Stanford



# Mark Lemley

William Neukom Professor of Law and Senior Fellow at the Stanford Institute for Economic Policy Research

Stanford Law School

Curriculum Vitae available Online  Resume available Online

## Bio

### BIO

Mark Lemley is the William H. Neukom Professor of Law at Stanford Law School and the Director of the Stanford Program in Law, Science and Technology. He is also a Senior Fellow at the Stanford Institute for Economic Policy Research and is affiliated faculty in the Symbolic Systems program. He teaches intellectual property, patent law, trademark law, antitrust, the law of robotics and AI, video game law, and remedies. He is the author of 11 books and 218 articles, including the two-volume treatise IP and Antitrust. His works have been cited more than 300 times by courts, including 19 times by the United States Supreme Court, and more than 40,000 times in books and academic articles, making him the most-cited scholar in IP law and one of the ten most cited legal scholars of all time. He has published 9 of the 100 most-cited law review articles of the last twenty years, more than any other scholar, and is the third most cited legal scholar in the world from 2016-2020. His articles have appeared in 24 of the top 25 law reviews and in top journals in other fields, including Nature Biotechnology, the American Economic Review, the Review of Economics and Statistics, and the Harvard Business Review, and in multiple peer-reviewed and specialty journals. They have been reprinted throughout the world and translated into Chinese, Danish, Japanese, Korean, Italian, Portuguese, and Spanish. He has taught IP law to judges at numerous Federal Judicial Center and ABA programs, has testified eight times before Congress, and has filed more than 70 amicus briefs in the U.S. Supreme Court and other courts.

Mark is of counsel at the law firm Lex Lumina. He litigates and counsels clients in all areas of intellectual property, antitrust, and internet law. He has argued 30 federal appellate cases and numerous district court cases as well as before the California Supreme Court. He has participated in more than three dozen cases in the United States Supreme Court as counsel or amici. His client base is diverse and has included Genentech, Dykes on Bikes, video game companies, artists, computer scientists, and nearly every significant Internet company.

Mark cofounded Lex Machina, Inc., a startup company that provides litigation data and analytics to law firms, companies, courts, and policymakers. Lex Machina was acquired by Lexis in December 2015.

Mark has been named California Lawyer's Attorney of the Year twice. He received the California State Bar's inaugural IP Vanguard Award. He won the 2018 World Technology Award for Law. In 2017 he received the P.J. Federico Award from the Patent and Trademark Office Society. Back when he was young, he was named a Young Global Leader by the Davos World Economic Forum and Berkeley Law School's Young Alumnus of the Year. He has been recognized as one of the top 50 litigators in the country under 45 and one of the 25 most influential people in IP by American Lawyer, one of the 100 most influential lawyers in the nation by the National Law Journal, and one of the 10 most admired attorneys in IP by IP360. He is a member of the American Academy of Arts and Sciences, the American Law Institute, and the IP Hall of Fame.

Mark clerked for Judge Dorothy Nelson on the United States Court of Appeals for the Ninth Circuit and has practiced law with Brown & Bain, Fish & Richardson, Keker & Van Nest, and Durie Tangri. He has previously taught at Berkeley Law School and the University of Texas School of Law. In his spare time, Mark enjoys cooking, travel, yoga, and video games (at this writing, Zelda: Tears of the Kingdom).

### ACADEMIC APPOINTMENTS

- Professor, Stanford Law School
- Senior Fellow, Stanford Institute for Economic Policy Research (SIEPR)
- Faculty Affiliate, Institute for Human-Centered Artificial Intelligence (HAI)
- Member, Wu Tsai Neurosciences Institute

### PROGRAM AFFILIATIONS

- Public Policy
- Symbolic Systems Program

## Research & Scholarship

### CURRENT RESEARCH AND SCHOLARLY INTERESTS

intellectual property, Internet, and antitrust law; law and AI/robotics

## Teaching

### COURSES

**2026-27**

- Intellectual Property: Trademarks: LAW 4012 (Spr)
- Remedies: LAW 7038 (Win)

**2025-26**

- Intellectual Property: Patents: LAW 4010A (Spr)
- Intellectual Property: Trademarks: LAW 4012 (Aut)
- Policy Practicum: Private Antitrust Enforcement Remedies: LAW 810H (Win, Spr)
- Video Game Law: LAW 4029 (Spr)

**2024-25**

- Introduction to Intellectual Property: LAW 4005 (Win)
- Video Game Law: LAW 4029 (Aut)

**2023-24**

- Intellectual Property and Antitrust Law: LAW 4006 (Aut)
- Intellectual Property: Trademarks: LAW 4012 (Aut)

### STANFORD ADVISEES

**Doctoral Dissertation Advisor (AC)**

Wanjiku Karanja, Krista Koskivirta

## Publications

### PUBLICATIONS

- **ANTICOMPETITIVE DIRECTORS** *COLUMBIA LAW REVIEW*
  Miles, L., Lemley, M. A., Van Loo, R.
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- **The Mirage of Artificial Intelligence Terms of Use Restrictions** *INDIANA LAW JOURNAL*
  Henderson, P., Lemley, M. A.
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- **COOPTING DISRUPTION** *BOSTON UNIVERSITY LAW REVIEW*
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- **Free the Market: How We Can Save Capitalism from the Capitalists** *HASTINGS LAW JOURNAL*
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- **Design Patents Aren't Patents (And It's a Good Thing Too)** *GEORGE WASHINGTON LAW REVIEW*
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- **Illegal interlocks among life science company boards of directors.** *Journal of law and the biosciences*
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- **MYTHS AND REALITY OF PATENT LAW AT THE SUPREME COURT** *BOSTON UNIVERSITY LAW REVIEW*
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- **THE EXCLUSIVE RIGHT TO CUSTOMIZE?** *BOSTON UNIVERSITY LAW REVIEW*
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- **Trademark Spaces and Trademark Law's Secret Step Zero** *STANFORD LAW REVIEW*
  Lemley, M. A., Mckenna, M. P.
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- **FIRST AMENDMENT NEGLECT IN SUPREME COURT INTELLECTUAL PROPERTY CASES** *SUPREME COURT REVIEW*
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- **THE BENEFIT OF THE BARGAIN** *WISCONSIN LAW REVIEW*
  Lemley, M. A.
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- **Trademark Spaces and Trademark Law's Secret Step Zero** *STANFORD LAW REVIEW*
  Lemley, M. A., Mckenna, M. P.
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- **Editorial: Scarcity, regulation, and the abundance society.** *Frontiers in research metrics and analytics*
  Desai, D. R., Lemley, M. A.
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- **Interfaces and Interoperability After Google v. Oracle** *TEXAS LAW REVIEW*
  Lemley, M. A., Samuelson, P.
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- **DISAPPEARING CONTENT** *BOSTON UNIVERSITY LAW REVIEW*
  Lemley, M. A.
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- **Does Alice Target Patent Trolls?** *JOURNAL OF EMPIRICAL LEGAL STUDIES*
  Lemley, M. A., Zyontz, S.
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- **THE SPLINTERNET** *DUKE LAW JOURNAL*
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- **Abandoning Trade Secrets** *STANFORD LAW REVIEW*
  Hrdy, C. A., Lemley, M. A.
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- **Chief Justice Webster** *IOWA LAW REVIEW*
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- **WITHOUT PREAMBLE** *BOSTON UNIVERSITY LAW REVIEW*
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- **UNFAIR DISRUPTION** *BOSTON UNIVERSITY LAW REVIEW*
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- **Can a Court Change the Law by Saying Nothing?** *VANDERBILT LAW REVIEW*
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- **IS PATENT ENFORCEMENT EFFICIENT?** *BOSTON UNIVERSITY LAW REVIEW*
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- **FUNCTIONALITY SCREENS** *VIRGINIA LAW REVIEW*
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- **Is Pepsi Really a Substitute for Coke? Market Definition in Antitrust and IP** *CAMBRIDGE HANDBOOK OF ANTITRUST, INTELLECTUAL PROPERTY, AND HIGH TECH*
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- **THE SURPRISING VIRTUES OF TREATING TRADE SECRETS AS IP RIGHTS** *STANFORD LAW REVIEW*
  Lemley, M. A.
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- **Categorical analysis in antitrust jurisprudence** *IOWA LAW REVIEW*

Lemley, M. A., Leslie, C. R.
2008; 93 (4): 1207-1270

- **Rethinking patent law's presumption of validity** *STANFORD LAW REVIEW*
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- **Grounding trademark law through trademark use** *IOWA LAW REVIEW*
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- **Patent holdup and royalty stacking** *TEXAS LAW REVIEW*
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- **Should patent infringement require proof of copying?** *MICHIGAN LAW REVIEW*
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