

JAKE LINFORD

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HONORS AND AWARDS

- Ladas Memorial Award** 2017
Top Professional Trademark Paper, *Are Trademarks Ever Fanciful?*, 105 GEO. L.J. 731 (2017)
- Stanford/Yale/Harvard Junior Faculty Forum** 2017
Placebo Marks, 47 PEPP. L. REV. 1 (2019)
- Sponsored Scholarship Grant** 2017
Copyright and Attention Scarcity, forthcoming in 42 CARDOZO L. REV. (2020)
Honorable Nancy F. Atlas Intellectual Property American Inn of Court and the University of Houston Law Center Institute for Intellectual Property and Information Law

ACADEMIC APPOINTMENTS

- Florida State University**, Tallahassee, FL July 2010 – Present
Loula Fuller and Dan Myers Professor of Law March 2018 – Present
Associate Professor, College of Law August 2017 – Present
Assistant Professor, College of Law July 2010 – August 2017
Associate,
Center for Innovative Collaboration in Medicine & Law August 2010 – Present
- **Courses:** Trademarks and Unfair Competition; Copyright; Contracts; Media Law (seminar); Current Issues in Intellectual Property (seminar); Bioethics and the Law (seminar)
 - **New Courses Developed:** Information Privacy Law; Intellectual Property & Business Strategy
 - **Committees:** Appointments (2017-18); Admissions (2011-12, 2013-2021); Clerkship (2019-21); Faculty Senate (2016-18); Academic Waivers (2013, 2015-16); Curriculum (2014-15, 2018-19, 2021); Enrichment (2011-12); Student Affairs (2010-11)
 - **Honors/Awards:** Nominee, FSU University Teaching Award (2017, 2019); Alternative Textbook Grant (2017); Summer Research Grant Recipient (Summer 2010-2020); First Year Assistant Professor Research Grant Recipient (Summer 2011)

EDUCATION

- JD** The University of Chicago, The Law School June 2008
High Honors, Order of the Coif
The University of Chicago Law Review (2006-2008)
- BA** University of Utah, Mass Communication March 1996
University of Utah Honors House, Charter Member (1994-1996)
Floyd B. Farr Memorial Scholar (1993-1994)

PUBLICATIONS

Forthcoming Publications

- Copyright and Attention Scarcity*, forthcoming in 42 CARDOZO L. REV. (2020)
- Recipient of the 2017 Atlas Inn of Court / UHLC IPIL Sponsored Scholarship Grant
- The Path of the Trademark Injunction*, forthcoming in RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF TRADEMARKS (Glynn Lunney, ed., 2021, Elgar)
- Democratizing Access to Survey Evidence of Distinctiveness*, forthcoming in TRADEMARK LAW AND THEORY: REFORM OF TRADEMARK LAW (Graeme Dinwoodie & Mark Janis, eds., 2020, Elgar)
- Tell the Truth: Truth in Music Advertising Post Tam*, forthcoming in THE OXFORD HANDBOOK OF MUSIC LAW AND POLICY (Sean O'Connor, ed. 2020)

Articles

- Contracting for Fourth Amendment Privacy Online*, 104 MINN. L. REV. 101 (2019)
(with Wayne A. Logan)
- Placebo Marks*, 47 PEPP. L. REV. 45 (2019)
- Selected for the 2017 Stanford/Yale/Harvard Junior Faculty Forum
 - Selected for the 2017 Federalist Society Junior Scholars Colloquium
- Valuing Residual Goodwill After Trademark Abandonment*, 93 NOTRE DAME L. REV. 811 (2017)
- Are Trademarks Ever Fanciful?*, 105 GEO. L.J. 731 (2017)
- Recipient of the international 2017 Ladas Memorial Award for top professional trademark paper
- The False Dichotomy Between Suggestive and Descriptive Trademarks*, 76 OHIO ST. L.J. 1367 (2015)

Articles (continued)

A Linguistic Justification for Protecting 'Generic' Trademarks, 17 YALE J.L. & TECH. 110 (2015)

The Institutional Progress Clause, 16 VAND. J. ENT. & TECH. L. 533 (2014)

Trademark Owner as Adverse Possessor: Productive Use and Property Acquisition, 63 CASE W. RES. U. L. REV. 703 (2013)

A Second Look at the Right of First Publication, 58 J. COPYRIGHT SOC'Y USA 585 (2011) (peer-reviewed)

The Kidney Donor Scholarship Act: How College Scholarships Can Provide Financial Incentives for Kidney Donation While Preserving Altruistic Meaning, 2 ST. LOUIS U. J. HEALTH L. & POL'Y 265 (2009)

The Right Ones for the Job: Divining the Correct Standard of Review for Curtilage Determinations in the Aftermath of Ornelas v. United States, 75 U. CHI. L. REV. 885 (2008) (student note)

Invited Book Chapters, Symposium Contributions, and Responses

Datamining the Meaning(s) of Progress, 2017 BYU L. REV. 1531 (2018) (invited response to Lawrence B. Solum, *Triangulating Public Meaning: Corpus Linguistics, Immersion, and the Constitutional Record*, 2017 BYU L. REV. 1621 (2018))

Private Ordering Under Threat of Regulation, 67 FLA. L. REV. F. 298 (2016) (invited response to Annemarie Bridy, *Internet Payment Blockades*, 67 FLA. L. REV. 1523 (2015))

Improving Technology Neutrality Through Compulsory Licensing, 100 MINN. L. REV. HEADNOTES 126 (2016) (invited response to Brad A. Greenberg, *Rethinking Technology Neutrality*, 100 MINN. L. REV. 1495 (2016))

Unilateral Reordering in the Reel World, 88 WASH. L. REV. 1395 (2013) (invited symposium contribution)

Works in Progress

An Information Theory of Bad-Faith Trademark Use

Trademark Fame and Corpus Linguistics (with Kyra Nelson)

SELECTED PRESENTATIONS AND INVITED LECTURES

An Information Theory of Bad Faith Trademark Use

- Proving IP: The Evidence We Use and Should Use, NYU Law (May 2019)
- J. Reuben Clark Law Society Faculty Group Conference, New Orleans, LA (January 2019)
- Roundtable on Reputation and Information Effects, Washington & Lee University School of Law, Lexington, VA (September 2018)
- 18th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law Berkeley, CA (August 2018)

Trademark Fame and Corpus Linguistics

- 20th Annual Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA (August 2020)
- University of Washington School of Law, Seattle, WA (April 2020) (cancelled due to Covid-19)
- Seattle University School of Law, Seattle, WA (April 2020) (cancelled due to Covid-19)
- 17th Annual Works in Progress in Intellectual Property, Santa Clara University School of Law, Santa Clara, CA (February 2020)
- 5th Annual Law & Corpus Linguistics Conference, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT (February 2020)
- M³ Workshop, University of Houston Law Center, Houston, TX (January 2020)

Copyright and Attention Scarcity

- Honorable Nancy F. Atlas Intellectual Property American Inn of Court, Houston, TX (June 2017)
- Cyberspace Law Seminar, University of North Carolina School of Law (February 2017)
- Federalist Society Faculty Conference, San Francisco, CA (January 2017)
- 6th Annual IP Scholars Roundtable, University of New Hampshire School of Law, Concord, NH (October 2016)
- 16th Annual Intellectual Property Scholars Conference, Stanford Law School, Palo Alto, CA (August 2016) (plenary session)
- Society for Economic Research on Copyright Research Annual Congress, University of Illinois College of Law / Loyola University Chicago School of Law, Chicago, IL (July 2016)

Tell the Truth: Truth in Music Advertising Post Tam

- The New Music Ecosystem – Policies & Practices to Build and Sustain Thriving Music Communities, Seattle, WA (May 2018)

SELECTED PRESENTATIONS AND INVITED LECTURES (CONTINUED)

Placebo Marks

- 9th Annual INTA Scholarship Symposium, 140th Annual International Trademark Association Annual Meeting, Seattle, WA (May 2018)
- J. Reuben Clark Law Society Faculty Group Conference, San Diego, CA (May 2018)
- 17th Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, NYC, NY (May 2017)
- 2017 Federalist Society Junior Scholars Colloquium, Annapolis, MD (June 2017)
- 2017 Stanford/Harvard/Yale Junior Faculty Forum, Stanford Law School, Palo Alto, CA (June 2017)
- Chicago Intellectual Property Colloquium, Chicago-Kent College of Law & Loyola University Chicago School of Law, Chicago, IL (February 2017)

Valuing Residual Goodwill After Trademark Abandonment

- Junior Intellectual Property Scholars Association Spring Workshop, University of New Hampshire Law, Concord, NH (June 2016)
- 7th Annual INTA Trademark Scholarship Symposium, Orlando, FL (May 2016)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL (November 2015)
- 4th Annual Trademark Works-in-Progress, American University College of Law, Washington, D.C. (November 2015)
- 15th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL (August 2015)
- 2015 Annual Meeting, Law & Society Association, Seattle, WA (May 2015)

Are Trademarks Ever Fanciful?

- 2016 Law and Society Annual Meeting, New Orleans, LA (June 2016)
- Tech Law & Policy Colloquium, Georgetown University Law Center, Washington, D.C. (April 2016)
- Faculty Brown Bag, University of Kentucky College of Law, Lexington, KY (March 2016)
- Works in Progress: Intellectual Property, University of Washington, Seattle, WA (February 2016)
- Junior Intellectual Property Scholars Association Works-in-Progress, Florida International University College of Law, Miami, FL (February 2016)
- J. Reuben Clark Law Society Faculty Group Conference, New York, NY (January 2016)

SELECTED PRESENTATIONS AND INVITED LECTURES (CONTINUED)

The False Dichotomy Between Suggestive and Descriptive Trademarks

- 17th Annual Faculty Conference, The Federalist Society for Law & Public Policy Studies, Washington, D.C. (January 2015)
- Junior IP Scholars Workshop, Florida State University College of Law, Tallahassee, FL (December 2014)
- 14th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law, Berkeley, CA (August 2014)

A Linguistic Justification for Protecting 'Generic' Trademarks

- 7th Annual Junior Scholars-in-Intellectual Property Workshop, Michigan State University, East Lansing, MI (October 2014)
- Works in Progress: Intellectual Property, Santa Clara University School of Law, Santa Clara, CA (February 2014)
- 2013 Junior IP Scholars Workshop, Florida State University College of Law, Tallahassee, FL (December 2013)
- Legal Scholarship Workshop, The University of Chicago, The Law School, Chicago, IL (November 2013)

The Institutional Progress Clause

- Hofstra University IP Colloquium, Hofstra University School of Law, Hempstead, NY (October 2014)
- 2d Thematic Conference on Knowledge Commons, NYU School of Law, New York City, NY (September 2014)
- Legal Scholarship Workshop, The University of Chicago, The Law School, Chicago, IL (November 2012)
- Legal Scholarship Workshop, Northwestern University Law School, Chicago, IL (November 2012)
- 3d Annual Constitutional Law Colloquium, Loyola University of Chicago School of Law, Chicago, IL (November 2012)
- 2012 Scholars' Roundtable: Intellectual Property and the Constitution, University of New Hampshire College of Law, Concord, NH (September 2012)

Trademark Owner as Adverse Possessor: Productive Use and Property Acquisition

- Faculty Enrichment Workshop, University of Florida Levin College of Law, Gainesville, FL (September 2012)
- 5th Annual Junior Scholars Intellectual Property Workshop, Michigan State University College of Law, East Lansing (May 2012)
- 2012 Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA (March 2012)

A Second Look at the Right of First Publication

- Brigham Young University College of Law, Provo, UT (November 2010)
- Legal Scholarship Workshop, The University of Chicago, The Law School, Chicago, IL (October 2010)

SELECTED PANELS AND COMMENTARY

- Debate Participant, Trademark Law Oxford-Style Debate re: USPTO v. Booking.com, American University Law Review, *forthcoming* (October 2020)
- Panelist, 11th Annual Supreme Court Year in Review, Chicago-Kent College of Law, *forthcoming* (September 2020)
- Panelist, The Evolving Music Ecosystem, Antonin Scalia Law School, George Mason University, Arlington, VA, *forthcoming* (September 2020)
- Moderator, New Voices in Intellectual Property, 2020 Association of American Law Schools Annual Meeting, Washington, D.C. (January 2020)
- Discussant, Trademark Scholars Roundtable, Stanford Law School, Stanford, CA (February 2020)
- Discussant, Trademark Scholars Roundtable, Harvard Law School, The Law School, Cambridge, MA (April 2019)
- Panel Presentation, “Equity and Intent in Trademark Law,” 2019 AALS Annual Meeting (January 2019)
- Invited Commentator, 10th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law (May 2018)
- Discussant, Trademark Scholars Roundtable, University of Notre Dame, The Law School (April 2018)
- Hellwege Speaker, Innovation, Business and Technology Center, University of Iowa College of Law, Iowa City, IA (April 2017)
- Discussant, Trademark Scholars Roundtable, Chicago-Kent College of Law, Chicago, IL (March 2017)
- Commentator, 2d Annual Law and Corpus Linguistics Symposium, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT (February 2017)
- Invited Presentation, “Athletes and the Right of Publicity,” University of Kentucky Sports & Entertainment Law Society, University of Kentucky College of Law (March 2016)
- Moderator, “In re Backlist,” In re Books: A Conference on Law and the Future of Books, New York Law School, New York, NY (October 2012)
- Presentation, “If You Never Ask, the Answer is Always No: Making Something More of the ‘Standard’ Publication Contract,” The Future of Scholarly Publishing Symposium, Florida State University, Tallahassee, FL (October 2011)
- Moderator, 6th Annual International Conference on Contracts, Stetson Law School, Gulfport, FL (February 2011)
- Moderator, Biotechnology, Bioethics, and the Law—Race and the Double Bind of Inclusion, Joint Annual Meetings of Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada (June 2008)
- Moderator, Contested Commodities: Reframing the Debate of Financial Incentives in the Supply of Genetic Materials, The University of Chicago, The Law School, Chicago, IL (April 2008)

OTHER EMPLOYMENT

The Honorable M. Margaret McKeown,
U.S. Court of Appeals for the Ninth Circuit,
Law Clerk

San Diego, CA
August 2009 – July 2010

Pattishall, McAuliffe, Newbury, Hilliard & Geraldson
Associate

Chicago, IL
September 2008 – July 2009

RESEARCH AND TEACHING INTERESTS

Primary interests: Contracts; trademarks & unfair competition; copyright; information privacy

Secondary interests: Real & chattel property; media law; linguistics; consumer protection

OTHER

Lead Author, Brief of Trademark and Internet Law Professors as *Amici Curiae* in Support of Respondent, *United States Patent and Trademark Office v. Booking.Com B.V.* (February 2020)

Review of THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS: A GLOBAL AND LOCAL OUTLOOK, edited by Irene Calboli and Jacques de Werra, 8:2 THE IP LAW BOOK REVIEW 10 (May 2018)

PROFESSIONAL AFFILIATIONS

AALS Intellectual Property Section

- Section Officer (2019-2020)

Florida Bar Business Law Section Intellectual Property Committee

- Academic Advisor (2018-2021)

American Intellectual Property Law Association

- Copyright Committee
- Trademark Law Committee

PROFESSIONAL SERVICE

Workshop Co-Organizer

- M³ Workshop, University of Houston Law Center, Houston, TX (January 2020)
- Junior IP Scholars Workshop, FSU College of Law, Tallahassee, FL (December 2014)
- Junior IP Scholars Workshop, FSU College of Law, Tallahassee, FL (December 2014)
- FSU Internal Junior Scholars Workshop Series (2011-2013, 2014-2015)

PROFESSIONAL SERVICE (CONTINUED)

Programming Co-Organizer

- AALS Intellectual Property Section (January 2020)

Symposium Co-Organizer

- 9th Annual IP Symposium, Florida Bar Association Business Section (April 2020) (rescheduled due to Covid-19 outbreak)
- J. Reuben Clark Law Society Faculty Group Conference, Washington, D.C. (January 2020)
- 8th Annual IP Symposium, Florida Bar Association Business Section (April 2019)

CLE Presentations

- “Copyright Year in Review,” 9th Annual IP Symposium, Florida Bar Association Business Section, Orlando, FL (October 2020, to be rescheduled due to Covid-19)
- “Trademarks Year in Review,” 7th Annual IP Symposium, Florida Bar Association Business Section, Orlando, FL (April 2017)
- “The Copyright Implications of 3-D Printing, or the Adventures of Copyright Law in the Third Dimension,” Chicago Bar Association Young Lawyers Section IP Committee Hot Topics, Chicago, IL (January 2012)

Peer Review

- Harvard Law Review; Florida State University Law Review (article submissions)
- Wolters-Kluwer (Book Proposal)

LANGUAGES

English: Native Language

Haitian Creole: Intermediate Listener, Advanced Speaker, Intermediate Reading & Writing

REFERENCES

**Professor Mark A. Lemley, William H. Neukom Professor of Law and Director,
Stanford Program in Law, Science and Technology**

Stanford Law School
559 Nathan Abbott Way, Stanford, CA 94305-8610
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Professor Franita Tolson, Vice Dean for Faculty and Academic Affairs

USC Gould School of Law
699 Exposition Blvd, Los Angeles, CA 90089-0071
Email: ftolson@law.usc.edu
Phone: 213 740-5502

Professor Barton Beebe, John M. Desmarais Professor of Intellectual Property Law

NYU School of Law
40 Washington Sq. South, New York, NY 10012
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Cell: 646 382-9300

**Professor Jeffrey H. Kahn, Harry M. Walborsky Professor and
Associate Dean for Business Law Programs**

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