

## **JAKE LINFORD**

*Loula Fuller and Dan Myers Professor*  
Florida State University College of Law  
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### **ACADEMIC APPOINTMENTS**

**Florida State University College of Law, Tallahassee, FL** July 2010-present  
*Loula Fuller and Dan Myers Professor of Law* (effective March 2018)  
*Associate Professor of Law* (effective August 2017)

- Teaching courses on Trademarks and Unfair Competition, Copyright, Information Privacy, Contracts, Intellectual Property and Business Strategy, Media Law (Seminar), Current Issues in Intellectual Property (seminar), Bioethics and the Law (seminar)
- Associate, Center for Innovative Collaboration in Medicine & Law (August 2010 – present)
  - Admissions and Recruitment Committee (2011-2012, 2013-2019)
  - Appointments (2017-18)
  - Faculty Senate (2016-18)
  - Academic Waivers Committee (2013, 2015-16)
  - Coordinator, Florida State University College of Law Junior Scholars Workshop (2011-2013, 2014-2015)
  - Curriculum Committee (2014-15, 2018-19)
  - Academic Enrichment Committee (2011-12)
  - Student Affairs Committee (2010-11)

### **OTHER EXPERIENCE**

#### **Florida Bar Business Law Section Intellectual Property Committee**

- Academic Advisor (2018-19)

#### **American Intellectual Property Law Association**

- Copyright Committee
- Trademark Internet Committee

### **EDUCATION**

#### **The University of Chicago Law School, Chicago, IL**

*Juris Doctor*

June 2008

- High Honors, Order of the Coif
- *The University of Chicago Law Review* (2006 – 2008)

#### **University of Utah, Salt Lake City, UT**

*Bachelor of Arts in Mass Communication*

March 1996

- Floyd B. Farr Memorial Scholar (1993 – 1994)
- Honors Department, Member (1991 – 1996)
- University of Utah Honors House, Charter Member (1994 – 1996)
- Kappa Tau Alpha, National Honors Society, Member

## SCHOLARSHIP

### Works in Progress

- “Scarcity of Attention in a World Without Copyright” (draft)
  - Recipient of the 2017 Legal Academy Sponsored Scholarship Grant from the Honorable Nancy F. Atlas Intellectual Property American Inn of Court and the University of Houston Law Center Institute for Intellectual Property and Information Law
- “Placebo Marks and the Upside of Consumer Manipulation” (draft)
  - Selected for the 2017 Stanford/Yale/Harvard Junior Faculty Forum
  - Selected for the 2017 Federalist Society Junior Scholars Colloquium

### Forthcoming Publications

- “‘Tell the Truth’: Truth in Music Advertising Post *Tam*,” *forthcoming in* THE OXFORD HANDBOOK OF MUSIC LAW AND POLICY (Sean O’Connor, ed., 2019)
- “Democratizing Access to Survey Evidence of Distinctiveness,” *forthcoming in* TRADEMARK LAW AND THEORY: REFORM OF TRADEMARK LAW (Graeme Dinwoodie & Mark Janis, eds., 2019, Elgar)

### Publications (<http://ssrn.com/author=581663>)

- “Valuing Residual Goodwill After Trademark Abandonment,” 93 NOTRE DAME L. REV. 811 (2017)
- “Are Trademarks Ever Fanciful?,” 105 GEORGETOWN L.J. 731 (2017)
  - Recipient of the 2017 Ladas Memorial Award for top professional trademark paper
- “The False Dichotomy between Suggestive and Descriptive Trademarks,” 76 OHIO ST. L.J. 1367 (2015)
- “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. L. REV. 703 (2013)
- “A Second Look at the Right of First Publication,” 58 J. COPYRIGHT SOC’Y U.S.A. 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)<sup>†</sup>

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<sup>†</sup> The volume included responses to the article by Michele Bratcher Goodwin, Everett Fraser Professor of Law at the University of Minnesota; Mark J. Cherry, the Dr. Patricia A. Hayes Professor in Applied Ethics, Department of

## **Publications (continued)**

- “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)

## **Upcoming Invited Presentations, Workshops & Roundtables**

- Trademark Scholars’ Roundtable, Harvard Law School, The Law School, April 11-12, 2019 (roundtable participant)
- Intermeddlers or Innovators? States and Federal Copyright Law, University of Kentucky Law School, October 22, 2018 (paper presentation)

## **Presentations & Workshops**

- Tenth Annual Junior Scholars in Intellectual Property (JSIP) Workshop. Michigan State University College of Law, May 24, 2018 (invited commentator)
- Trademark Scholars’ Roundtable, University of Notre Dame, The Law School, April 13-14, 2018 (roundtable participant)
- Roundtable on Reputation and Information Effects, Washington & Lee University School of Law, Lexington, VA, September 21-22 (roundtable participant)
- 17th Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, NYC, NY, August 10, 2017  
“Placebo Marks” (paper presentation)
- 2017 Federalist Society Junior Scholars Colloquium, Annapolis, MD, June 23-24, 2017  
“Placebo Marks” (competitively selected)

## **Presentations (Continued)**

- Honorable Nancy F. Atlas Intellectual Property American Inn of Court, Houston, TX, June 15, 2017  
“Scarcity of Attention in a World Without Copyright” (paper presentation)
- 2017 Stanford/Harvard/Yale Junior Faculty Forum, Stanford Law School, Palo Alto, CA, June 6-7, 2017  
“Placebo Marks” (competitively selected)
- Hellwege Speaker, Innovation, Business and Technology Center, University of Iowa College of Law, Iowa City, IA, April 21, 2017  
“The Place of the Consumer in Trademark Law” (presentation to students)
- Trademark Scholars’ Roundtable, Chicago-Kent College of Law, Chicago, IL, March 23-24, 2017 (roundtable participant)
- Chicago Intellectual Property Colloquium, Chicago-Kent College of Law & Loyola University Chicago School of Law, Chicago, IL, February 21, 2017  
“Placebo Marks” (paper presentation)
- Entertainment & Sports Law Society, Florida State University College of Law, Tallahassee, FL, February 15, 2017  
“Disney v. VidAngel” (presentation to students)
- Cyberspace Law Seminar, University of North Carolina School of Law, February 14, 2017  
“Scarcity of Attention in a World without Copyright” (online paper presentation)
- Law and Corpus Linguistics Symposium, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT, February 3, 2017 (invited comments)
- 2017 Annual Federalist Society Faculty Conference, San Francisco, CA, January 5, 2017  
“Scarcity of Attention in a World without Copyright” (paper presentation)
- J. Reuben Clark Law Society Faculty Group Conference, San Francisco, CA, Jan. 3, 2017,  
“Scarcity of Attention in a World without Copyright” (paper presentation)
- Intellectual Property Law Society, Florida State University College of Law, Tallahassee, FL, Nov. 15, 2016  
“Intellectual Property Law Symposium” (presentation to students)
- Sixth Annual Scholars’ Roundtable, University of New Hampshire School of Law, Concord, NH, October 7-8, 2016  
“Scarcity of Attention in a World without Copyright” (paper presentation)
- Intellectual Property Colloquium, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT, September 23, 2016  
“Scarcity of Attention in a World without Copyright” (paper presentation)

## **Presentations (Continued)**

- 16th Annual Intellectual Property Scholars Conference, Stanford Law School, Palo Alto, CA, August 1, 2016, plenary panel presentation  
“Scarcity of Attention in a World without Copyright” (plenary panel paper presentation)
- Society for Economic Research on Copyright Research Annual Congress, University of Illinois College of Law / Loyola University Chicago School of Law, Chicago, IL, July 8, 2016  
“Scarcity of Attention in a World without Copyright” (paper presentation)
- Junior Intellectual Property Scholars Association Spring Workshop, University of New Hampshire Law, Concord, NH, June 10, 2016  
“Valuing Residual Goodwill After Trademark Abandonment” (paper presentation)
- 2016 Law and Society Annual Meeting, New Orleans, LA, June 3, 2016  
“Are Trademarks Ever Fanciful?” (paper presentation)
- Seventh Annual INTA Trademark Scholarship Symposium, Orlando, FL, May 24, 2016  
“Valuing Residual Goodwill After Trademark Abandonment” (paper presentation)
- Tech Law & Policy Colloquium, Georgetown University Law Center, Washington, D.C., April 18, 2016  
“Are Trademarks Ever Fanciful?” (paper presentation)
- 7th Annual IP Symposium, Florida Bar Association Business Section, Orlando, FL, April 8  
“Trademarks – Year in Review” (bar presentation)
- Faculty Brown Bag, University of Kentucky College of Law, Lexington, KY, March 7, 2016  
“Are Trademarks Ever Fanciful?” (paper presentation)
- University of Kentucky Sports & Entertainment Law Society, University of Kentucky College of Law, Lexington, KY, March 7, 2016  
“Athletes and the Right of Publicity” (presentation to students)
- Works in Progress: Intellectual Property, University of Washington, Seattle, WA, February 19, 2016  
“Are Trademarks Ever Fanciful?” (paper presentation)
- Junior Intellectual Property Scholars Association Works-in-Progress, Florida International University College of Law, Miami, FL, February 1, 2016  
“Are Trademarks Ever Fanciful?” (paper presentation)
- J. Reuben Clark Law Society Faculty Group Conference, New York, NY, Jan. 6, 2016,  
“Are Trademarks Ever Fanciful?” (paper presentation)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL, Nov. 16, 2015  
“Trademark Forfeiture and Residual Goodwill” (paper presentation)

## **Presentations (Continued)**

- 4th Annual Trademark Works-in-Progress, American University College of Law, Washington, D.C., November 13, 2015  
“Trademark Forfeiture and Residual Goodwill” (paper presentation)
- 15th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 7, 2015  
“Trademark Forfeiture and Residual Goodwill” (paper presentation)
- 2015 Annual Meeting, Law & Society Association, Seattle, WA, May 30, 2015  
“Semantic Shift and Trademark Expiration” (paper presentation)
- 17th Annual Faculty Conference, The Federalist Society for Law & Public Policy Studies, Washington, D.C. January 3, 2015  
“Mangling Metaphors in Trademark Law” (paper presentation)
- 7th Annual Junior Scholars-in-Intellectual Property Workshop, Michigan State University, East Lansing, MI, October 18, 2014  
“The Death of De Facto Secondary Meaning” (presented by commentators)
- Hofstra University IP Colloquium, Hofstra University School of Law, Hempstead, NY, October 6, 2014  
“Constitutional Infrastructure” (paper presentation)
- 2d Thematic Conference on Knowledge Commons, NYU School of Law, New York City, NY, September 5-6, 2014  
“Constitutional Infrastructure” (paper presentation)
- 14th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law, Berkeley, CA, August 7-8, 2014  
“The Death of De Facto Secondary Meaning” (paper presentation)
- Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA, Mar. 28, 2014  
“Semantic Shift and Trademark Incapacity” (paper presentation)
- Works in Progress: Intellectual Property, Santa Clara University School of Law, Santa Clara, CA, Feb. 8, 2014  
“Semantic Shift and Trademark Incapacity” (paper presentation)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL, Nov. 4, 2013  
“Semantic Shifts in Trademark Law” (paper presentation)
- Fourth Annual Constitutional Law Colloquium, Loyola University of Chicago School of Law, Chicago, IL, Nov. 1-2, 2013  
“Constitutional Infrastructure” (paper presentation)

## **Presentations (Continued)**

- 13th Annual Intellectual Property Scholars Conference, Cardozo Law School, New York City, NY, August 8-9, 2013  
“Constitutional Infrastructure” (paper presentation)
- Works in Progress: Intellectual Property, Seton Hall Law School, Newark, NJ, Feb. 22, 2013  
“Speech and Progress Institutions” (paper presentation)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL, Nov. 6, 2012  
“Speech and Progress Institutions” (paper presentation)
- Legal Scholarship Workshop, Northwestern University Law School, Chicago, IL, Nov. 6, 2012  
“Speech and Progress Institutions” (paper presentation)
- Third Annual Constitutional Law Colloquium, Loyola University of Chicago School of Law, Chicago, IL, Nov. 2-3, 2012  
“Speech and Progress Institutions” (paper presentation)
- In re Books: A Conference on Law and the Future of Books, New York Law School, New York, NY, Oct. 26-27, 2012  
“In re Backlist” (moderator)
- 2012 Scholar’s Roundtable: Intellectual Property and the Constitution, University of New Hampshire College of Law, Concord, NH, Sept. 27-28, 2012  
“Speech and Progress Institutions” (paper presentation)
- University of Florida Levin College of Law, Gainesville, FL, Sept. 7, 2012  
“Trademark Owner as Adverse Possessor” (paper presentation)
- 12th Annual Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA, August 9, 2012  
“Cracks in the Edifice: A Copyright Critique of the Institutional First Amendment” (paper presentation)
- New Scholars Workshop, Southeastern Association of Law Schools, August 2, 2012  
“Cracks in the Edifice: A Copyright Critique of the Institutional First Amendment” (paper presentation)
- 5th Annual Junior Scholars Intellectual Property Workshop, Michigan State University College of Law, East Lansing, MI, May 30-31, 2012  
“Trademark Owner as Adverse Possessor” (presented by commentators)
- 2012 Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA, March 31, 2012  
“Trademark Owner as Adverse Possessor” (paper presentation)

## **Presentations (Continued)**

- Florida State University College of Law, Tallahassee, FL, February 7, 2012, “Should We Stop Online Piracy or Act to Stop the Online Piracy Act?” (presentation to students)
- Chicago Bar Association Young Lawyers Section IP Committee Hot Topics, Chicago, IL, January 4, 2012  
“The Copyright Implications of 3-D Printing, or the Adventures of Copyright Law in the Third Dimension” (bar presentation via Skype)
- The Future of Scholarly Publishing Symposium, Florida State University, Tallahassee, FL, October 28, 2011  
“If You Never Ask, the Answer is Always No: Making Something More of the ‘Standard’ Publication Contract” (lightning talk)
- Florida State University College of Law, Tallahassee, FL, October 6, 2011  
“Preparing for a Career in Intellectual Property” (presentation to students)
- 11th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 12, 2011  
“Controlled Transformation and the Alchemy of Trademark Protection” (paper presentation)
- 2d Annual International Trademark Association Trademark Symposium, 133rd INTA Annual Meeting, San Francisco, CA, May 16, 2011  
“Controlled Transformation and the Alchemy of Trademark Protection” (paper presentation)
- 6th Annual International Conference on Contracts, Stetson Law School, Gulfport, FL, February 19, 2011 (moderator)
- Brigham Young University College of Law, Provo, UT, November 4, 2010  
“Dangerous Liaisons: How Dissemination Dynamics Support a Limited Right of First Online Publication” (paper presentation)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL, October 11, 2010  
“Dangerous Liaisons: How Dissemination Dynamics Support a Limited Right of First Online Publication” (paper presentation)
- Health Law Professors Conference of the American Society of Law, Medicine and Ethics, Case Western Law School, Cleveland, OH, June 6, 2009  
“Teaching to the Heart” (plenary panel presentation)
- Annual Meeting of Law and Society Association, Denver, CO, May 30, 2009 “Dangerous Liaisons: How Social Networks Theory Supports a Limited Right of First Online Publication” (paper presentation)
- Annual Meeting of Law and Society Association, Denver, CO, May 29, 2009 “Copyright Law as First Amendment Institution: What the Traditional Contours of Copyright Law Can Teach About the Institutional Approach to First Amendment Jurisprudence” (paper presentation)



## **Presentations (Continued)**

- Joint Annual Meetings of Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada, May 29, 2008  
“The Kidney Donor Scholarship Act: How College Scholarships Can Provide Financial Incentives for Kidney Donation While Preserving Altruistic Meaning” (paper presentation)
- Joint Annual Meetings of Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada, June 1, 2008  
Biotechnology, Bioethics, and the Law—Race and the Double Bind of Inclusion (moderator)
- The University of Chicago Law School, Chicago, IL, April 3–4, 2008  
Contested Commodities: Reframing the Debate on Financial Incentives in the Supply of Genetic Materials (moderator)
- Society for the Interdisciplinary Study of Social Imagery, Colorado Springs, CO, March 9–11, 1995  
“Ghost: Ms. Pac-Man as Metaphorical Violence in an Electronic Workforce” (paper presentation)

## **PRIOR LEGAL EXPERIENCE**

### **The Honorable M. Margaret McKeown,**

**U.S. Court of Appeals for the Ninth Circuit, San Diego, CA**

*Clerk*

August 2009 – July 2010

### **Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP, Chicago, IL**

*Associate*

September 2008 – July 2009

*Summer Associate*

June 2007 – August 2007

- Trademark and copyright litigation before the Northern District of Illinois and trademark litigation before the Trademark Trial and Appeal Board

### **Professor Lisa Bernstein, University of Chicago Law School, Chicago, IL**

*Lead Research Assistant*

June 2006 – May 2007

## **LANGUAGES**

- Haitian Creole (proficient)