

GREG REILLY

Associate Professor of Law
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ACADEMIC APPOINTMENTS AND TEACHING EXPERIENCE

Illinois Tech Chicago-Kent College of Law

Associate Professor of Law (with tenure) August 2020-present
Assistant Professor of Law August 2016-August 2020
Visiting Faculty Fall 2015
Courses: Patent Law; Civil Procedure; Advanced Patent Law; Patent Claim Construction
Committees: Chair, Hiring Committee (2x); Chair Clerkship Committee; Academic Support Committee; Speakers Committee; Law Review Committee; Diversity Committee; VAP Committee; University Teaching Awards Committee
Awards: Illinois Tech John W. Rowe University Excellence in Teaching Award

Washington University in St. Louis School of Law

Visiting Professor Fall 2019
Courses: Patent Law; Patent Claim Construction

California Western School of Law

Associate Professor of Law; Assistant Professor of Law July 2014-August 2016
Courses: Civil Procedure I; Civil Procedure II; Torts I; Patent Law
Committees: 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; Patent Claim Construction

PUBLICATIONS

Discretionary Denials & Patent Office Power (in progress)

Noisy Patent Signals (in progress)

The Justiciability of Cancelled Patents, 79 WASHINGTON & LEE LAW REVIEW 253 (2022)

Power Over the Patent Right, 95 TULANE LAW REVIEW 211 (2021)

The Complicated Relationship of Patent Examination and Invalidation, 69 AMERICAN UNIVERSITY LAW REVIEW 1095 (2020)

Amending Patent Claims, 32 HARVARD JOURNAL OF LAW & TECHNOLOGY 1 (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)

- Featured on: Lawrence Solum, *Reilly on the Case for Applying Different Patent Law Norms in Courts and the Patent Office*, Legal Theory Blog (Oct. 21, 2016), <http://lsolum.typepad.com/legaltheory/2016/10/reilly-on-the-case-for-applying-different-patent-law-norms-in-courts-and-the-patent-office.html>

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

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.*, 282 F. Supp. 3d 916, 921 (E.D. Va. 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

Forum Selling & Legitimate Authority in the Patent System, FEDCIRCUIT BLOG (2022) (solicited symposium contribution), <https://fedcircuitblog.com/2022/02/21/online-symposium-forum-selling-and-legitimate-authority-in-the-patent-system/>

The PTAB's Problem?, 27 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 31 (2019) (solicited contribution)

Patent Litigation Reform in the United States, in RESEARCH HANDBOOK ON PATENT LAW AND THEORY (Toshiko Takenaka, ed., 2d ed. 2019)

Our 19th Century Patent System, 7 IP THEORY Iss. 2 Article 3 (2018) (solicited contribution)

- Featured on: Lawrence Solum, *Reilly on the Patent System*, Legal Theory Blog (July 13, 2018), <http://lsolum.typepad.com/legaltheory/2018/07/reilly-on-the-patent-system.html>;

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) (solicited contribution)

- Reviewed by: Michael Risch, *Does the Supreme Court Understand Patent Law?*, WRITTEN DESCRIPTION (Feb. 24, 2017), <http://writtdescription.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://writtdescription.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)

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

OTHER LEGAL & TEACHING EXPERIENCE

The Honorable Timothy B. Dyk
U.S. Court of Appeals for the Federal Circuit
Law Clerk

2006-2007

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

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

Teacher, Henderson Middle School, 7th Grade Language Arts

2001-2003

GOVERNMENT TESTIMONY

Panelist for Emerging Trends in Patent Quality, *Hearings on Competition and Consumer Protection in the 21st Century: Innovation and Intellectual Property Policy*, Federal Trade Commission, Washington, DC, Oct. 2018

PRESENTATIONS

Conferences Organized

Supreme Court Intellectual Property Review (SCIPR), Chicago-Kent College of Law, multiple years (co-organized with Ed Lee and/or Graeme Dinwoodie)
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

Conference Fellow for University of Houston Law Center IPIL National Conference, June 2022
Panelist for *Academic Perspectives, Use Your Discretion: Changing Standards at the PTAB*, Stanford Law School (Apr. 2022)
Patent Law and Institutional Choice, Tsai Center for Law, Science and Innovation at SMU Dedman School of Law, Oct. 2021
The Justiciability of Cancelled Patents, Advanced Patent Law Seminar (Prof. Paul Gugliuzza), Temple University Beasley School of Law, Apr. 2021 (virtual)
The Justiciability of Cancelled Patents, Zoom Patent Law Workshop, University of Notre Dame Law School, Feb. 2021
The Complicated Relationship of Patent Examination and Invalidation, Washington University School of Law, Nov. 2019
Patent Non-Essentialism, Junior Scholars in Intellectual Property Workshop at Michigan State College of Law, May 2019
Panelist for *The (De)stabilizing Effect of Administrative Adjudication*, 18th Annual Texas Intellectual Property Law Journal Symposium, University of Texas School of Law, Feb. 2019
Amending Patent Claims, Harvard Journal of Law & Technology Author Coffee Series, Harvard Law School, Nov. 2018
Panelist for *The Past, Present, and Future of the PTAB: The Way Forward*, Intellectual Property Law Association of Chicago (IPLAC), Nov. 2018
Participant, John Marshall Law School Annual IP Roundtable: Patent Eligible Subject Matter, Nov. 2018
Panelist for *Oil States Energy Services v. Greene's Energy Group*, Supreme Court Intellectual Property Review, Chicago-Kent College of Law, Sept. 2018
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, IP Speakers Series, 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

Noisy Patent Signals (and prior titles)

M³ IP Scholars Workshop, Dec. 2021 (virtual)

Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, Yeshiva University, Aug. 2021 (virtual)

Discretionary Denials & Patent Office Power (and prior titles)

M³ IP Scholars Workshop, May 2022 (virtual)

Works-in-Progress Intellectual Property Colloquium (WIPIP), Saint Louis University School of Law, Feb. 2022

The Justiciability of Cancelled Patents

Faculty Workshop, Illinois Tech Chicago-Kent, April 2021

The Complicated Relationship of Patent Examination and Invalidation (and prior titles)

Intellectual Property Scholars Conference, DePaul University College of Law, Aug. 2019

Patent Conference (PatCon9), University of Kansas School of Law, Apr. 2019

Amending Patent Claims

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

Power Over the Patent Right (and prior titles)

Faculty Workshop, Illinois Tech Chicago-Kent, April 2019

Intellectual Property Scholars Conference, UC Berkeley School of Law, Aug. 2018

Faculty Workshop, Illinois Tech Chicago-Kent, Nov. 2017

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

Chicago Works-in-Progress IP, 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 Bars of California and Illinois

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