

KEVIN EMERSON COLLINS

Washington University School of Law
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EMPLOYMENT

Washington University School of Law, St. Louis, MO
Professor of Law, 2010–present
Courses taught: Patent Law; Advanced Patent Law; Copyright Law; Trademark Law;
Survey of Intellectual Property; IP and Architecture; Law and Architecture, IP Seminar
Course produced and taught in @WashU online program: Survey of Intellectual Property
Appointments Chair, 2018–19

Institute for Intellectual Property, Tokyo Japan
Invited Researcher, Summer 2015

University of Queensland School of Law, Brisbane, Australia
Visiting Professor, August 2014: Survey of Intellectual Property

Indiana University Maurer School of Law, Bloomington, IN
Associate Professor of Law, 2004–10
Trustees Teaching Award, 2007

Benjamin N. Cardozo School of Law, New York, NY
Visiting Professor of Law, Fall 2007

Federal Circuit Court of Appeals, Washington, DC
Clerk to the Honorable Raymond C. Clevenger, III, 2003–04

Second Circuit Court of Appeals, New York, NY
Clerk to the Honorable Sonia Sotomayor, 2002–03

Columbia University Graduate School of Architecture, Planning and Preservation, New York, NY
Adjunct Professor, 1998 – 1999
Courses taught: Core Architecture Studio III, IV & VI

Bernard Tschumi Architects, New York, NY and Paris, France
Project Architect, 1995–99

Yale University, New Haven, CT
Visiting Lecturer, Residential College Seminar Program, 1996
Course taught: Envisioning Architecture/Envisioning Society

EDUCATION

Stanford Law School, Stanford, CA
J.D., 2002, Order of the Coif

Columbia University Graduate School of Architecture, Planning and Preservation, New York, NY
M.Arch., 1995

Yale University, New Haven, CT
B.A., summa cum laude, double major in Molecular Biophysics and Biochemistry,
Architecture, 1990

PUBLICATIONS

THE INTELLECTUAL PROPERTY OF ARCHITECTURE (Cambridge University Press 2019) (work in progress)

Copyright and Customized Creativity (work in progress)

The Hidden Wisdom of Architectural Copyright before the AWCPA (work in progress)

Architectural Patents beyond Bucky Fuller's Quadrant, in *TERMS OF APPROPRIATION: MODERN ARCHITECTURE AND GLOBAL EXCHANGE* (Amanda Lawrence & Ana Miljacki, eds.) (Routledge 2018)

Patent Law's Authorship Screen, 84 U. CHI. L. REV. 1603 (2017)

Patent-Ineligibility as Counteraction, 84 WASHINGTON UNIVERSITY LAW REVIEW 955 (2017)

The Williamson Revolution in Software's Structure, 31 BERKELEY TECHNOLOGY LAW JOURNAL 1597 (2016)

The Structural Implications of Disclosure, 69 VANDERBILT LAW REVIEW 1785 (2016)

Drawing Lines: The Boundary of Patentability in Personalized-Medicine Diagnostics in Japan, INSTITUTE FOR INTELLECTUAL PROPERTY (2016)

The Knowledge/Embodiment Dichotomy, 47 DAVIS LAW REVIEW 1279 (2014)

Patent Law's Functionality Malfunction and the Problem of Overbroad, Functional Software Patents, 90 WASHINGTON UNIVERSITY LAW REVIEW 1399 (2013)

Prometheus Laboratories, Mental Steps, and Printed Matter, 50 HOUSTON LAW REVIEW 391 (2012) (symposium)

Getting into the "Spirit" of Innovative Things: Looking to Complementary and Substitute Properties to Shape Patent Protection for Improvements, 26 BERKELEY TECHNOLOGY LAW JOURNAL 1217 (2012)

Bilski and the Ambiguity of "An Unpatentable Abstract Idea", 15 LEWIS AND CLARK LAW REVIEW 37 (2011) (symposium)

Even More Complex After All These Years: What the Complexity of the "How?" Question of Tailoring Claim Scope Has to Say About the "Who?" Question, 1 IP THEORY 35 (2011) (symposium)

Semiotics 101: Taking the Printed Matter Doctrine Seriously, 85 INDIANA LAW JOURNAL 1379 (2010)

Enabling After-Arising Technology, 34 JOURNAL OF CORPORATION LAW 1083 (2009) (symposium)

Amicus briefs in support of neither party before the Supreme Court in *Bilski v. Kappos* (2010) and the Federal Circuit in *In re Bilski* (2008)

The Reach of Literal Claim Scope into After-Arising Technology: On Thing Construction and the Meaning of Meaning, 41 CONNECTICUT LAW REVIEW 493 (2008)

Claims to Information qua Information and a Structural Theory of Section 101, 4 I/S: A JOURNAL OF LAW AND POLICY FOR THE INFORMATION SOCIETY 11 (2008) (symposium), *reprinted in* PATENT CLAIMS: JUDICIAL INTERPRETATION AND ANALYSIS 120-40 (2009)

Constructive Nonvolition in Patent Law, or the Problem of Insufficient Thought Control, 2007 WISCONSIN LAW REVIEW 759 (2007)

Propertizing Thought, 60 SOUTHERN METHODIST UNIVERSITY LAW REVIEW 317 (2007) (selected for Stanford/Yale Junior Faculty Forum)

Cybertrespass and Trespass to Documents, 54 CLEVELAND STATE LAW REVIEW 41 (2006) (symposium on the work of Margaret Jane Radin)

Essays in my *An Initial Comment* series on the Patently-O blog:

- Williamson v. Citrix Online* (June 2015)
- King Pharmaceuticals* (Aug. 12, 2010)
- Ariad* (Apr. 12, 2010)
- Prometheus* (Sept. 17, 2009)
- Bilski* (Nov. 1, 2008)

CONFERENCES, PANELS AND PRESENTATIONS

- Copyright Scholars Roundtable, University of Pennsylvania, Philadelphia, PA, June 2018
Invited Presenter
- Junior Scholars in Intellectual Property Workshop, Michigan State, MI, May 2018
Senior Commentator
- Patent Scholars Roundtable III, Washington, DC, November 2017
- Bar Association of Metropolitan St. Louis, St. Louis, MO, September 2017
Panelist on Recent Developments in Patent Law
- Intellectual Property Scholars Conference, Cardozo School of Law, New York, NY, August 2017
Copyright, Customized Creativity, and Architecture
- Northwestern/Cardozo/USPTO Conference on Empirical Studies of Intellectual Property, Cardozo School of Law, New York, NY, May 2017
Empirical Study of Architectural Copyright Litigation
- Center for Law, Innovation and Creativity, Northeastern School of Law, Boston, May 2017
Panelist: Architecture and Copyright
- Whittier Law School, Costa Mesa, CA April 2017
Empirical Study of Architectural Copyright Litigation
- Loyola Law School, Los Angeles, CA April 2017
Empirical Study of Architectural Copyright Litigation
- Patentable Subject Matter Roundtable, Berkeley Law School, Berkeley, CA March 2017, Invited Participant
- University of Tulsa College of Law, Tulsa, OK February 2017
Architectural Copyright before the AWCPA
- WIPIP Conference, Boston University, Boston, MA, February 2017
Patent Law's Authorship Screen
- Patent Scholars Roundtable II, Atlanta, GA, February 2017
- ITC Trial Lawyers Association & Bar Association of Metropolitan St. Louis, Conference, *An Introduction to Section 337 Investigations at the USITC*, Washington University, MO, February 2017
Panelist, *Latest Developments*
- International Society for the History and Theory of Intellectual Property Workshop, Glasgow University School of Law, Scotland, July 2016
Architectural Copyright before the AWCPA
- Faculty Workshop, Washington University School of Law, MO, May 2016
Architecture as Trade Dress
- Symposium: Intellectual Property Protections for Computer Programs, Berkeley Law School, CA, April 2016
The Williamson Revolution in Software's Structure
- PATCON, Boston University, Newton, MA, April 2016
The Williamson Revolution in Software's Structure
- WIPIP Conference, University of Washington, WA, February 2016
Architectural Copyright before the AWCPA
- Patent Scholars Roundtable, Atlanta, GA, February 2016
Patent-Ineligibility as Counteraction
- Technology Law & Policy Colloquium, Georgetown Law School, DC, February 2016
Patent-Ineligibility as Counteraction

AALS Annual Meeting, New York, NY, January 2016
Interpreting the Scope of IP Rights

Symposium: The Disclosure Function of the Patent System, Vanderbilt Law School, TN,
November 2015
The Structural Implications of Disclosure

Conference on Empirical Legal Studies, Washington University School of Law, MO, October
2015, Discussant

Faculty Workshop, Washington University School of Law, MO, October 2015
Defeasible Intellectual Property

Colloquium on Innovation, Notre Dame Law School, South Bend, IN, September 2015
Defeasible Intellectual Property

Intellectual Property Scholars Conference, Chicago, IL, August 2015
A Counteraction Theory of Patent Eligibility

Institute for Intellectual Property, Tokyo, Japan, July 2015
The Boundary of Patentability in Personalized-Medicine Diagnostics in Japan

IP Workshop for Junior Researchers, Waseda University, Tokyo, Japan, June 2015
Senior Commentator

American Law & Economics Association, Columbia University, NY, May 2015, Discussant

PATCON, University of Kansas, Lawrence, KS, April 2015
A Counteraction Theory of Patent Eligibility

Innovation Law Beyond IP 2, Yale University, CT, March 2015
Architectural Creativity before the AWCPA

Innovation Law and Policy Workshop, University of Toronto, ON, March 2015
Architectural Creativity before the AWCPA

Journal of Law and Technology Symposium, University of North Carolina, NC, February 2015
Keynote Address, Patent Eligibility after Alice

Junior Scholars in Intellectual Property Workshop, Michigan State, MI, November 2014
Senior Commentator

Chicago-Kent/USPTO Roundtable on Empirical Studies of Intellectual Property, Chicago-Kent
College of Law, IL, September 2014
Do Architects Leave IP Rights on the Table? If Yes, Why?

Conference: *Personalized Medicine and Intellectual Property*, Boston University, MA, August
2014
Panelist, *Patentable Subject Matter*

Faculty Workshop, Washington University School of Architecture, MO, April 2014
Intellectual Property in Architecture

Workshop, US Patent and Trademark Office, DC, April 2014
Patent Law's Functionality Malfunction

IP Law Speakers Series, University of San Diego, CA, October 2013
The Point of "Point of Novelty"? It's the Mental, Not the Natural

Conference: *Innovation and the Evolution of Patentable Subject Matter*, University of California,
Davis, CA, September 2013
Panelist, *Patent Eligibility in the Life Sciences*

Intellectual Property Scholars Conference, New York, NY, August 2013
The Point of "Point of Novelty"? It's the Mental, Not the Natural

PATCON, Chicago-Kent College of Law, Chicago, IL, April 2013
Patent Law's Functionality Malfunction

Federal Circuit Year in Review, St. Louis, MO, March 2013
2012 at the Federal Circuit

IP Workshop Series, Lewis and Clark School of Law, Portland, OR, January 2013
The Knowledge/Embodiment Dichotomy

Conference: *Intellectual Property and Public Rights of Access: The Evolving 21st Century Balance*, Indiana University, Indianapolis, IN, November 2012
Panelist, *Strategies for Living in the World of Prometheus*

Manne Faculty Forum, George Mason University School of Law, Washington, DC, September 2012, Senior Commentator

Intellectual Property Scholars Conference, Stanford, CA, August 2012
This Is Not a Law of Nature

University of Houston symposium on *Pondering Patents: First Principles and Fresh Possibilities*, Santa Fe, NM, June 2012
Prometheus Laboratories, Mental Steps and Printed Matter

Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law, East Lansing, MI, May 2012, Senior Commentator

Benjamin N. Cardozo School of Law, New York, NY, March 2012
IP Speakers Series, *Patent Law's Functionality Malfunction*

Intellectual Property Scholars Conference, Chicago, IL, August 2011
Plenary Speaker, *Reframing Prometheus Laboratories: Toward a Normative Justification of the Mental Steps Doctrine*

Intellectual Property Law Association of Chicago, Chicago, IL, April 2011
Panelist, *Biotech Patent Law: Association of Molecular Pathologists v. USPTO*

PATCON, University of Kansas, Lawrence, KS, April 2011
The (Ir)relevance of Intangibility in Medical Diagnostic Patents

New York City Bar Association, February 2011
Panelist, *Building a Brand by Branding a Building: A Discussion at the Intersection of Marketing, Design, Urban Planning and Law*

Maurer School of Law, University of Indiana—Bloomington, September 2010
Panelist, Patent Scope Revisited: Merges and Nelson's *On the Complex Economics of Patent Scope, 20 Years After*

College of Law, University of Illinois at Champaign-Urbana, September 2010
Panelist, Patenting in the Biotechnology Industry: 30 Years after *Diamond v. Chakrabarty*

Intellectual Property Scholars Conference, Berkeley, CA, August 2010
A Multidimensional Model of Invention-Space: Complementing Merges and Nelson on Improvement

University of Maryland School of Law, Baltimore, MD, April 2010
Panelist, *Patent Eligibility*

Harvard Journal of Law and Technology, Boston, MA, April 2010
Panelist, *Patent Eligibility*

Washington University School of Law, St. Louis, MO, January 2010
Faculty Workshop, *Semiotics 101: Taking the Printed Matter Doctrine Seriously*

Bar-Ilan University, Faculty of Law, Ramat-Gan, Israel, January 2010
 Conference on the Future of Subject Matter Patentability after *In re Bilski* (two presentations)
Semiotics 101: Taking the Printed Matter Doctrine Seriously
Opening the Floodgates? Prometheus, Determine-and-Infer Claims, and the Propertization of Knowledge Itself

George Washington School of Law, Washington, DC, November 2009
 A Debriefing of the *Bilski* Oral Arguments at the Supreme Court

Santa Clara University School of Law, Santa Clara, CA, September 2009
 Patent Scholarship Colloquium: *Pre-Expiration Knowledge Spillovers: Disclosure as a Limit on Patent Eligibility*

Benjamin N. Cardozo School of Law, New York, NY, September 2009
 IP Speakers Series: *Semiotics 101: Taking the Printed Matter Doctrine Seriously*

Intellectual Property Scholars Conference, New York, NY, August 2009
Bilski's Blind Spot

Southeastern Association of Law Schools Conference, Palm Beach, FL, August 2009
 Panel Moderator, *Patentable Subject Matter*

Patents and the Fostering of Entrepreneurship in Business and Information Technologies, George Washington School of Law, Washington, DC, June 2009
Semiotics 101: Taking the Printed Matter Doctrine Seriously

The Legal and Political Environment for Business in the US and China, Indiana University, Bloomington, IN, April 2009
 Panel Moderator

University of Miami School of Law, Miami, FL, April 2009
 Faculty Colloquium, *Regulation by and of Architecture: Defining the Field of Law and Architecture*

Boston University School of Law, Boston, MA, April 2009
 Conference: *What Does the Economics of Property Law Teach Patent, Copyright, and Trademark Scholars?*

Junior Scholars Workshop in IP at MSU, East Lansing, MI, March 2009
 Workshop Presentation, *Spotting the Wolves in Sheep's Clothing: Using a Semiotic Framework for Patent Eligibility to Prevent the Privatization of Knowledge* (selected for presentation through competitive blind review)

University of Cincinnati College of Law, Cincinnati, OH, February 2009
 Faculty Workshop, *Spotting the Wolves in Sheep's Clothing: Using a Semiotic Framework for Patent Eligibility to Prevent the Privatization of Knowledge*

Symposium on Invention, Creation and Public Policy, College of Law—The University of Iowa, Iowa City, IA, February 2009
 Panel Presentation, *The Role of Complements and Substitutes in Shaping the Reach of Literal Claim Scope into After-Arising Technology*

George Washington School of Law, Washington, DC, January 2009
 Intellectual Property Speaker Series, *Semiotics and Patentable Subject Matter*

Thomas Jefferson School of Law, San Diego, CA, January 2009
 Faculty Presentation, *Semiotics and Patentable Subject Matter*

Untangling Global Life Sciences Intellectual Property Issues Conference, Bloomington, IN, November 2008
 Panel Presentation, *Patent Reform*

Health Law Scholars Workshop, Saint Louis University, Saint Louis, MO, October 2008
 Invited Scholarship Reviewer

Patentable Subject Matter Workshop, UC Berkeley School of Law, Berkeley, CA, October 2008
Invited Participant

Intellectual Property Law Colloquium, Brooklyn Law School, Brooklyn, NY, September 2008
Paper Presentation, *Should the Mind Be Patentable Subject Matter?*

Symposium on *In re Bilski*, Cardozo Law School, New York, NY, September 2008

Intellectual Property Scholars Conference, Stanford, CA, August 2008
Paper Presentation, *The Reach of Literal Claim Scope into After-Arising Technology: On the Construction of Things and Meanings*

IP/Gender: Mapping the Connections Conference, American University School of Law, Washington, DC, April 2008
Paper Presentation, *Software, Wetware and Cyborgs*

IP Scholars Roundtable, Drake University Law School, Des Moines, February 2008
Paper Presentation, *Patentable and Unpatentable Information*

WIPIP Conference, Washington, DC, September 2007
Paper Presentation, *Literal Claim Scope, After-Arising Technology, and the Growth/Stability Paradox*

Association of Patent Law Firms Annual Meeting, New York, NY, September 2007
Panel Presentation, *MedImmune Inc. v. Genentech Inc.*

State of Play IV, Singapore, August 2007
Panel Presentation, *Space, Place and Culture Inside Virtual Worlds*

Intellectual Property Scholars Conference, Chicago, IL, August 2007
Paper Presentation, *Constructive Nonvolition in Patent Law*

Stanford/Yale Junior Faculty Forum, Stanford, CA, May 2007
Paper Presentation, *Propertizing Thought*

The Future of Patent Reform, The Ohio State University, Columbus, OH, February 2007
Conference Panelist, *A Structural Approach to Section 101: Disclosure-Oriented Limits on Patentable Subject Matter*

Benjamin N. Cardozo School of Law, New York, NY, February 2007
Faculty Workshop, *Propertizing Thought: Two Notions of Infrastructure*

IP Scholars Roundtable, Michigan State University, MI, January 2007
Paper Presentation, *The Problem of Insufficient Thought Control: Reflexive Thought and Constructive Nonvolition*

Association for the Politics of the Life Sciences, Bloomington, IN, October 2006
Panel Presentation, *Propertizing Thought*

College of Law, University of Illinois at Champaign-Urbana, September 2006
Faculty Workshop, *Propertizing Thought*

Big Ten UnTenured Conference, Bloomington, IN, August 2006
Presentation, *Propertizing Thought*

Intellectual Property Scholars Conference, Berkeley, CA, August 2006
Presentation, *Propertizing Thought*

Jurisgenesis Conference, Washington University in St. Louis, June 2006
Presentation, *Propertizing Thought*

Indiana University School of Law - Indianapolis, April 2006
Faculty Workshop, *Propertizing Thought*

Cyberprofs Retreat, Berkman Center for Law and Society, Napa Valley, CA, July 2005
Workshop Presentation, *Form and Function in Software Patents*

University of Michigan School of Law, November 2004
Intellectual Property Workshop Presentation, *The Right to Exclude from Networked
Servers*