

SAMUEL F. ERNST
Associate Professor of Law
The Dale E. Fowler School of Law
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EDUCATION:

Georgetown University Law Center

- Juris Doctor, 2002
- Magna Cum Laude, Order of the Coif
- *Georgetown Law Journal*, Editor, Book Reviews and Special Projects

University of California, Los Angeles

- Master of Arts in Comparative Literature, 1997
- Graduate Fellowship Award, 1995-96
- Teaching Assistantship Award, 1996-97

University of California, Santa Cruz

- Bachelor of Art in Modern Literary Studies, 1995
- College Honors and Major Honors
- Chancellor's Award and Dean's Award (Outstanding Thesis)

JUDICIAL CLERKSHIP

United States Court of Appeals for the Federal Circuit, Washington, D.C.
Law Clerk to the Honorable Timothy B. Dyk (2002-2003)

EXPERIENCE

Fowler School of Law, Chapman University
Associate Professor of Law (2016-Present)
Assistant Professor of Law (2013-2016)

- Teach and write in the areas of intellectual property law and contracts. Organized symposium on intellectual property non-practicing entities. Speak on intellectual property law to scholars and practitioners.
- **Courses:** Intellectual Property Law; Contracts 1 and 2; Patent Law and Practice.
- **Committees and Service to the Law School and University:**
 - Strategic Planning Committee (2016 – Present)
 - Law Review Committee (2015-Present)
 - Law school representative to the House of Delegates of the American Association of Law Schools (2016)
 - Faculty Secretary (2013-Present)
 - Honor Code Committee member (2014)
 - Clerkship Committee member (2013-2014)
 - Budget Committee (2015-2016)
 - Faculty Advisor, Intellectual Property Law Society (2013-Present)
 - Faculty Advisor, Air and Space Law Society (2013-2014)
 - Faculty Advisor to the *Chapman Law Review* 2015 Symposium.

University of California, Berkeley School of Law, Berkeley, CA
Instructor, Pre-Trial Civil Litigation (2007-2012)

- Co-taught course on all aspects of pre-trial civil litigation, including drafting pleadings and discovery, drafting dispositive motions, taking depositions, and engaging in settlement conferences.

Covington and Burling LLP, San Francisco, CA
Partner (2010-2013)
Associate (2008-2010)

- **Litigation:** Represented clients in the federal district and state superior courts in large patent, trade secret, breach of contract, and other commercial litigations.
- **Appellate work:** Briefed appeals before the U.S. Courts of Appeals for the Federal and Ninth Circuits, the California Court of Appeal, and the Court of Appeals for Veterans Claims. Argued before the Ninth Circuit.

- **Firm Leadership:** Organized internal trainings on practicing patent litigation; led trainings on taking and defending depositions; organized practice group meetings; spearheaded recruiting of associates; served as associate mentor; planned and delivered pitches to potential clients.
- **Pro bono service:** Represented clients related to homeless advocacy, in immigration appeals, and in veterans benefits cases.

Heller Ehrman LLP, San Francisco, CA
Associate (2003-2008)

- **Litigation:** argued motions; defended and took depositions; drafted briefs, including dispositive motions and claim construction briefs; worked extensively with expert witnesses and consultants; met and conferred with opposing counsel regarding discovery disputes; engaged in settlement negotiations and drafted settlement agreements; worked with private investigators and interviewed witnesses for fact discovery.
- **Appellate work:** worked on seven appeals in the U.S. Courts of Appeals for the Federal and Ninth Circuits; drafted opposition to petition for writ of certiorari in the U.S. Supreme Court; drafted appellate briefs; compiled and filed appendices; assisted in preparation for oral arguments; coordinated procedural aspects of appeals.
- **Pro bono work:** represented criminal defendant in Ninth Circuit appeal; worked on high profile appeal on behalf of class challenging warrantless wiretapping; extensive work on behalf of homeless organization, including defending tort liability action and obtaining civil harassment orders; defended public housing eviction case brought under the Federal “One Strike” Act; represented veterans in veterans disability appeals.
- **Firm administration:** prepared budgets and budget forecasts for clients; member of firm hiring committee; member of firm pro bono committee; prepared partners for pitches; heavily involved in recruiting, including interviewing candidates and participating in law school recruiting events.

Heller Ehrman LLP, San Francisco, CA
Summer Associate (Summer 2001)

- Researched and wrote legal memoranda; drafted portions of briefs; handled social security appeal for pro bono client.

Georgetown University Law Center, Washington, D.C.
Research Assistant to Professor Edith Brown Weiss (Summer 2000)

- Researched and wrote on international and comparative environmental law.

Sierra Club, Sierra Student Coalition, Providence, RI
Administrator (1998-99)

- Organized and managed administrative aspects of the national office; edited articles and campaign packets; prepared budget and handled financial transactions.

Alperin-Schecter Day School, Providence, RI
Teacher (1997-98)

- Taught Spanish to seventh and eighth grade students.

University of California, Los Angeles, Los Angeles, CA
Teaching Assistant (1996-97)

- Taught writing and literary analysis to sections of undergraduates; graded exams and papers; consulted with student on their writing.

PUBLICATIONS

• **Scholarly Articles**

- *Why Patent Exhaustion Should Liberate Products (And Not Just People)*, 93 DENVER LAW REVIEW 897, (2016).
- *The Lost Precedent of the Reverse Doctrine of Equivalents*, 18 VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW 467 (2016).
- *Protecting the Boundaries: Unclaimed Consideration in the Patentee's Social Contract*, 18 TULANE JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 1 (2015).
- *Introduction to the 2015 Chapman Law Review Symposium: Trolls or Toll-Takers: Do Intellectual Property Non-Practicing Entities Add Value to Society?*, 18 CHAPMAN LAW REVIEW 611 (2015).
- *Patent Exhaustion for the Exhausted Defendant: Should Parties be Able to Contract Around Exhaustion in Settling Patent Litigation?*, 2014 UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY 445 (2014) (peer reviewed).
- *Discovery*, *Thirtieth Annual Review of Criminal Procedure*, 89 GEO L.J. 1343 (2001).

• **Chapters in Books**

- The Honorable Timothy B. Dyk and Samuel F. Ernst, *Patents*, in BUSINESS AND COMMERCIAL LITIGATION IN THE FEDERAL COURTS, (West 3d ed. 2011) (Robert L. Haig, ed.).

• **Magazine Articles and Blog Posts**

- *Does the California Eraser Law Withstand Dormant Commerce Clause Scrutiny? Does it Do Any Good at All?*, ORANGE COUNTY LAWYER, Vol 56, No. 7, July 2014, at 14.
- *Of Printer Cartridges and Patent Exhaustion: The En Banc Federal Circuit is Poised to Clarify Quanta*, PATENTLY-O, Apr. 21, 2015 (available at <http://patentlyo.com/patent/2015/04/cartridges-exhaustion-clarify.html>)

- *The Federal Circuit's New "Authorized Acquirer" Restriction on Patent Exhaustion*, PATENTLY-O, Feb. 16, 2015 (available at <http://patentlyo.com/patent/2015/02/authorized-restriction-exhaustion.html>)
- **Amicus Briefs and Letters**
 - Amicus Letter urging review in *Asahi Kasei Pharma Corp. v. Actelion Ltd., et al.*, Cal. Ct. App. No. A133927 (Feb. 14, 2014)

CONFERENCES AND SYMPOSIA

- Tenth Annual Patent Law Institute, May 5-6, 2016: Presented *A Patent Exhaustion Doctrine for the High Technology Global Economy*
- Denver Law Review Symposium: Future World I.P.: Legal Responses to the Tech Revolution, February 4, 2016: Panelist, *Finding the Limits of Exhaustion*.
- San Diego Intellectual Property Law Association April 2015 Dinner Event, April 28, 2015: Presented *Patent Exhaustion, The First Sale Doctrine, and Other Key Considerations*.
- 2015 Entertainment and Sports Law Symposium – Taking Care of Business: How the Evolution of the Marketplace is Changing the Rules of the Game, Friday, February 6, 2015: Led panel on *Slurs, Student-Athletes and Tattoos: Key Intellectual Property Battles in Sports and Their Implications*.
- 2015 Chapman Law Review Symposium: Trolls or Toll-takers: Do Intellectual Property Non-Practicing Entities Add Value to Society?, January 30, 2015: Led panel on *The Scholar's Perspective: Theories of Patent Trolling*.
- The Patent Conference 4, University of San Diego, April 4 & 5, 2014: Presented *Patent Exhaustion for the Exhausted Defendant: Should Parties be Able to Contract Around Exhaustion in Settling Patent Litigation?*
- The Eleventh Annual Works-in-Progress Intellectual Property Colloquium, Santa Clara University School of Law, February 7 & 8, 2014: Presented *Patent Exhaustion for the Exhausted Defendant: Should Parties be Able to Contract Around Exhaustion in Settling Patent Litigation?*

AWARDS AND HONORS

- *Super Lawyers* Northern California Rising Star (2011, 2012)
- Federal Circuit Bar Association, Certificate of Excellence (for veterans advocacy) (2010, 2011)

- Berkeley Food and Housing Project Certificate of Excellence (for homeless advocacy) (2006, 2008)
- Order of the Coif and Magna Cum Laude, Georgetown University Law Center
- Graduate Fellowship and Teaching Assistantship Awards, University of California, Los Angeles
- College and Major Honors, Chancellor's Award, Dean's Award, University of California, Santa Cruz

BAR ADMISSIONS AND MEMBERSHIPS

- California
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Ninth Circuit
- Federal Circuit Bar Association
- The Howard T. Markey Intellectual Property American Inn of Court (Orange County)
- American Bar Association