

# GLYNN S. LUNNEY, JR.

## Business

Tulane University School of Law  
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## Home

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Mandeville, LA 70471  
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## ACADEMIC POSITIONS

TULANE UNIVERSITY SCHOOL OF LAW July 1991 to present  
Current Position: McGlinchey Stafford Professor of Law

*Courses:* Intellectual Property, Patents, Copyrights, Trademarks & Unfair Competition, International Intellectual Property, Law & Technology, Contracts I & II, Law & Economics, Property, Land Use Planning, Oil & Gas, Civil Procedure

*Bar Admissions:* California, Louisiana; Registered Patent Attorney

Visiting Professor, Washington University School of Law Spring 2005  
Courses: Copyright Law, Trademark and Unfair Competition Law

Visiting Professor, Vanderbilt University Law School Fall 2005  
Minicourse on Trademark and Unfair Competition Law

Visiting Associate Professor, University of Texas School of Law Summer 1993  
Course: Oil & Gas Law

## JUDICIAL CLERKSHIP

Law Clerk to the Honorable John Minor Wisdom, United States 1990-1991  
Court of Appeals for the Fifth Circuit, New Orleans, LA

## PRE-LAW SCHOOL PROFESSIONAL EMPLOYMENT

Production Engineer, Chevron USA, Inc., La Habra, CA 1985-1987

## EDUCATION

TULANE UNIVERSITY, New Orleans, LA  
Ph.D., Economics, May 2006  
Dissertation: *The Law & Economics of Patents*  
Master of Arts, Economics, May 2002

## EDUCATION (cont'd)

STANFORD LAW SCHOOL, Palo Alto, CA  
Doctor of Jurisprudence with Distinction, June 1990

Honors and Activities

Order of the Coif  
Stanford Law Review – Articles Editor  
First Place – High Technology Law Journal Comment Competition

TRINITY COLLEGE, Dublin, Ireland  
Rotary Fellowship for International Understanding, 1984-85

TEXAS A&M UNIVERSITY, College Station, TX  
Bachelor of Science, Petroleum Engineering, May 1984  
Magna Cum Laude

Selected Honors and Activities

R.L. Whiting Award (selected by the faculty as the outstanding senior,  
Department of Petroleum Engineering, Class of 1984)  
Texas A&M University President's Endowed Scholar  
National Merit Scholar  
Phi Kappa Phi – Science and Engineering Honor Society  
Tau Beta Pi – National Engineering Honor Society (President, 1983-84)

## SCHOLARSHIP

*Patents and Growth: Empirical Evidence from the States*, 87 N. CAR. L. REV.  
(forthcoming 2009)

*On the Continuing Misuse of Event Studies: The Example of Bessen and Meurer*, 16 J.  
INT. PROP. L. 35 (2008) (symposium on BESSEN & MEURER, PATENT FAILURE: HOW  
JUDGES, BEAURACRATS, AND LAWYERS PUT INNOVATORS AT RISK (2008)).

*Copyright's Price Discrimination Panacea*, 21 HARV. J. L. & TECH. 387 (2008)

*Trademarks and the Internet: The United States' Experience*, 97 TRADEMARK REP. 931  
(2007)

*Copyright Collectives and Collecting Societies: The United States Experience*, in  
COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS (Daniel Gervais ed.,  
2006)

*Distinguishing Dastar: Consumer Protection, Moral Rights, and Section 43(a)*, in  
CONSUMER PROTECTION IN THE AGE OF THE 'INFORMATION ECONOMY' (2006)

**SCHOLARSHIP** (cont'd)

*Patents, the Federal Circuit, and the Supreme Court: A Quiet Revolution*, 11 SUP. CT. ECON. REV. 1 (2004)

*Fair Use and Market Failure: Sony Revisited*, 82 B.U.L. REV. 975 (2002)

*The Death of Copyright: Digital Technology, Private Copying, and the Digital Millennium Copyright Act*, 87 VIRGINIA L. REV. 813 (2001)

*E-Obviousness*, 7 MICH. TELE. & TECH. L. REV. 363 (2001) (Internet patent symposium)

*The Trade Dress Emperor's New Clothes: Why Trade Dress Does Not Belong on the Principal Register*, 52 HASTINGS L. REV. 1131 (2000)

*Takings, Efficiency, and Distributive Justice: A Response to Professor Dagan*, 99 MICH. L. REV. 157 (2000)

*Trademark Monopolies*, 48 EMORY L.J. 367 (1999)

Winner of the 1999 Ladas Memorial Award as the Outstanding Article on  
Trademark and Unfair Competition Law

*Protecting Digital Works: Copyright or Contract?*, 1 TULANE J. TECHNOLOGY & I.P. 1 (1999) (available on-line at <http://www.law.tulane.edu/journals/jtip/V1|1/copycon.html>)

*Lotus v. Borland: Copyright and Computer Programs*, 70 TUL. L. REV. 2397 (1996) (commemorative issue)

*Reexamining Copyright's Incentives-Access Paradigm*, 49 VAND. L. REV. 483 (1996)

*Responsibility, Causation, and the Harm-Benefit Line in Takings Jurisprudence*, FORDHAM ENV'T L. REP. 433 (1995) (regulatory takings symposium)

*Compensation for Takings: How Much is Just?*, 43 CATH. L. REV. 721 (1993) (Court of Claims takings symposium)

*A Critical Re-Examination of the Takings Jurisprudence*, 90 MICH. L. REV. 1892 (1992)

*Another View of Eastman Kodak v. ITS*, THE COMPUTER LAW., Nov. 1992, at 22

Comment, *Atari v. Nintendo: Does a Closed System Violate the Antitrust Laws?*, 5 HIGH TECH. L.J. 29 (1990)

Comment, *Copyright Protection for ASIC Gate Configurations: PLDs, Custom and Semicustom Chips*, 42 STAN. L. REV. 163 (1989)

**SELECTED WORKS IN PROGRESS**

TRADEMARK AND UNFAIR COMPETITION LAW (casebook under contract with WEST PUBLICATIONS)

## PRESENTATIONS

Participant, Research Roundtable, Preview of SOLOMON'S KNOT: HOW LAW CAN END THE POVERTY OF NATIONS, Searle Center for Law, Regulation, and Economic Growth, Northwestern University School of Law, Dec. 11-12, 2008

Commenter, Law & Business Conference on Supply Chain Economics, Vanderbilt University School of Law, Oct. 30-31, 2008

*Patents and Growth: Empirical Evidence from the States*, Conference on the Frontiers of Empirical Patent Scholarship, University of North Carolina School of Law, Oct. 23-24, 2008

Co-organizer and presenter, *Functional Is as Functional Does: Trademark Law's Functionality Doctrine*, Works-in-Progress Intellectual Property Colloquium, Tulane University School of Law, Oct. 3-4, 2008

*On the Continuing Misuse of Event Studies: The Example of Bessen and Meurer*, Conference on PATENT FAILURE: HOW JUDGES, BUREAUCRATS AND LAWYERS PUT INNOVATION AT RISK, Georgia State University School of Law, Mar. 29, 2008

*The Law, Economics, and Morality of Private Copying*, Cardozo School of Law, Jan. 24, 2008

Panel Debate with Scott Kieff on *Re-Thinking Copyright: Should it be a Monopoly or a Property Right and What About Fair Use?*, New York Chapter, Copyright Society, Jan. 24, 2008

*Copyright's Price Discrimination Panacea*, Works-in-Progress Intellectual Property Colloquium, American University, Washington College of Law, September 29, 2007

*Copyright in Transition: Works of Authorship as Discrete Public Goods*, Chicago-Kent College of Law, January 30, 2007; University of Michigan Law School, March 14, 2007

*The Valuation of IP Assets*, AIPLA Mid-Winter Meeting, New Orleans, Louisiana, January 26, 2007

*Copyright, the Open Source Movement, and the Future of Research Libraries*, Keynote Speech, Mid-Continent Medical Research Librarians Annual Meeting, October 12, 2006

*The Law, Economics, and Morality of File Sharing*, Faculty Presentation, Vanderbilt Law School, October 27, 2005

*Direct and Indirect Stock Price Reactions to Patent Decisions*, Works-in-Progress Intellectual Property Colloquium, Boston University School of Law, September 11, 2004

**PRESENTATIONS (cont'd)**

*Copyright and P2P Issues*, Retreat of the Intellectual Property and Technology Group, O'Melveny & Myers, L.L.P., May 22, 2004

*Patents and Growth: Empirical Evidence from the States*, Boston University School of Law, April 12, 2004

*Copyright as a Coordinating Mechanism*, Intellectual Property, Sustainable Development, and Endangered Species: Understanding the Dynamics of the Information Ecosystem, Michigan State University – DCL College of Law, March 26, 2004

*Copyright Preemption and Viral Contracts*, Joint Meeting of Sections on Intellectual Property and on Law & Computers, American Association of Law Schools Annual Meeting, January 5, 2004

*P2P Copyright Liability Issues Facing Universities*, Paperclip Communications Audio Conference, November 18, 2003

*Patents and Growth: Empirical Evidence from the States*, Works-in-Progress Intellectual Property Colloquium, Tulane University School of Law, October 17-18, 2003

*TRIPs Trap: Who Benefits from Uniformly High Intellectual Property Rights?*, Faculty Presentation, George Mason University School of Law, October 14, 2003

Participant, Third Annual Intellectual Property Scholars Conference, University of California at Berkeley, August 8-9, 2003

Panelist, *Third Party Liability in Copyright Law*, International Industrial Organization Conference, Boston, Massachusetts, April 5, 2003

*The Law and Economics of the Public Domain*, Conference on the Economics of Fair Use, University of Texas, Austin, Texas, April 4, 2003

*Cable Retransmission Consent and Local Broadcasters: Part of the Solution or Part of the Problem?*, 30th Annual Telecommunications Policy Research Conference, Alexandria, Virginia, September 29, 2002

*Patents, the Federal Circuit, and the Simply Property Perspective*, Federal Trade Commission and Department of Justice Antitrust Division, Competition and Intellectual Property Public Hearings, Washington, D.C., July 10, 2002

*Copyright and the Supposed Efficiency of First-Degree Price Discrimination*, American Law & Economics Association Annual Conference, Harvard Law School, May 4, 2002

*Fair Use and Market Failure: Sony Revisited*, New York University School of Law Innovation Law & Policy Colloquium, February 7, 2002

*The Death of Copyright*, Federal Judicial Conference, New Orleans, Louisiana, May 15, 2001

## **PRESENTATIONS (cont'd)**

*Software Licensing*, Hyperion Solutions, New Orleans, Louisiana, April 27, 2001

*The Future of Copyright*, Loyola University New Orleans, School of Law,  
April 20, 2001

*The Death of Copyright*, University of Cincinnati School of Law  
Faculty Colloquium, March 30, 2001

*E-Obviousness*, George Washington University Law School  
*E-Equivalence* Conference on Internet Patents, October 27, 2000

*Copyright Law: Roots Music Ownership Issues*, Cutting Edge Music Business  
Conference, September 22, 2000

*Creativity, Economics & Copyright*, New York University School of Law  
Innovation Law and Policy Colloquium, February 27, 1997

*Intellectual Property and the Internet*, Tulane University School of Law  
Panel on Law & the Internet, Fall 1996

*The Harm-Benefit Line in Takings Jurisprudence*, Fordham University School of Law  
Symposium: Perspective on Regulatory Takings, February 27, 1995

## **SELECTED ACADEMIC SERVICE**

Chair, Section on Intellectual Property, American Association of Law Schools, 2005

Co-Founder with Professor Michael Meurer, Works-in-Progress Intellectual Property  
Colloquium (an annual conference held each fall, initially at Tulane in 2003, and in  
subsequent years at Boston University, Washington University – St. Louis, University of  
Pittsburgh, and American University, before returning to Tulane in 2008)

Murphy Directory Search Committee, Tulane University, 2008-2009

Senate Committee on Academic Freedom and the Responsibility of Students, Tulane  
University (Chair, 1998-2001)

Dean Search Committee, Tulane University School of Law, 2008-2009

Breaux Chair Search Committee, Tulane University School of Law, 2006-2007

Promotion and Tenure Committee, Tulane University School of Law (Chair, 2007-2008)

Appointments Committee, Tulane University School of Law (Chair, 1999-2000)

Faculty Grievance Committee, Tulane University School of Law (Chair, 2008-2009)

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**SELECTED ACADEMIC SERVICE** (cont'd)

Intellectual Life (formerly Speakers and Colloquia) Committee, Tulane University  
School of Law (Chair, 1998-1999, 2008-2009)

Faculty Adviser, Tulane Journal of Technology and Intellectual Property, Tulane  
University School of Law

References available upon request