

# Michael V. Risch

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## Education:

- 10/95-6/98     **The Law School, University of Chicago.** J.D. degree with high honors. Olin Fellow in Law and Economics. Bradley Fellow in Law and Economics. Order of the Coif.
- 9/88-6/92     **Stanford University.** A.B. degree with honors and distinction in Public Policy and with distinction in Quantitative Economics. Received Official National Merit Scholarship.

## Academic Experience:

- 6/07-present     **Associate Professor of Law and Project Director - Entrepreneurship, Innovation and Law Program, West Virginia University College of Law.**  
*Classes taught:* Patent Law, Cyberlaw, Entrepreneurship Law Clinic, Entrepreneurship Law (seminar), IP Practicum  
*Primary Committees:* Academic Planning, Appointments  
*Faculty Advisor:* Entrepreneurship Law Clinic, Digital Entrepreneurship (law review) symposium, Pilot International Trade Commission externship, Intellectual Property Law Students Association, Jewish Law Students Association  
*AALS Service:* Advisory Committee, Section on Law & Computers
- 7/06-7/07     **Olin Fellow in Law, Stanford Law School.** National fellowship.

## Publications:

(citations hyperlinked to SSRN where available: <http://ssrn.com/author=582820>)

Trade Secret Law and Information Development Incentives, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TRADE SECRECY (Rochelle Cooper Dreyfuss and Katherine Strandburg, eds., forthcoming chapter).

Patent Challenges and Royalty Inflation, 85 [Indiana L.J.](#) (forthcoming 2009)

Virtual Rule of Law, 111 W. Va. L. Rev. (forthcoming 2009 symposium issue)

Virtual Third Parties, [25 Santa Clara Computer & High Tech. L.J. 415](#) (2009)

Comments on Trade Secrets in High Velocity Labor Markets, [12 Emp. Rights and Emp't Pol. J. 339](#) (2009)

Everything is Patentable, [75 Tenn. L. Rev. 591](#) (2008)

The Failure of Public Notice in Patent Prosecution, [21 Harv. J. L. & Tech. 179](#) (2007)

Why Do We Have Trade Secrets?, [11 Marquette Int. Prop. L. Rev. 1](#) (2007)

How Can *Whelan v. Jaslow* and *Lotus v. Borland* Both be Right? Re-Examining the Economics of Computer Software Reuse, [17 J. Marshall J. Comp. & Info. Law 511](#) (1999)

Virtual Reality - A Legal Overview, with Jack Russo ([chapter](#) in Computer Software treatise by Clark Boardman Callaghan) (1995)

## **Other Relevant Experience:**

- 7/98-present **Russo & Hale LLP**, Palo Alto, California.  
Of Counsel (June 2006-), Partner (2003-2006), Associate (1998-2002). Advanced practice in intellectual property and complex business litigation, including trial; arbitration; appeals; motion practice; mediation; discovery; ADR neutral; intellectual property protection, auditing, and risk analysis; licensing negotiation and drafting.
- 3/93-present **Owner/Consultant, Risch Consulting.**  
Consulting business in computer software and hardware design, installation, and support. Published commercial encryption program for popular electronic mail program. Developed law firm web portal and provided support to other programmers.

## **Other Writings:**

Guest blogger, Prawfsblawg, <http://prawfsblawg.blogs.com/> (Oct. 2008). Several posts on financial crisis and bailout, academic research, and patentable subject matter.

“The Idea’s the Thing,” Legal Times (May 12, 2008) (Op-Ed re patentable subject matter).

Amicus Curiae Brief of 22 Law and Business Professors in Support of Appellants: In Re Bernard L. Bilski and Rand A. Warsaw, No. 08/833, 892 in the United States Court of Appeals for the Federal Circuit (April 7, 2008), with John Allison, Mark A. Lemley, R. Polk Wagner.

Intellectual Property Law Updates, editor, for National Business Institute seminar (2008).

Advanced Programming for Novell Groupwise (technical manual), with three others, for Novell, Inc. (2002).

Law of the Internet in California, with Jack Russo and John Kelley, for National Business Institute seminar (2001).

“Copyright Protection for Virtual Realities: Brave New World Emerges,” with Jack Russo, National Law Journal (October 17, 1994).

Federal Anti-Poverty Job Training: Problems in the Past and Hope for the Future. Public Policy Departmental Honors Thesis (1992).

Juvenile Crime in San Mateo County: 1989 Report, for Criminal Justice Council of San Mateo County (1990).

## **Memberships:**

California State Bar (IP Section)  
West Virginia State Bar (IP Committee)  
American Bar Association (IP Section)  
American Association of Law Schools (Section on Intellectual Property)  
American Intellectual Property Law Association  
San Francisco Bay Area Intellectual Property Inns of Court (until 2007)  
Stanford Intellectual Property Litigation Clearinghouse – member, Trade Secrets Working Group

## **Presentations and Conferences:**

*Trade Secret Law and Information Development Incentives*, NYU Law School, Feb. 2009

*Entrepreneurship Law Clinic*, WV Cheat Lake Rotary Club, Dec. 2008

*Everything is Patentable*, Bauer Lecture Series workshop, Cardozo Law School, Nov. 2008

*Entrepreneurship Law Clinic*, WV Young Entrepreneur Support Network, Nov. 2008

*Work/Life Balance*, panel speaker, WVU College of Law, Oct. 2008

*Cyberlaw Update: How the Law is Changing*, WV CLE presentation, Oct. 2008

*Understanding the Current Financial Crisis*, panel speaker, WVU College of Law, Oct. 2008

*Virtual Third Parties*, presentation at Faculty Colloquia, WVU College of Law, Sept. 2008

*West Virginia Computer Crimes*, presentation at WV Homeland Security Summit, June 2008

*Everything is Patentable*, presentation at Faculty Colloquia, WVU College of Law, Feb. 2008

*Orientation Address*, High School Minority Law Day, WVU College of Law, Feb. 2008

*Trade Secrets in High Velocity Labor Markets*, 2008 AALS Conferences, Section of Law & Economics, invited commentator, January 2008

*Everything is Patentable*, presentation at WIPIP Conference, American U. Law School, Sept. 2007

*Everything is Patentable*, presentation at IP Scholars Conference, DePaul Law School, August 2007

*“What If’s” Conference* – Michigan State University, conference fellow, March 2007

*Trade Secret Roundtable*, Berkeley Center for Law & Technology, invited participant, October 2006

*Why Do We Have Trade Secrets?*, Lunch presentation for Santa Clara University Law School, October 2006

*American Inns of Court* – Bay Area Intellectual Property chapter - several presentations, mock hearings, and panel discussions on intellectual property issues, 1998-2007

*Law of the Internet* - Seminar for National Business Institute, with others, 2001

*New Legal Problems for the Internet Age* - Alameda County Bar Association Intellectual Property & Computer Law Committee, 2001

*Wireless Law Offices* - TechLaw Institute, 2001

*Economics of Copyright and Computer Software* - Lunch presentation for Santa Clara University Law School, 2000

*Cyberspace Law School* - Co-presented trade secret session for Glasser Legal Works, 2000, 2001