

Yvette Joy Liebesman

ACADEMIC APPOINTMENTS

Saint Louis University School of Law, St. Louis, MO 2008 - present

Professor of Law, with tenure, 2016-present

Associate Professor of Law, with tenure, 2014-2016

Assistant Professor of Law, 2008-2014

- Courses Taught: Intellectual Property Survey, Copyright Law, Law & the Regulation of Science, Property Law, Trusts & Estates

Selected Service Activities:

- Senator, University Faculty Senate, 2016-present
- Faculty Development Committee, 2016-present; Faculty Workshop Director, 2016-present
- Chair, Law Library Director Succession Committee, 2015- 2016
- Center for International & Comparative Law, 2012-present; LLM admissions subcommittee, 2013-present
- Adjunct Faculty Committee, 2013 - 2016
- Advisory Board Member, Walter J. Ong Center for Language, Media & Culture, 2011 - present
- Building Expansion Advisory Board, 2011 - 2013
- Faculty Advisor, Intellectual Property Concentration, 2011 - present
- Faculty Coach/Advisor, Saul Lefkowitz Trademark Law Moot Court Team, 2009 - present
- Faculty Coach/Advisor, Giles Sutherland Rich Patent Law Moot Court Team, 2009 - present
- Faculty Advisor: Student Intellectual Property Law Association, Saint Thomas More Society, SLU Law Multisport Club; Hispanic Law Students Association

Washington University in Saint Louis School of Law, Saint Louis, MO 2016-present

Visiting Professor of Law

- Course taught: Copyright Law (Spring 2017)

George Washington University Law School, Washington, DC Summer 2015

Professorial Lecturer in Law, Munich Intellectual Property Summer Program

- Course taught: Intellectual Property and Global Entrepreneurship

EDUCATION

Georgetown University Law Center, Washington, DC

Juris Doctor, *cum laude*, May 2006 (Evening Division)

JOURNAL: *The Georgetown Journal of Legal Ethics*, Executive Editor

HONORS ABA/BNA Award for Excellence in Intellectual Property Law

& AWARDS: First Prize, 2006 ASCAP Nathan Burkan Memorial Competition at Georgetown Law
The *Giles Sutherland Rich* American Inn of Court 2006 Scholarship Award
CALI Award for best exam—Family Law I: Marriage and Divorce
Dean's List honors— 2002-2003, 2003-2004, 2004-2005, 2005-2006
Georgetown Law 2005-2006 Outstanding Community Service Award
Dean's Certificate for Outstanding Service to the Law Center Community
The 2006 Joyce Chiang Memorial Award

EDUCATION (continued)

Scripps Institution of Oceanography, University of California at San Diego, La Jolla, CA
MS, Earth Sciences, June 1991

Rutgers, The State University of New Jersey, New Brunswick, NJ
BA, Physics, *magna cum laude*, May 1989

HONORS: Sigma Pi Sigma Physics Honor Society, 1988
 Alpha Sigma Lambda Honor Society, 1989
 Dean's List honors– 1987-1988, 1988-1989

Georgetown University, Washington, DC
AB, United States Government, May 1986

PUBLICATIONS

- *Redefining the Contemporary Copyright Infringer*, -- AKRON L.J – (forthcoming 2017).
- *Trademark Exhaustion and the Internet of Resold Things*, to be published in THE RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL IMPORTS (Edward Elgar Publishing, Irene Calboli & Ed Lee, eds)(with Benjamin Wilson)(2016).
- *When Does Copyright Law Require Technology Blindness? Aiken meets Aereo* 30 BERKELEY TECH L.J. 1383 (2015)
 - 2015 Winner, University of Houston Institute for Intellectual Property and Information Law's Sponsored Scholarship Grant. <http://www.law.uh.edu/ipil/ssgpacademy.asp>
- *Kamil Kubik: The Artist and Copyright Observed* (with Elizabeth Townsend Gard), 5 IP THEORY 94 (2015).
- *Rethinking Trademark Functionality as a Question of Fact*, 15 NEVADA L.J. 202 (2014).
- *The Mark of a Resold Good*, 20 GEO. MASON L. REV. 157 (2012) (with Benjamin Wilson)
 - *Republished in* 103 THE TRADEMARK REPORTER 913 (2013).
 - *Republished in* 56 COMPUTER LAW REPORTER 555 (2013).
 - Winner, the 2012-13 International Trademark Association (INTA) Ladas Memorial Award for writing excellence on the subject of trademarks and related matters
 - Featured in Eric Goldman's Technology and Marketing Law Blog (http://blog.ericgoldman.org/archives/2012/12/useful_article.htm), December 2012.
 - Reviewed in the Written Description Blog (<http://writtendescription.blogspot.com/2013/02/the-perils-of-online-secondary-sales.html>), February 2013.
- *Downstream Copyright Infringers*, 60 KANSAS L. REV. 1 (2011).
 - Reviewed in JOTWELL (<http://ip.jotwell.com/the-copyright-law-is-an-ass-a-brash-new-installment-in-this-fascinating-ongoing-series-2/>), February 2012.
- *When Selling Your Personal Name Mark Extends to Selling Your Soul*, 83 TEMPLE L. REV. 1 (2010).

PUBLICATIONS (continued)

- *The Wisdom of Legislating for Anticipated Technological Advancements*, 10 J. MARSHALL REV. INTELL. PROP. L. 153 (2010).
- *Using Innovative Technologies to Analyze for Similarity Between Musical Works in Copyright Infringement Disputes*, 35 AIPLA Q.J. 331 (2007).
- *No Guarantees: Lessons from the Property Rights Gained and Lost by Married Women in Two American Colonies*, 27 WOMEN'S RTS. L. REP. 181 (2006).
- *Bearded Ladies Walking on the Brooklyn Bridge*, 59 ARK. L. REV. 267 (2006) (with David Epstein).
- Current Development, *The Potential Effects of United States v. Councilman on the Confidentiality of Attorney-Client E-mail Communications*, 18 GEO. J. LEGAL ETHICS 893 (2005).
– Cited in *United States v. Councilman*, 418 F.3d 67, 86 (1st Cir. 2005) (en banc) (Torruella, J., dissent).

RECENT MEDIA APPEARANCES

- Daniel Roberts, How a federal statute allows the Olympics to be a trademark bully, YAHOO FINANCE, <http://finance.yahoo.com/news/rio-olympics-2016-rule-40-000000525.html>, Aug. 10, 2016
- Robert Patrick, Murder victim's insurance subject of St. Charles County court battle, ST. LOUIS POST-DISPATCH, http://www.stltoday.com/news/local/crime-and-courts/murder-victim-s-insurance-subject-of-st-charles-county-court/article_06d20419-dc07-5f76-8a97-63a033074b6c.html, Feb. 16, 2016
- KWMU radio, Saint Louis On The Air, *Remembering the Ladies on the 9th Anniversary of Women's Suffrage*, August 17, 2015 (live radio interview).
- Andrew Dowd, *The Aereo Supreme Court Decision Explained*, BIG 550 KTRS, <http://www.ktrs.com/the-aerero-supreme-court-decision-explained/>, June 27, 2014 (live radio interview).
- Andrew Dowd, *Patent Professor Explains Washington Redskin Decision*, BIG 550 KTRS, <http://www.ktrs.com/patent-professor-explains-the-washington-redskin-decision/> June 24, 2014 (live radio interview).
- Brian Kelly, *Expert: Redskins Trademark Issue Is Mostly Moral Victory*, KMOX, <http://stlouis.cbslocal.com/2014/06/19/expert-redskins-trademark-issue-is-mostly-moral-victory/> June 19, 2014 (live radio interview).
- Tim Barker, *What's Behind Purina's Big Money Fight With Blue Buffalo*, ST LOUIS POST-DISPATCH, http://www.stltoday.com/business/local/what-s-behind-purina-s-big-money-fight-with-blue/article_7e20a22d-9b58-5a28-9833-604135954533.html, JUNE 9, 2014.
- Timothy Geigner, *Schlafly Beer Trademark App Brings Out All The Egomaniacal Schlaflys In Existence*, TECHDIRT (<http://www.techdirt.com/articles/20140306/13022626467/schlafly-beer-trademark-app-brings-out-all-egomaniacal-schlaflys-existence.shtml>), March 13, 2014

MEDIA APPEARANCES (Continued)

- Lisa Brown, Who Owns the Right to the Schlafly Name?, ST LOUIS POST-DISPATCH, (http://www.stltoday.com/business/local/who-owns-the-right-to-the-schlafly-name/article_7d33e934-03e3-530a-86e7-f4c7a3bcffd8.html?mode=comments), March 5, 2014
- Lisa Brown, Wash U Professor Files Lawsuit Against Square, ST LOUIS POST-DISPATCH, (http://m.stltoday.com/business/local/wash-u-professor-files-lawsuit-against-square/article_ec502fdf-4c0a-57b7-85e7-669e3a1d05c0.html?mobile_touch=true), Jan. 31, 2014
- Lauren Etter, Ink Inc. — As tattoos become big business, tattoo artists are asserting their copyright claims, ABA JOURNAL, January 2014.
- Georgina Gustin and Blythe Bernhard, *Experts Say Court's Decision on Human Gene Patents is a Win-Win*, ST LOUIS POST-DISPATCH (http://www.stltoday.com/business/local/experts-say-court-s-decision-on-human-gene-patents-is/article_048bdedc-50a1-573f-abb1-94c68eb75465.html), June 16, 2013.
- Georgina Gustin, *Biotech Industry Celebrates Monsanto's Supreme Court Victory*, ST LOUIS POST-DISPATCH, (http://www.stltoday.com/business/local/biotech-industry-celebrates-monsanto-s-supreme-court-victory/article_4410fa10-b303-5a4a-8dbb-5afd940b915f.html), May 13, 2013.
- The Jaco Report: Monsanto Plant Patents, Feb. 24, 2013, KTVI-TV Channel 2 (<http://fox2now.com/2013/02/24/the-jaco-report-feb-24-2013/>) (featured guest, videotaped television interview).
- Georgina Gustin, *The Farmer versus Monsanto: A Supreme Court Showdown*, ST LOUIS POST-DISPATCH, (http://www.stltoday.com/business/local/the-farmer-vs-monsanto-a-supreme-court-showdown/article_529543b2-b224-5b1b-acfe-b7b2896805af.html), Feb. 19, 2013.
- CONVERSATION WITH LEE PRESSER, Charter Cable TV, February 2013 (featured guest, videotaped 30-minute interview program).
- *Supreme Court Hears Copyright First Sale Doctrine case*, KMOV TV-4 ST LOUIS, October 10, 2012 (videotaped television interview).
- Georgina Gustin, *Monsanto's \$1 Billion Court Victory Raises Eyebrows*, ST LOUIS POST-DISPATCH, (http://www.stltoday.com/business/local/monsanto-s-billion-court-victory-raises-eyebrows/article_6240e36a-e262-11e1-804f-0019bb30f31a.html), August 10, 2012.
- Jason Rosenbaum, *Hologram Musicians: The Legal Implications*, RIVERFRONT TIMES, (http://blogs.riverfronttimes.com/rftmusic/2012/05/hologram_tupac_legal_rights_copyright.php) May 3, 2012.
- Remy Molina, *Copyright clash over Mike Tyson's facial tattoo*, CBSNEWS.COM, May 29, 2011.
- *Judge Lifts Tattoo Injunction on "The Hangover 2,"* FOX 2 NOW SAINT LOUIS, May 25, 2011 (live television interview).
- Yvette Liebesman, *Copyright and Tattoos: Hangover II Injunction Denied, But the Copyright Owner Got Some Good News Too--Whitmill v. Warner Bros.*, TECHNOLOGY & MARKETING LAW BLOG (<http://blog.ericgoldman.org>), May 24, 2011 (Guest Blog Post).
- Tim Barker, *Net tangle over access coming to head at FCC*, ST LOUIS POST-DISPATCH, (http://www.stltoday.com/business/net-tangle-over-access-coming-to-head-at-fcc/article_b4957ac7-0845-591f-9fd8-f2aa17a67784.html), January 24, 2010.

PRESENTATIONS

- Invited Speaker, *When Does Copyright Law Require Technology Blindness? Aiken Meets Aereo*, Michigan State University College of Law Intellectual Property Colloquium series, to be presented December 2016.
- Invited Speaker, *Ten Years Later: Using the Physics of Music to Determine Substantial Similarity*, University of Washington School of Law, to be presented October 28, 2016.
- Invited Discussant, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law 6th Annual IP Scholars' Roundtable, forthcoming Oct. 7-8, 2016.
- Invited Speaker, *Redefining the Intended Copyright Infringer*, University of Akron School of Law's Center for Intellectual Property Law & Technology's 3rd Annual David and Ann Brennan IP Scholars Forum, September, 2016.
- *Intended Infringers*, presented at New York Law School, 6th Internet Law Work-In-Progress Symposium, Mar. 2016.
- Invited Commentator, Texas A&M Intellectual Property Scholars Roundtable, Oct. 9, 2015.
- Invited Speaker, "IP and the Modern Athlete," Texas A&M School of Law, Fort Worth, TX, April 2015.
- Invited Speaker, *Aiken Meets Aereo*, 5th Internet Law Work-In-Progress Symposium, Santa Clara Law, Santa Clara, CA, March 2015.
- Invited Speaker, *Aiken Meets Aereo*, ABA-IPL 30th Annual Meeting, Bethesda, MD, March 2015.
- Invited Speaker, *Aereo, Technology Blindness and Aiken's (Blue) Tooth-Ache*, presented as part of the Intellectual Property Speakers Series at The George Washington University Law School, Nov. 2014.
- Invited Speaker, *Start-up 101: Patents, Trademarks, Copyrights*, Missouri Secretary of State's Office Resource Days in Columbia and Saint Louis, MO, April 2014.
- Invited Speaker, *Copyright Law for Start-ups and Small Businesses*, Continuing Legal Education presentation on behalf of the Bar Association of Metropolitan Saint Louis, April 2014.
- Invited Speaker, *The Mark of a Resold Good*, University of Houston Law Center Institute for Intellectual Property and Information Law, March 2014
- Discussant, New York Law School, 4th Internet Law Work-In-Progress Symposium, Mar. 2014.
- *Kamil Kubik: The Artist and Copyright Observed*, presented at the Works in Progress in Intellectual Property colloquium, Santa Clara Law, February 2014.
- Invited Speaker, *Writing Intellectual Property Scholarship*, Tulane University Law School, November 2013 (live video lecture).
- Moderator, panel on *Transparency* at University of Missouri School of Law's symposium, "Resolving IP Disputes: Calling for an Alternative Paradigm," October 2013.
- Moderator, New Scholars Panel on Intellectual Property Law, Southeastern Association of Law Schools Annual Conference, August 2013.
- *Protecting Your Ideas*, presented at the T-Rex Technology Incubator, Saint Louis, MO, July 2013.

PRESENTATIONS (continued)

- *The White Noise Effect*, selected for presentation at the International Trademark Association Annual Meeting, Dallas, TX, May 2013
- Panel Member at intellectual property forum for local marketing agencies, Osborn Barr, Saint Louis, MO, March 2013.
- *Drowning in White Noise*, presented at the Works in Progress in Intellectual Property colloquium, Seton Hall University School of Law, February 2013.
- *Choosing Teaching Methods*, presented at the Sharing Scholarship, Building Teachers: Scholarship and Teaching Development Workshop at Albany Law School, February 2013.
- *Drowning in White Noise*, presented at the Sharing Scholarship, Building Teachers: Scholarship and Teaching Development Workshop at Albany Law School, February 2013.
- Guest Lecturer, *Private Land Use Agreements and the Overlapping Development of Residential Subdivisions and Passenger Rail*, given as part of the course, “The Future of U.S. Rail Transportation,” Saint Louis University, October 2012.
- Discussant, New York Law School, Second Internet Law Work-In-Progress Symposium, Mar. 2012.
- Invited Speaker, *Downstream Copyright Infringers*, Michigan State University College of Law Intellectual Property Colloquium series, October 2011.
- Invited Speaker, *Copyright Infringement versus Plagiarism*, University of Richmond, September 2011 (live video lecture).
- *Trademark Exhaustion*, presented at the 11th Annual Intellectual Property Scholars Conference, DePaul University College of Law, August 2011.
- Moderator, New Scholars Panel, Southeastern Association of Law Schools Annual Conference, July 2011.
- *When Selling Your Personal Name Mark Extends to Selling Your Soul*, presented at the Association for Law, Property and Society Annual Meeting, March 2011.
- *Trademark Exhaustion in the Brave New World of On-Line Auctions*, presented at the Works in Progress in Intellectual Property colloquium, Boston University School of Law, Feb. 2011.
- Invited Speaker, *Copyright in the Age of Grokster Inducement*, presented at the Blakely Advocacy Institute at the University of Houston Law Center, symposium in conjunction with the Moot Court National Competition, January 2011.
- Invited Speaker, *Annual Eighth and Federal Circuit Trademark Review*, presented to the Patent, Trademark and Copyright Section of the Bar Association of Metropolitan Saint Louis, October 2010.
- Moderator, *The Now-Discredited Sweat-of-the-Brow Theory of IP Rights Revisited*, Southeastern Association of Law Schools Annual Conference, July 2010.
- *When What You Are Told Is “The Law” Is Not “The Law,”* presented at the Drake University Law School Intellectual Property Scholars Roundtable, March 2010.
- *When Selling Your Personal Name Mark Extends to Selling Your Soul*, presented at the Drake University Law School Intellectual Property Scholars Roundtable, February 2009.

PRESENTATIONS (continued)

- Organizer & Moderator, *The Giles Sutherland Rich American Inn of Court Pupil Symposium*, Mar. 2006.
- *Bearded Ladies Walking on the Brooklyn Bridge*, presented at the Emory Law School faculty colloquium and at the Wake Forest University School of Law faculty development series, Mar. 2006.

LEGAL EXPERIENCE

Ropes & Gray, LLP, Boston, MA 2007 - 2008

Associate

- Practice focus: intellectual property transactions in Corporate Department; Intellectual Property Group

The Honorable Helen E. Hoens, Associate Justice, Supreme Court of New Jersey 2006-2007

Judicial Clerk

- Researched and wrote bench memoranda analyzing cases appearing before the state's highest court; reviewed petitions for certification; assisted in drafting opinions and speeches.

The Honorable Richard Linn, U.S. Court of Appeals for the Federal Circuit Summer 2005

Judicial Intern

- Researched and wrote bench memoranda regarding cases appearing before the court, addressing patent law, Fifth Amendment takings, customs disputes and federal employment appeals. Assisted in drafting opinions. Participated in meetings in chambers; observed oral arguments.

Department of the Air Force, Office of the General Counsel, Pentagon 2003 – 2004

Law Clerk

- Rotations with the Intellectual Property, Environment & Installations, and Real Property Divisions

PROFESSIONAL MEMBERSHIPS & SERVICE ACTIVITIES

Bar Admissions:

- State of New Jersey, 2006
- U.S. District Court for the District of New Jersey, 2006
- Commonwealth of Massachusetts, 2008
- United States Court of Appeals for the Federal Circuit, 2011

American Association of Law Schools:

- Section on Internet and Computer Law Nominating committee, 2012-2013
- Section on Internet and Computer Law Executive Committee, 2013-2014, 2016-present

Southeastern Association of Law Schools

- Moderators Committee Member, 2011-2015
- Call for Papers Committee Member, 2011- 2014

PROFESSIONAL MEMBERSHIPS & SERVICE ACTIVITIES (Continued)

Georgetown University

- Senator (emeritus member), Board of Governors, Georgetown University Alumni Association, 2015-present
- Member, Board of Governors, Georgetown University Alumni Association, 2009- 2015
- Emeritus Member, Board of Directors, Hoyas Unlimited, 2010-present
- Treasurer, Hoyas Unlimited, 2007-2010
- Member, Board of Directors, Hoyas Unlimited, 2004-2010
- Undergraduate Alumni Admissions Interviewer, 2000-present
- Law School Alumni Admissions Interviewer, 2012-present

PREVIOUS BACKGROUND

Pharmaceutical/Biotech:

Designed, created, and managed quality assurance departments, distribution centers, laboratories and manufacturing facilities for start-up pharmaceutical and biotech companies, including physical construction, equipment purchase, staffing and the drafting of policies and procedures.

Favrille, Inc., San Diego, CA	2000-2002
Director of Quality Systems	
Women First HealthCare, Inc., San Diego, CA	1999-2000
Associate Director, Regulatory Affairs & Quality Systems	
Cypros Pharmaceutical Corporation, Carlsbad, CA	1995-1999
Quality Assurance Manager	

Medical Device:

Managed overall quality program at medical device manufacturing facility.

Quidel Corporation, San Diego, CA	1994-1995
Quality Systems Supervisor	

Environmental Chemistry:

Managed overall quality program to ensure precise and accurate reporting of analytical results for environmental chemistry laboratory.

Quality Assurance Laboratory, San Diego, CA	1991-1994
QA/QC Director	