

DANIEL R. CAHOY
CURRICULUM VITAE

February 2009

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ACADEMIC APPOINTMENTS

- 2007-Present Associate Professor of Business Law
The Smeal College of Business
THE PENNSYLVANIA STATE UNIVERSITY
- 2008-Present Affiliate Professor of Law
Dickinson School of Law
THE PENNSYLVANIA STATE UNIVERSITY
- 2001-2007 Assistant Professor of Business Law
The Smeal College of Business
THE PENNSYLVANIA STATE UNIVERSITY

RESEARCH EXPERTISE

INTELLECTUAL PROPERTY LAW: international perspectives on intellectual property rights; innovation and the economy; government takings or expropriation; acquisition and valuation of intangible assets; antitrust restrictions on intellectual property rights; and rights in digital media.

PHARMACEUTICAL REGULATION: FDA procedures; generic and innovator company interactions; Hatch-Waxman reform.

EXPERIMENTAL ECONOMICS: use of economic incentives to induce desired individual and firm behavior.

AREAS OF TEACHING EXPERTISE

Intellectual Property Law
Pharmaceutical Regulation
Legal Environment of Business

PUBLICATIONS

Refereed Articles

Cahoy, Daniel R. & Leland Glenna, *Private Ordering and Public Energy Innovation Policy*, FLORIDA STATE UNIVERSITY LAW REVIEW, Vol. 36 (forthcoming, 2009)

Daniel R., *Addressing the North-South Divide in Pharmaceutical Counterfeiting*, WAKE FOREST INTELLECTUAL PROPERTY LAW JOURNAL, Vol. 8, No. 3, 2008, pp. 407-432.

Bird, Robert C. & Daniel R Cahoy, *The Impact of Compulsory Licensing on Foreign Direct Investment: A Collective Bargaining Approach*, AMERICAN BUSINESS LAW JOURNAL, Vol. 45, No. 2, 2008, pp. 283-330.

Cahoy, Daniel R., *Confronting Myths and Myopia on the Road from Doha*, GEORGIA LAW REVIEW, Vol. 42, No. 1, 2007, pp. 131-192.

Refereed Articles (cont.)

- Cahoy, Daniel R., *Medical Product Information Incentives and the Transparency Paradox*, INDIANA LAW JOURNAL, Vol. 82, No. 2, 2006-07, pp. 623-671.
- Bird, Robert C. and Daniel R. Cahoy, *The Emerging BRIC Economies: Lessons from Intellectual Property Negotiation and Enforcement*, NORTHWESTERN JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY, Vol. 5, No. 3, 2007, pp. 400-425.
- Cahoy, Daniel R. & Min Ding, *The Stakes Matter: Empirical Evidence of Hypothetical Bias in Case Evaluation and the Curative Power of Economic Incentives*, ST. JOHN'S LAW REVIEW, Vol. 80, No. 4, 2006, pp. 1275-1305.
- Cahoy, Daniel R., *An Incrementalist Approach to Patent Reform Policy*, N.Y.U. JOURNAL OF LEGISLATION & PUBLIC POLICY, Vol. 9, No. 2, 2006, pp. 587-661.
- Cahoy, Daniel R., *Patent Fences and Constitutional Fence Posts: Property Barriers to Pharmaceutical Importation*, FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL, Vol. 15, No. 3, 2005, pp. 623-708.
- Cahoy, Daniel R., & Min Ding, *Using Experimental Economics to Peek into the "Black Box" of Jury Behavior: A Proposal for Jury Research Reform*, SO. CAL. INTERDISCIPLINARY LAW JOURNAL, Vol. 14, No. 1, 2004, pp. 33-66.
- Cahoy, Daniel R., *Oasis or Mirage?: Efficient Breach as a Relief to the Burden of Contractual Recapture of Patent and Copyright Limitations*, HARVARD JOURNAL OF LAW & TECHNOLOGY, Vol. 17, No. 1, 2003, pp. 135-178.
- Cahoy, Daniel R., *Changing the Rules in the Middle of the Game: How the Prospective Application of Judicial Determinations Related to Intellectual Property can Promote Economic Efficiency*, AMERICAN BUSINESS LAW JOURNAL, Vol. 41, No. 1, 2003, pp. 1-66.
- Cahoy, Daniel R., *Treating the Legal Side Effects of Cipro®: A Reevaluation of Compensation Rules for Government Takings of Patent Rights*, AMERICAN BUSINESS LAW JOURNAL, Vol. 40, No. 1, 2002, pp. 125-175.
- Cahoy, Daniel R., *New Legislation Regarding On-Line Service Provider Liability for Copyright Infringement: A Solution in Search of a Problem?* IDEA: THE JOURNAL OF LAW & TECHNOLOGY, Vol. 38, No. 2, 1998, pp. 335-360.

Published Book Chapters

- Bird, Robert C. and Daniel R. Cahoy (in press). *The Vulnerability of Middle Developed Countries to Changes in Foreign Direct Investment Arising from Intellectual Property Appropriation*. in INTERNATIONAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS, Subhash C. Jain & Robert C. Bird, eds., Northampton, MA, Edward Elgar.

Symposium

- Patent System Major Issues Conference, Franklin Pierce Law Center, April 2006, Manchester NH. Transcript published in 47 IDEA 1 (2006).

Working Papers

Cahoy, Daniel R., *Using Examiner Rejections to Create More Relevant Patent Citation Networks*. This project explores the use of examiner citation of patents for novelty and obviousness rejections to create networks of closely related inventions.

Cahoy, Daniel R. and Raghu Garud, *Diachronic Patent Value and the Sociology of Contention*. This research investigates and describes how social dynamics form and modify the value of a patented invention by focusing on the significance of negotiation or contention points.

INVITED ACADEMIC PRESENTATIONS

University of Michigan, Ross School of Business, February 2009. "*Pharmaceutical Counterfeiting in China: Bridging the North-South Divide*."

Summer Institute in Intellectual Property, Biotechnology and Agricultural Sciences, Intellectual Property Law Center, Drake University, May 2008. *Patent Ownership and Consolidation in Essential Biofuel Technology*. Presented research demonstrating trend toward industry consolidation and the predicted impact on patent environments in emerging technologies.

University of Connecticut, Center for International Business Education and Research (CIBER), *The Impact of Intellectual Property Rights on Innovation, Knowledge Diffusion, and Foreign Direct Investment in the Global Economy*, May, 2007.

Center for Law, Technology & Communications, Thomas Jefferson School of Law, *The Evolution and Reform of U.S. Patent Law*, November 2005. "*An Incrementalist Approach to Patent Reform Policy*." Presented research demonstrating the dangers of radical reform and the need for measured, consensus-derived reform efforts.

Fordham University School of Law, *Thirteenth Annual Conference on International Intellectual Property Law & Policy*, April 2005. "*Secondary Legal Hurdles to Pharmaceutical Importation: Contractual and Property Issues*." Presented research on the convergence of patents and secondary legal rights as barriers to pharmaceutical importation.

University of Texas, McCombs School of Business, *Ballentyne Lecture*. February 2005. "*Patent Fences and Constitutional Fence Posts*." Presented research underlying recent article to business law faculty.

University of Michigan, Ross School of Business, November 2003 & 2004. "*Pharmaceutical Patent Law*." Presented lecture on advanced legal topic to interested faculty as well as 2nd-year MBA students enrolled in an intellectual property law class.

New York Times Knowledge Network (October 2004). Participated on panel with author Barry Meier for a discussion of his book, PAIN KILLER: A WONDER DRUG'S TRAIL OF ADDICTION AND DEATH.

Academy of Legal Studies in Business, Technology Law Section Symposium, August 2002. Presented "*The Importance of Giving Your Students a Basic Understanding of the Legal and Ethical Environment of Biotechnology Instructional Issues in Technology Law*."

PAPERS PRESENTED AT ACADEMIC CONFERENCES

- Cahoy, Daniel R., *Away from the Streetlight: Using Examiner Rejections to Create More Relevant Patent Citation Networks*, Thirteenth Annual Huber Hurst Research Symposium, Boston, MA, 2009.
- Cahoy, Daniel R. & Leland Glenna, Cahoy, Daniel R., *Forecasting Alternative Energy Patent Environments in View of Private Ordering Trends*, Annual Meeting of the Academy of Legal Studies in Long Beach, CA, 2008.
- Cahoy, Daniel R., *Using Examiner Rejections to Create More Relevant Patent Citation Networks*, Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA, 2008.
- Cahoy, Daniel R. and Raghu Garud, *Diachronic Patent Value and the Sociology of Contention*, Works-in-Progress Intellectual Property, Annual Conference, American University School of Law, Washington, DC, 2007.
- Cahoy, Daniel R. and Raghu Garud, *The Sociology of Patenting*, Annual Meeting of the Academy of Legal Studies in Indianapolis, IN, 2007.
- Cahoy, Daniel R. and Robert C. Bird, *The Impact of Compulsory Licensing on Foreign Direct Investment: A Collective Bargaining Approach.*, Annual Meeting of the Academy of Legal Studies in Indianapolis, IN, 2007.
- Cahoy, Daniel R. and Robert C. Bird, *The Impact of Compulsory Licensing on Foreign Direct Investment: A Collective Bargaining Approach.*, Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, Baltimore, MD, 2007.
- Cahoy, Daniel R., *Confronting Myths and Myopia on the Road from Doha*, Works-in-Progress Intellectual Property, Annual Conference, University of Pittsburgh School of Law, Pittsburgh, PA, 2006.
- Cahoy, Daniel R., *Confronting Myths and Myopia on the Road from Doha*, Annual Meeting of the Academy of Legal Studies in Business, St. Petersburg, FL, 2006.
- Cahoy, Daniel R., *Medical Product Information Incentives and the Transparency Paradox*, Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, Baltimore, MD, 2006.
- Cahoy, Daniel R. and Lisa L. Posey, *Incentives to Create and Disclose Information in the Pharmaceutical and Medical Device Industries*, Annual Meeting of the Academy of Legal Studies in Business, San Francisco, CA, 2005.
- Cahoy, Daniel R., *Rethinking Patents for Optimal Health Care Innovation*, Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, Philadelphia, PA, 2005.
- Cahoy, Daniel R., *Optimal Patent Characteristics for Innovation in Health Care: An Incentive Alignment Approach*, Ninth Annual Huber Hurst Research Symposium, Gainesville, FL, 2005.
- Cahoy, Daniel R., *Property Barriers to Pharmaceutical Importation*, Annual Meeting of the Academy of Legal Studies in Business, Ottawa, Canada, 2004.
- Cahoy, Daniel R., and Min Ding, *Using Experimental Economics to Peek into the Black Box of Jury Behavior.* Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, College Park, MD, 2004.
- Cahoy, Daniel R., *Oasis or Mirage?: Efficient Breach as a Relief to the Burden of Contractual Recapture of Patent and Copyright Limitations.* Annual Meeting of the Academy of Legal Studies in Business, Nashville, TN, 2003.

PAPERS PRESENTED AT ACADEMIC CONFERENCES (CONT.)

- Cahoy, Daniel R., and Min Ding, *The Impact of Hypothetical and Self-Interest Bias on Jury Research in Complex Intellectual Property Cases*. Annual Meeting of the Academy of Legal Studies in Business, Nashville, TN, 2003.
- Cahoy, Daniel R., *Is Efficient Breach the Solution to Contractual Restraint of Intellectual Property Limitations?* Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, College Park, MD, 2003.
- Cahoy, Daniel R., *Don't Change the rules in the middle of the game!: How the Prospective Application of Judicial Determinations Related to Intellectual Property can Promote Economic Efficiency*, Holmes-Cardozo Award Presentation, Annual Meeting of the Academy of Legal Studies in Business, Las Vegas, NV, 2002.
- Cahoy, Daniel R., & Sharp, Jeffery M., *Content Lock-Down: Can Patents Be Used to Eliminate the Last Trace of Fair Use Under the DMCA?*, Annual Meeting of the Academy of Legal Studies in Business, Las Vegas, NV, 2002.
- Cahoy, Daniel R., *The Retroactive Effect of Court Decisions on Patent Value*, Annual Meeting of the Mid-Atlantic Academy of Legal Studies in Business, Philadelphia, PA 2002.

JOURNAL EXPERIENCE

Editorial Board

The American Business Law Journal, Academy of Legal Studies in Business

Managing Editor (2008-2009)

Senior Articles Editor (2008-2009)

Articles Editor (2006-2008)

IDEA: The Journal of Law and Technology, Franklin Pierce Law Center

Editor-in-Chief (1997-1998)

Editor (1996-1997)

Manuscript Review

The Journal of Law, Medicine and Ethics, American Society of Law, Medicine and Ethics

The American Business Law Journal, Academy of Legal Studies in Business

SCHOLARLY AWARDS AND HONORS

THE JUNIOR FACULTY AWARD OF EXCELLENCE, Academy of Legal Studies in Business (2007).

THE RALPH J. BUNCHE BEST PAPER AWARD, International Section, Academy of Legal Studies in Business (2007).

THE HOLMES-CARDOZO AWARD FOR OUTSTANDING CONFERENCE PAPER, Academy of Legal Studies in Business (2007).

OUTSTANDING PAPER AWARD, Mid-Atlantic Academy of Legal Studies in Business (2005).

THE RALPH C. HOEBER AWARD FOR EXCELLENCE IN RESEARCH, Academy of Legal Studies in Business (2003).

OUTSTANDING PAPER FOR JUNIOR FACULTY AWARD, Mid-Atlantic Academy of Legal Studies in Business (2003).

SCHOLARLY AWARDS AND HONORS (CONT.)

THE HOLMES-CARDOZO AWARD FOR OUTSTANDING CONFERENCE PAPER, Academy of Legal Studies in Business (2002).

OUTSTANDING PAPER FOR JUNIOR FACULTY AWARD, Mid-Atlantic Academy of Legal Studies in Business (2002).

SECOND PLACE AWARD, BOSTON PATENT LAW ASSOCIATION STUDENT WRITING COMPETITION (1998).

NATIONAL CHAMPION, GILES SUTHERLAND RICH MOOT COURT COMPETITION, American Intellectual Property Law Association (1997).

FUNDED PROJECTS AND GRANTS

SMEAL COMPETITIVE RESEARCH GRANTS PROGRAM, Summer 2008, for "*Using Examiner Rejections to Create More Relevant Patent Citation Networks.*"

SMEAL COMPETITIVE RESEARCH GRANTS PROGRAM, Summer 2007, for "*Optimal Stakeholder Strategy in International Patent Compulsory Licensing.*"

SMEAL COMPETITIVE RESEARCH GRANTS PROGRAM, Summer 2006, for "*The Sociology of Patenting.*"

SMEAL COMPETITIVE RESEARCH GRANTS PROGRAM, Summer 2006, for "*The Impact of Patent Compulsory License Compensation Structure on Innovation in the Pharmaceutical and Biotechnology Industries.*"

SMEAL COMPETITIVE RESEARCH GRANTS PROGRAM, Summer 2004, for "*Describing and Analyzing the Impact of Legal Revision of Patent Rights on Innovation in the Pharmaceutical and Biotechnology Industries.*"

SMEAL SMALL RESEARCH GRANT, Fall 2003 & Spring 2004, for "*The Impact of Hypothetical and Self-Interest Bias on Jury Research in Complex Intellectual Property Cases.*"

WILLIAM H. DONNER FOUNDATION, INC., Nov. 25, 2002 (renewed), for "*Support of Marketing Surveys, Course and Internship Development for Combined Science BS and MBA.*"

PATENTS

Cahoy, Daniel R. and Min Ding, *Method of Reducing Hypothetical Bias in Jury Studies*. Patent Pub. No. US 2006/0036464 A1 (filed Aug. 2005) (pending).

MEDIA APPEARANCES

- Sarah Fister Gale, *A Bridge Too Far*, ENVISAGE, Jan. 2008.
- *Study Urges Drug Patent Licensing Revision*, UNITED PRESS INTERNATIONAL, Jul. 10, 2007
- *Bloomberg on the Money: Prempro Litigations*, BLOOMBERG RADIO NEWS (radio interview with Phil Gregory, Aug. 21, 2006)
- *Trials Begin over Wyeth Menopause Drug*, LOS ANGELES TIMES, Aug. 21, 2006
- *Shannon Pettypiece and Sophia Pearson, Wyeth Vows to Fight All Menopause Drug Suits*, INTERNATIONAL HERALD TRIBUNE, Aug. 21 2006
- *Pennsylvania Inside Out: Pharmaceutical Importation*, WPSU TELEVISION, Dec. 16, 2004.
- *Pennsylvania Researchers Say The Importation Of Low-Cost Drugs From Canada Is Far More Difficult Than Many Realize*, UNITED PRESS INTERNATIONAL, Oct. 25, 2004.
- *Denis Crouch, States May Face Liability for Importing Drugs*, PATENTLY-O, Oct. 18, 2004.

MEDIA APPEARANCES (CONT.)

- *Fast Food and Fat Lawsuits*, WTAJ-TV, Jun. 2003

MEMBERSHIP AND PARTICIPATION IN PROFESSIONAL AND LEARNED SOCIETIES

The Mid-Atlantic Academy of Legal Studies in Business (Past President)
The Academy of Legal Studies in Business
The American Intellectual Property Law Association

OTHER PROFESSIONAL MEMBERSHIPS, LICENSES AND CERTIFICATIONS

The Bar of the United States Court of Appeals for the Federal Circuit
The Bar of the U.S. District Court for the Western District of New York
The Bar of the U.S. District Court for the Eastern District of New York
The Bar of the U.S. District Court for the Southern District of New York
The State Bar of New York
Patent Attorney, U.S. Patent & Trademark Office, Reg. No. 40,936

PROFESSIONAL EMPLOYMENT

- 1998-2001 FITZPATRICK, CELLA, HARPER & SCINTO, New York, NY, Attorneys and Counselors-at-law, Associate
- Intellectual Property Counseling
 - Patent Litigation
- 1992-1995 THE UNIVERSITY OF IOWA COLLEGE OF MEDICINE, Iowa City, IA, Department of Physiology and Biophysics
- Molecular biology research related to basic signal transduction and the mechanism of insulin resistance in type II diabetes

EDUCATION

- 1998 FRANKLIN PIERCE LAW CENTER, Concord, NH
Juris Doctor
Intellectual Property Summer Institute (1996)
- 1991 THE UNIVERSITY OF IOWA, Iowa City, IA
Bachelor of Arts (Major: Biology).

LEGAL INTERNSHIPS

- Summer 1996 NEW HAMPSHIRE SUPERIOR COURT, Office of Chief Justice Joseph P. Nadeau, Concord, NH; Legal Intern