

**Ms. Arti K. Rai, Elvin R. Latty Professor of Law**

**Duke Law School**  
**Science Drive & Towerview Road**  
**Durham, NC 27708**  
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**EDUCATION**

**HARVARD LAW SCHOOL**, J.D., *cum laude*, 1991  
Best Brief and Team, Harvard (Ames) Moot Court Competition  
Instructor, first-year Legal Methods course  
Executive Editor, *Harvard Civil Rights-Civil Liberties Law Review*

**HARVARD MEDICAL SCHOOL**, medical student for 1987-88 academic year  
Award for research analyzing use of cost-benefit analysis in studies of biomedical innovation (resulted in publication)

**HARVARD COLLEGE**, A.B., *magna cum laude*, in History and Science (Biochemistry), 1987  
John Harvard Scholarship for highest academic achievement  
National Merit Scholar  
Radcliffe science award for research on link between apolipoprotein E2 homozygosity and retinitis pigmentosa, University of Strathclyde, Glasgow, U.K. (resulted in publication)

**GOVERNMENT SERVICE**

**OBAMA PRESIDENTIAL TRANSITION TEAM**  
Reviewed the Patent and Trademark Office for the Obama transition

**OBAMA CAMPAIGN**  
Chaired the Intellectual Property Policy subgroup of the Technology, Media, Telecommunications (TMT) Policy Group

**UNITED STATES DEPARTMENT OF JUSTICE, CIVIL DIVISION, FEDERAL PROGRAMS BRANCH**

Trial Attorney (1994-1995)  
Significant cases included Federal Advisory Committee Act litigation against Clinton Task Force on National Health Care Reform

**ADMINISTRATIVE LEADERSHIP POSITIONS (SELECTED)**

Chair, American Bar Association, Administrative Law Section, Intellectual Property Committee (2007-present)  
Chair, Duke University Patent Policy Committee (2008-present)

**GRANTS/HONORS (SELECTED)**

Principal Investigator, 5-year National Institutes of Health/Department of Energy research grant to study intellectual property rights and collaborative R&D models in biomedical research (2004-2009)  
Principal Investigator, 2-year Kauffman Foundation award to study technology transfer in software (2007-2009)

Investigator, Chatham House (U.K.) grant to study role of intellectual property rights and alternatives in green innovation, domestic and international (2008-2009)  
Finalist, World Technology Award (Law Category), 2005  
Referee: SCIENCE; PLOS BIOLOGY; RESEARCH POLICY; JOURNAL OF LEGAL STUDIES; National Academy of Sciences studies on patent system reform and IP rights in genomics and proteomics; National Institutes of Health/National Human Genome Research Institute study sections

**TEACHING &  
RESEARCH  
AREAS**

Patent Law  
Administrative Law  
Law and the Biopharmaceutical Industry

**EMPLOYMENT**  
2008-Present

**DUKE LAW SCHOOL**  
Elvin R. Latty Professor

2003-2008

**DUKE LAW SCHOOL**  
Professor

January 2007

**HARVARD LAW SCHOOL**  
Hieken Visiting Professor in Patent Law

Fall 2004

**YALE LAW SCHOOL**  
Visiting Professor

2001-2003

**UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**  
Assistant Professor

1997-2001

**UNIVERSITY OF SAN DIEGO SCHOOL OF LAW**  
Assistant Professor

1996-1997

**PROGRAM IN ETHICS AND THE PROFESSIONS, HARVARD UNIVERSITY**  
Faculty Fellow

1995-1996

**LECTURER IN LAW, UNIVERSITY OF CHICAGO LAW SCHOOL, MEDICAL SCHOOL,  
AND GRADUATE SCHOOL OF PUBLIC POLICY**

1994-1995

**UNITED STATES DEPARTMENT OF JUSTICE, CIVIL DIVISION, FEDERAL  
PROGRAMS BRANCH: Trial Attorney**  
Focused on administrative law. Briefed and argued cases involving  
the Federal Advisory Committee Act, Medicare, and Medicaid.

1992-1994

**JENNER & BLOCK, Washington D.C.:** Associate  
Wrote briefs in U.S. Supreme Court cases as well as federal appellate and district  
court cases. Focused on patent litigation.

1991-1992

**JUDGE MARILYN HALL PATEL, UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, San Francisco, CA:** Law Clerk.

Drafted opinions on cases, including numerous patent cases.

## BOOKS

**CRITICAL CONCEPTS IN INTELLECTUAL PROPERTY LAW: BIOTECHNOLOGY**  
(Edward Elgar Publishing) (forthcoming 2009) (editor)

**LAW AND THE MENTAL HEALTH SYSTEM**, 5th edition (West Group Publishing)  
(2008) (with Professors Ralph Reisner and Chris Slobogin)

## ARTICLES

*Growing Pains in the Administrative State: The Patent Office's Troubled Quest for Managerial Control*, 157 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 2051 (2009)  
(draft available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1411662](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1411662))

*University Software Ownership and Litigation: A First Examination*, 87 NORTH CAROLINA LAW REVIEW 202 (2009) (draft available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=996456](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=996456)) (with John Allison and Bhaven Sampat)

*Intellectual Property and Alternatives: Strategies for Green Innovation* (working paper commissioned by Chatham House) (with Richard Newell, Jerome Reichman, and Jonathan Wiener)

*Proprietary Science, Open Science, and the Role of Patent Disclosure: The Case of Zinc Finger Proteins*, 77 NATURE BIOTECHNOLOGY 140 (2009) (with co-authors)

*Fixing Innovation Policy: A Structural Perspective*, 77 GEORGE WASHINGTON LAW REVIEW 101 (2008) (with Stuart Benjamin)

*Pathways Across the Valley of Death: Novel Intellectual Property Strategies for Accelerating Drug Discovery*, 8 YALE JOURNAL OF HEALTH POLICY, LAW & ETHICS 53 (2008) (with Jerome Reichman, Paul Uhlir, and Colin Crossman)

*Synthetic Biology: The Intellectual Property Puzzle*, 85 TEXAS LAW REVIEW 1745 (2007) (with Sapna Kumar)

*Synthetic Biology: Caught Between Property Rights, the Public Domain, and the Commons*, 5 PLOS BIOLOGY e58 (2007) (with James Boyle)

*Who's Afraid of the APA: What the Patent System Can Learn from Administrative Law* 95 GEORGETOWN LAW JOURNAL 269 (2007) (with Stuart Benjamin)

*Harnessing and Sharing the Benefits of State-Sponsored Research*, 21 BERKELEY TECHNOLOGY LAW JOURNAL 1187 (2006) (with Rebecca Eisenberg)

*Finding Cures for Tropical Diseases: Is Open Source an Answer?*, PUBLIC LIBRARY OF SCIENCE, MEDICINE, December 2004 (with Stephen Maurer and Andrej Sali) (also reprinted in 6 MINNESOTA JOURNAL OF LAW, SCIENCE, & TECHNOLOGY 169 (2004))

*Proprietary Considerations*, in ROBERT LANZA, ED., HANDBOOK OF STEM CELLS, VOL.2: EMBRYONIC STEM CELLS (Elsevier Press 2004) (with Rebecca Eisenberg)

*Allocating Power over Fact-Finding in the Patent System*, in *Symposium Issue on Ideas Into Action: Implementing Reform of the Patent System*, 19(3) BERKELEY TECHNOLOGY LAW JOURNAL 907 (2004)

*Engaging Facts and Policy: A Multi-Institutional Approach to Patent System Reform*, 103 COLUMBIA LAW REVIEW 1035 (2003)

*Bayh-Dole Reform and the Progress of Biomedicine*, 66 LAW AND CONTEMPORARY PROBLEMS 289 (Winter/Spring 2003) (with Rebecca Eisenberg)

*Specialized Trial Courts: Concentrating Expertise on Fact*, 17 BERKELEY TECHNOLOGY LAW JOURNAL 258 (2002)

*Pharmacogenetic Interventions, Orphan Groups, and Distributive Justice: The Role of Cost-Benefit Analysis*, 19(2) SOCIAL PHILOSOPHY & POLICY 246 (2002)

*Fostering Cumulative Innovation in the Biopharmaceutical Industry: The Role of Patents and Antitrust in Symposium Issue, Beyond Microsoft: Antitrust, Technology, and Intellectual Property* 16 BERKELEY TECHNOLOGY LAW JOURNAL 813 (2001)

*The Information Revolution Reaches Pharmaceuticals: Balancing Innovation Incentives, Cost, and Access in the Post-Genomics Era in Symposium Issue, Intellectual Property Challenges in the Next Century*, 2001 UNIVERSITY OF ILLINOIS LAW REVIEW 173

*Addressing the Patent Gold Rush: The Role of Deference to PTO Patent Denials, in Symposium Issue, Re-engineering Patent Law: The Challenge of New Technologies*, 2 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 199 (2000)

*Regulating Scientific Research: Intellectual Property Rights and the Norms of Science*, 94 NORTHWESTERN UNIVERSITY LAW REVIEW 77 (1999)

*Intellectual Property Rights in Biotechnology: Addressing New Technology in Symposium Issue, Genetic Technology: Social Values and Personal Autonomy in the 21<sup>st</sup> Century*, 34 WAKE FOREST LAW REVIEW 827 (1999)

*Rationing Through Choice: A New Approach to Cost-Effectiveness Analysis in Health Care*, 72 INDIANA LAW JOURNAL 1015 (1997)

*Cost-Effectiveness and Cost-Benefit Analyses in the Medical Literature*, 116(3) ANNALS OF INTERNAL MEDICINE 338 (1992) (with co-authors)

#### BOOK CHAPTERS

*Open and Collaborative Research: A New Model for Biomedicine?* in Robert Hahn, ed., INTELLECTUAL PROPERTY RIGHTS IN FRONTIER INDUSTRIES: SOFTWARE AND BIOTECH (AEI-Brookings Press 2005)

*Proprietary Rights and Collective Action: The Case of Biotechnology Research with Low Commercial Value*, in Jerome Reichman and Keith Maskus, eds., INTERNATIONAL PUBLIC GOODS AND TECHNOLOGY TRANSFER IN A GLOBALIZED INTELLECTUAL PROPERTY REGIME (Cambridge University Press 2005)

“Patenting Organisms and Basic Research” and “Private Ownership of Inventions” entries in ENCYCLOPEDIA OF BIOETHICS (3<sup>rd</sup> ed., 2004)

*The Increasingly Proprietary Nature of Publicly Funded Biomedical Research: Benefits and Threats*, in DONALD G. STEIN, ED., BUYING IN OR SELLING OUT? THE COMMERCIALIZATION OF THE AMERICAN UNIVERSITY (Rutgers University Press 2004)

#### SHORTER PIECES

*Is Bayh-Dole Good for Developing Countries?: Lessons from the U.S. Experience*, 6(10) PLOS BIOLOGY e262 (2008) (with co-authors)

*Patenting Human Organisms: An Ethical and Legal Analysis* (working draft of paper prepared for President’s Council on Bioethics)

*Gene Patenting: A Case Study in Patenting Research Tools*, 77 ACADEMIC MEDICINE 1368 (2002)

*Genetic Interventions: (Yet) Another Challenge to Allocating Health Care*, 39 SAN DIEGO LAW REVIEW 657 (2002)

*Locating Gene Patents Within the Patent System*, 2(3) AMERICAN JOURNAL OF BIOETHICS 18 (2002)

*Health Care Fraud and Abuse: A Tale of Behavior Induced by Payment Structure*, 30 JOURNAL OF LEGAL STUDIES 579 (2002)

*Evolving Research Norms and the Public Domain: A Reply to Professor Kieff*, 95 NORTHWESTERN UNIVERSITY LAW REVIEW 707 (2001)

*The Physician as a Health Care Proxy*, 29 HASTINGS CENTER REPORT 14 (September/October 1999) (with Drs. Mark Siegler and John Lantos)

*Reflective Choice in Health Care: Using Information Technology to Present Allocation Options*, in *Symposium Issue, Electronic Medical Information: Privacy, Liability, & Quality Issues*, 25 AMERICAN JOURNAL OF LAW & MEDICINE 387 (1999)

References Available Upon Request