

W. MICHAEL SCHUSTER

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Mike.Schuster@OKState.edu • (405) 744-8631

TEACHING EXPERIENCE

OKLAHOMA STATE UNIVERSITY, SPEARS SCHOOL OF BUSINESS, Stillwater, Oklahoma

Assistant Professor of Legal Studies in Business (August 2015 – present)

- Courses taught: Patent Law, Commercial Transactions, Legal and Regulatory Environment of Business, Study Abroad (Australia 2016, Scotland 2017 & 2018, Japan *forthcoming*), Applied Research Practicum I-IV (PhD level)

UNIVERSITY OF MICHIGAN, ROSS SCHOOL OF BUSINESS, Ann Arbor, Michigan

Visiting Assistant Professor of Legal Studies in Business (Fall 2018)

- Courses taught: Intellectual Property Law

UNIVERSITY OF HOUSTON—DOWNTOWN, Houston, Texas

Adjunct Professor of Business Law (Fall 2014)

- Courses taught: Legal Environment of Business

CLERKSHIPS

THE HONORABLE KENNETH HOYT, U.S. District Court, S.D. Tex., Houston, Texas

Law Clerk (September 2009 – September 2010)

THE HONORABLE JEFF BOHM, U.S. Bankruptcy Court, S.D. Tex., Houston, Texas

Law Clerk (March 2008 – August 2008)

PUBLICATIONS

Cognitive Priming and Famous Trademarks, co-authored with Suneal Bedi (research underway).

- Accepted for presentation at the Harmonization of Business Law Conference (University of Pennsylvania Law School)

Artificial Intelligence and Patent Ownership, 75 WASHINGTON & LEE L. REV. __ (forthcoming 2018).

- Accepted for presentation at the Workshop on the Regulation of Artificial Intelligence (Surrey Law School, England)
- Accepted for presentation at the Huber Hurst Research Seminar (University of Florida)
- Invited for presentation at the AI and Patents: Promises and Pitfalls Symposium (Campbell Law School)

Sampling Increases Music Sales: An Empirical Copyright Study, co-authored with David M. Mitchell and Kenneth Brown, 56 AM. BUS. L.J. __ (forthcoming 2019, *peer reviewed*).

Public Choice Theory, the Constitution, and Public Understanding of the Copyright System, 51 UC DAVIS L. REV. 2247 (2018).

- Finalist, Best Paper Award at the National Meeting of the Academy of Legal Studies in Business

Entrepreneurship and Legal Uncertainty: The Curious Case of Valid Federal Trademarks for Illegal Marijuana Derivatives, co-authored with Jack Wroldsen, 55 AM. BUS. L.J. 117 (2018, *peer reviewed*).

Invalidity Assertion Entities and Inter Partes Review: Rent Seeking as a Tool to Discourage Patent Trolls, 51 WAKE FOREST L. REV. 1163 (2017).

Rent-Seeking and Inter Partes Review: An Analysis of Invalidation Assertion Entities in Patent Law, 22 MICHIGAN TELECOMM. & TECH. L. REV. 271 (2016).

Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works, 67 OKLAHOMA L. REV. 443 (2015).

Fair Use and Licensing of Derivative Fiction: A Discussion of Possible Latent Effects of the Commercialization of Fan Fiction, 55 SOUTH TEXAS L. REV. 529 (2014, invited contribution).

Claim Construction and Technical Training: An Empirical Study of the Reversal Rates of Technically Trained Judges in Patent Claim Construction Cases, 29 QUINNIPIAC L. REV. 887 (2011).

Predictability and Patentable Processes: The Federal Circuit's In re Bilski Decision and Its Effect on the Incentive to Invent, 11 COLUMBIA SCI. & TECH. L. REV. 1 (2009).

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For the Greater Good: The Use of Public Policy Considerations in Confirming Chapter 11 Plans of Reorganization, 46 HOUSTON L. REV. 467 (2009).

Subjective Intent in the Determination of Antitrust Violations by Patent Holders, 49 SOUTH TEXAS L. REV. 507 (2007, comment).

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, New York

Master of Laws in Trade Regulation, May 2009

Journal: NYU Journal of Law & Business, Graduate Editor

Honors: LLM Thesis Option (published in the *Columbia Science and Technology Law Review*)

SOUTH TEXAS COLLEGE OF LAW, Houston, Texas

Doctor of Jurisprudence, December 2007, *summa cum laude* (third in class)

Journal: South Texas Law Review, Assistant Articles Editor

Honors: Top Grade Awards: Contracts I, Contracts II, Property I, Federal Income Taxation,
Texas Trial & Appellate Procedure, Criminal Procedure

Hyman Slohm Scholarship, Spurgeon E. Bell Scholarship

Houston Intellectual Property Law Association Fellowship

Activities: Judicial Intern, U.S. District Judge Nancy F. Atlas (S.D. Tex.), 2007

Research Assistant, Professor Jean Powers, 2005

Instructor, Langdell Scholars Program (taught classes in Real Property Law & Contracts), 2006–07

President, STCL Intellectual Property and Tech. Law Society, 2006–07

UNIVERSITY OF TEXAS, Austin, Texas

Bachelor of Science in Chemical Engineering, June 2002

LEGAL EXPERIENCE

VINSON & ELKINS, Houston, Texas

Associate Attorney (May 2009 – August 2009, September 2010 – February 2015)

SHELL OIL COMPANY, Houston, Texas

Summer Law Clerk (July 2007 – August 2007)

PATTERSON & SHERIDAN, Houston, Texas

Summer Law Clerk (May 2007 – July 2007)

CRAIN, CATON & JAMES, Houston, Texas

Patent Agent / IP Law Clerk (June 2006 – May 2007)

ACCREDITATIONS

State Bar of Texas, Bar Card #24062992

U.S. Patent & Trademark Office, Patent Attorney #58344

MEDIA COVERAGE

World Intellectual Property Review, *Mixed Fortunes for the Appeal Boards* (Mar.–Apr. 2018) (interviewed about inter partes review).

Barney Dixon, IPPro Patents, *Do Androids Dream of a Patent Grant?* (cover story, Apr. 18, 2018), available at goo.gl/a7UfYG (interviewed about patent law and artificial intelligence).

Alaric DeArment, BioPharm Insight, *Allergan/Mohawk deal may open possibility for alternative patent challenge routes but SCOTUS case may throw IPR issue into question* (Sept. 22, 2017) (quoted about inter partes review).

Alaric DeArment, BioPharm Insight, *Allergan's efforts to dismiss IPR through Mohawk patent deal hinge on extent of sovereign immunity* (Sept. 21, 2017) (quoted about inter partes review).

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IP Fridays Podcast, *Interview with Mike Schuster about Marijuana Related Trademarks* (Mar. 17, 2017), available at goo.gl/ueTZ7W (interviewed about *Entrepreneurship and Legal Uncertainty: Unexpected Federal Trademarks for Marijuana Derivatives*).

Fordham IPLJ Podcast, *Invalidity Assertion Entities and Their Effect on the Patent Landscape* (Feb. 10, 2017), available at <http://goo.gl/GQHRMa> (interviewed about *Invalidity Assertion Entities and Inter Partes Review: Rent Seeking as a Tool to Discourage Patent Trolls* and *Rent-Seeking and Inter Partes Review: An Analysis of Invalidity Assertion Entities in Patent Law*).

Paula DuPont, Medium.com, *Fanworks, Transformative Fandom, and Copyright* (Aug. 5, 2016), available at <http://goo.gl/yDrwBr> (referencing *Fair Use and Licensing of Derivative Fiction: A Discussion of Possible Latent Effects of the Commercialization of Fan Fiction*).

Michael Rancic, Vice.com, *Why a Canadian Composer's Controversial 80s Work is Still Ahead of Today's Copyright Laws* (Jul. 13, 2016), available at <http://goo.gl/D87EAh> (referencing *Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*).

Cherie Hu, Forbes.com, *Run-D.M.C., WhoSampled and the Need for Positive Conversations around Music Sampling* (Jan. 18, 2016), available at <http://goo.gl/akSvGx> (referencing *Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*).

Anthony Wing Kosner, Forbes.com, *Study Shows That Hip Hop Sampling Boosts Sales of the Songs Sampled* (Oct. 18, 2013), available at <http://goo.gl/8a4KC1> (profiling *Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*).

Carrie Battan, Pitchfork.com, *Girl Talk's All Day Samples Increased Sales of Songs, Study Shows* (Oct. 18, 2013) available at <http://goo.gl/V2Vyvc> (profiling *Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*).

Nina Corcoran, Berkeley Beacon, *Girl Talk and the Power of Sampling Music* (Oct. 23, 2013), available at <http://goo.gl/o4xRbB> (profiling *Fair Use, Girl Talk, and Digital Sampling: An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*).

PRESENTATIONS

Invited Symposium Presenter, *AI and Patents: Promises and Pitfalls*, Campbell Law School (Sept. 21, 2018), Raleigh, North Carolina.

Presenter, *Sampling Increases Music Sales: An Empirical Copyright Study*, Academy of Legal Studies in Business Annual Conference (Aug. 12, 2018), Portland, Oregon.

Panelist, *Disruptive Technology and Legal Change: Artificial Intelligence, Blockchain, RegTech, and Beyond*, Academy of Legal Studies in Business Annual Conference (Aug. 11, 2018), Portland, Oregon.

Presenter, *An Empirical Study of Famous Trademarks using Conceptual Priming*, Academy of Legal Studies in Business Annual Conference (Aug. 11, 2018), Portland, Oregon.

Presenter, *Patent Grant Rates as a Function of Gender and Ethnicity*, Academy of Legal Studies in Business Annual Conference (Aug. 11, 2018), Portland, Oregon.

Presenter, *The Strategic Value of Patents: An Empirical Study*, National Business Law Scholars Conference (June 21, 2018), Athens, Georgia.

Panelist, *Computer-Generated Intellectual Property*, Surrey Law School Workshop on the Regulation of Artificial Intelligence (March 15, 2018), Guildford, England.

Presenter, *A Coasean Analysis of Ownership of Patents for Inventions Created by Artificial Intelligence*, Surrey Law School Workshop on the Regulation of Artificial Intelligence (March 14, 2018), Guildford, England.

Discussant, presented Robert Thomas's *Judicial Law of Motion and Patent-Eligibility Standards*, Huber Hurst Research Seminar (February 10, 2018), Gainesville, Florida.

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Presenter, *A Coasean Analysis of Ownership of Patents for Inventions Created by Artificial Intelligence*, Huber Hurst Research Seminar (February 9, 2018), Gainesville, Florida.

Presenter, *A Coasean Analysis of Ownership of Patents for Inventions Created by Artificial Intelligence*, Southeastern Academy of Legal Studies in Business Annual Meeting (November 10, 2017), Atlanta, Georgia.

Panelist, *Adoption of Open Educational Resources*, Oklahoma State University (Oct. 24, 2017), Stillwater, Oklahoma.

Presenter, *A Coasean Analysis of Ownership of Patents for Inventions Created by Artificial Intelligence*, Texas A&M Intellectual Property Scholars Roundtable 2017 (Oct. 14, 2017), Ft. Worth, Texas.

Presenter, *Public Choice Theory, the Constitution, and Public Understanding of the Copyright System*, Academy of Legal Studies in Business Annual Conference (Aug. 9, 2017), Savannah, Georgia.

Presenter, *Entrepreneurship and Legal Uncertainty: The Curious Case of Valid Federal Trademarks for Illegal Marijuana Derivatives*, Academy of Legal Studies in Business Annual Conference (Aug. 7, 2017), Savannah, Georgia.

Panelist, *Filling Scalia's Vacancy: The Neil Gorsuch Nomination*, Oklahoma State University (March 7, 2017), Stillwater, Oklahoma.

Presenter, *Public Choice Theory, the Constitution, and Public Perception of the Intellectual Property System*, Southeastern Academy of Legal Studies in Business Annual Conference (Nov. 11, 2016), Durham, North Carolina.

Presenter, *Inconsistent Treatment of Marijuana-Related Trademark Applications and Its Effect on Business*, Academy of Legal Studies in Business Annual Conference (Aug. 9, 2016), San Juan, Puerto Rico.

Presenter, *Public Choice Theory, the Constitution, and Public Perception of the Intellectual Property System*, Academy of Legal Studies in Business Annual Conference (Aug. 8, 2016), San Juan, Puerto Rico.

Presenter, *The Propriety of Considering International Benefits When Passing Copyright Legislation*, Southern Academy of Legal Studies in Business Annual Conference (Mar. 31, 2016), San Antonio, Texas.

Presenter, *Attributes of the Successful Future Attorney*, Phi Alpha Delta Fraternity, Oklahoma State University (March 8, 2016), Stillwater, Oklahoma.

Presenter, *Patent Law and the Free Market*, Free Enterprise Society, Oklahoma State University (February 18, 2016), Stillwater, Oklahoma.

Presenter, *Rent-Seeking and Inter Partes Review: An Analysis of Invalidity Assertion Entities in Patent Law*, Southeastern Academy of Legal Studies in Business Annual Meeting (November 14, 2015), Atlanta, Georgia.

Presenter, *Invalidity Assertion Entities and the Curbing of Patent Troll Litigation*, Oklahoma Junior Scholars Conference, The University of Oklahoma College of Law (July 23, 2015), Norman, Oklahoma.

Presenter, *An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*, Southern Academy of Legal Studies in Business Annual Conference (Mar. 28, 2015), San Antonio, Texas.

Panelist, *South Texas College of Law Judicial Internship and Clerkship Panel*, South Texas College of Law (October 22, 2014), Houston, Texas.

Presenter, *An Empirical Study of Music Sampling's Effect on the Market for Copyrighted Works*, South Texas College of Law (October 25, 2013), Houston, Texas.

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Presenter, *Trade Secrets: Recent Developments and How These Changes Will Affect Your Practice* (1 Hour CLE, April 8, 2013), Houston, Texas.

Guest Lecturer, *Intellectual Property in Chapter 11 Bankruptcy*; Course: Business Bankruptcy & Reorganization, South Texas College of Law (Apr. 16, 2012), Houston, Texas.

Presenter, *South Texas College of Law Intellectual Property and Technology Law Society: Advanced Education and the Practice of Intellectual Property Law*, South Texas College of Law (Nov. 10, 2011), Houston, Texas.

Presenter, *Uniloc USA v. Microsoft and the Future of Patent Damages* (1 Hour CLE, Feb. 15, 2011), Houston, Texas.

Panelist, *South Texas College of Law Judicial Clerkship Forum*, South Texas College of Law (Jan. 27, 2011), Houston, Texas.

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OTHER PROFESSIONAL AFFILIATIONS, SERVICE, AND RECOGNITION

Recipient, 2018 Richard W. Poole Research Aspirational Award.

Recipient, 2019 Richard W. Poole Research Aspirational Award.

Finalist, 2017 Holmes-Cardozo Award for Best Paper at the Annual Meeting of the Academy of Legal Studies in Business.

Member, PhD Dissertation Committee for Vijay Gautam (proposal: *Bit Coin: A Financial Bubble*).

Vice-Chairperson, Early Childhood Center Advisory Council, First United Methodist Church, Stillwater, OK (2017–18).

Member, Spears School of Business Core Curriculum Committee (2017–18).

Guest Blogger, UK Copyright Literacy Blog (Oct. 2017).

Guest Blogger, Business Law Prof Blog (Jan. – Feb. 2017).

Recipient, Wise Oklahoma State University Libraries' Open Textbook Initiative Stipend (2016).

Manuscript Reviewer, American Business Law Journal (2015 – present).

Manuscript Reviewer, Harvard Journal of Law & Technology (2015).

Ad Hoc Reviewer, Cambridge University Press (2015).

Ad Hoc Reviewer, Brill Publishers (2018).

Proceedings Reviewer, Academy of Legal Studies in Business, 2015, 2016, & 2018 National Proceedings.

Substitute Member, Oklahoma State University Reinstatement Appeals Review Board (2016).

Member, Oklahoma State Univ. Economics and Legal Studies Aspirational Journal List Board (2016).

Awards Reviewer, Oklahoma State Univ. Spears School of Business Pedagogy Award (2018).