court, Washington, DC, 2006-2007
State Bar of California, No. 250232
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Federal Circuit
U.S. District Courts for the Southern, Central, and Northern Districts of California