

Hillary Greene

Zephaniah Swift Professor of Law

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EDUCATION

Yale Law School. J.D. 1997.

Nonprofit Organizations Clinic, Student Director. 1996-97.

YALE JOURNAL ON REGULATION, Articles Editor. 1995.

Yale College. B.A. Economics and Political Science. 1990.

Summa Cum Laude, Phi Beta Kappa, Distinction in Economics and Political Science.

John C. Schroeder Award, Yale undergraduate prize honoring contribution to residential college life. 1989.

EXPERIENCE

University of Connecticut School of Law. Hartford, CT.

Zephaniah Swift Professor of Law (2016-present); Professor of Law (2011-2016); Associate Professor of Law (2007- 2011)

- Intellectual Property and Entrepreneurship Law Clinic: Inaugural Director (August 2007- August 2012) & Faculty Director (August 2012- May 2013)
- Research interests include: animal law, antitrust/competition policy, First Amendment law, innovation, and intellectual property (with a particular emphasis on patent law)
- In addition to serving as the Inaugural Director of the Intellectual Property and Entrepreneurship Law Clinic, faculty service includes being chair of the Faculty Appointments (FAC) Committee; chair of the Promotion, Tenure, Reappointment (PTR) Committee (the FAC and PTR are the only two committees that are elected by the faculty); and Co-Chair of the Workshop Committee. Other service includes serving as faculty advisor to the UConn Law Review's symposium, *Privacy, Security and Power: The State of Digital Surveillance*.

University of California, Berkeley. Berkeley, CA.

Senior Visiting Scholar, UC Berkeley School of Law, 2013-2014.

Visiting Scholar, UC Berkeley School of Engineering (Fung Institute), 2013-2014.

University of Utah, S.J. Quinney College of Law. Salt Lake City, UT.

Associate Professor of Law, July 2005-June 2007.

Harvard Law School. Cambridge, MA.

Visiting Researcher, 2004-2005.

Visiting Scholar, 2015-2016.

University of Pennsylvania Law School. Philadelphia, PA.
Visiting Scholar, 2003-2004.

Federal Trade Commission: Office of the General Counsel, Policy Studies. Washington, DC.

- Project Director for Intellectual Property, 2002-2003.
- Acting Deputy Assistant General Counsel for Policy Studies, 2001-2002.
- Staff Attorney, 2000-2001 (previously the Office of Policy Planning).

Project Director for the FTC/DOJ Public Hearings, *Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy* (2002) and FTC Report, TO PROMOTE INNOVATION: THE PROPER BALANCE OF COMPETITION AND PATENT LAW AND POLICY (2003). I served as both a principal organizer of the hearings and principal author of the report. Project members received the FTC's Outstanding Team Effort Award (2003).

A principal organizer of the FTC's Public Workshops: *Competition Policy in the World of B2B Electronic Marketplaces* (2000) and *Emerging Issues for Competition Policy in the World of E-Commerce* (2001) and a principal author of the FTC's Report based on the B2B Electronic Marketplaces workshop.

Cahill Gordon & Reindel. New York, NY.
Litigation Associate, 1998-2000.
Practice Areas: Antitrust, First Amendment and Defamation.

NSF GRANT

Co-PI on NSF Grant: "The Reach of the Visible Hand: Government Acknowledgments in US Patents and Technological Change, 1975-2015" (co-PI Lee Fleming, UC Berkeley Engineering) (awarded August 2015).

WORKS-IN-PROGRESS

The Architecture of Legal Consistency (working paper). Presented at University of Virginia School of Law (March 2016), University of California Berkeley School of Law's Law and Economics Workshop (March 2014) and the "Next Generation of Antitrust Scholarship Conference" (January 2012) (co-sponsored by NYU School of Law, AALS – Antitrust and Trade Regulation Section, and the ABA – Antitrust Section).

PUBLICATIONS

ARTICLES & BOOK CHAPTERS

Informing Dissent (with Dennis A. Yao), 16 LAW CULTURE AND THE HUMANITIES 200 (2020).

Government-Funded Research Increasingly Fuels Innovation, 364 SCIENCE 1139 (2019) (with Lee Fleming, Guan-Chen Li, Matt Marx, Dennis Yao).

Antitrust as Speech Control (with Dennis A. Yao), 60 WILLIAM AND MARY LAW REVIEW 1215 (2019).

Navigating Natural Monopolies: Market and Non-Market Strategy in the Radio and Television Ratings Markets (with Dennis A. Yao) in STRATEGY BEYOND MARKETS, 34 ADVANCES IN STRATEGIC MANAGEMENT 367 (2016).

Merging Innovation into Antitrust Agency Enforcement of the Clayton Act (with Richard J. Gilbert), 83 GEORGE WASHINGTON L. REV. 1919 (2015).

Judicial Treatment of the Antitrust Treatise (with D. Daniel Sokol), 100 IOWA L. REV. 2039 (2015).

Muzzling Antitrust: Information Products, Innovation and Free Speech, 95 BOSTON UNIVERSITY LAW REVIEW 35 (2015).

Reprinted in FIRST AMENDMENT LAW HANDBOOK (ed. Rodney A. Smolla) (2015-2016).

Selected for presentation at the following conferences:

14th Annual Intellectual Property Scholars Conference (August 2014) (U.C. Berkeley School of Law)

Freedom of Expression Scholars Conference II (May 2014) (Yale Law School)

14th Annual Loyola Antitrust Colloquium (April 2014) (Loyola University Chicago School of Law)

Next Generation of Antitrust Scholarship Conference (January 2014) (NYU/AALS/ABA)

N.B. Previously titled, *Information Product Redesign as Commercial Expression: Antitrust Treatment of Speech and Innovation*

The Influence of Strategic Management on Antitrust Discourse (with Dennis A. Yao), 59 ANTITRUST BULLETIN 789 (2014).

Non-Per Se Treatment of Buyer Price-Fixing in Intellectual Property Settings, 2011 DUKE LAW & TECHNOLOGY REVIEW 004.

Patent Pooling Behind the Veil of Uncertainty: Antitrust, Competition Policy, and the Vaccine Industry, 90 BOSTON UNIVERSITY LAW REVIEW 1397 (2010).

Antitrust Censorship of Economic Protest, 59 DUKE LAW JOURNAL 1037 (2010).

Reflections on the Antitrust Implications of Expressive Boycotts, Vol. 33 No. 3 THE CRIV SHEET 3 (2011) (summary version of *Antitrust Censorship of Economic Protest*).

Guideline Institutionalization: The Role of Merger Guidelines in Antitrust Discourse, 48 WILLIAM AND MARY LAW REVIEW 771 (2006).

Articulating Trade-Offs: The Political Economy of State Action, 2006 UTAH LAW REVIEW 827.

Reprinted in STATE ACTION IMMUNITY: A POLITICO-LEGAL STUDY (Amicus Books 2008).

Policy Implications of Weak Patent Rights (with James J. Anton & Dennis A. Yao) in INNOVATION POLICY AND THE ECONOMY (VOL. 6) 1 (Adam Jaffe *et al.* eds., National Bureau of Economic Research, MIT Press 2006).

Agency Character and the Character of Agency Guidelines: An Historical and Institutional Perspective, 72 ANTITRUST LAW JOURNAL 1039 (2005).

Competition Perspectives on Patent Law Substance and Procedure: An Overview of the FTC/DOJ Hearings and the FTC Report, v. 18 n. 2 ANTITRUST 34 (2004).

Afterword: The Role of the Competition Community in the Patent Law Discourse, 69 ANTITRUST LAW JOURNAL 841 (2002).

Antitrust Guideposts for B2B Electronic Marketplaces (with Gail F. Levine), v. 15 n. 1 ANTITRUST 26 (2000).

Content-Based Damages in Newsgathering Cases (with Floyd Abrams), 1999 LIBEL DEFENSE RESOURCE CENTER BULLETIN, No. 3, Part II, 41.

Undead Laws: The Use of Historically Unenforced Criminal Statutes in Non-Criminal Litigation, 16 YALE LAW & POLICY REVIEW 169 (1997).

Medicine and Law: Selected Recent Developments (with Michael R. Ragan), 27 TORT & INSURANCE LAW JOURNAL 349 (1992).

BUSINESS SCHOOL CASES

Rebooting the U.S. Patent and Trademark Office (with Dennis A. Yao) (Harvard Business School Case) (June 2015, revised March 2017).

Jaipur Literature Festival – Beyond the Festival Template (with Tarun Khanna, Dennis A. Yao, Amrita Chowdhury) (Harvard Business School Case) (November 2011, revised March 2014).

POPULAR PRESS

The Coming Petdemic, OZY.com (Dec. 22, 2020), available at <https://www.ozy.com/news-and-politics/the-coming-petdemic/410462/>

Our Pets Might Not Be Able to Spread the Coronavirus to People—But What if They Could?, HARTFORD COURANT (May 11, 2020).

This Seems Like a Great Time to Raise a Puppy—But is it?, HARTFORD COURANT (March 28, 2020).

The Black Box Impeachment: Turning Citizens into Subjects, HARTFORD COURANT (Jan. 28, 2020).

What Will Each Senator Say About Trump? We Deserve to Know (with Floyd Abrams & Melissa H. Maxman), NEW YORK TIMES (Jan. 16, 2020), available at <https://nyti.ms/38cFCTN>

Weighing Google's Antitrust Defenses, WALL STREET JOURNAL (Oct. 1, 2015).

Prior-Restraint Fight in Connecticut: Privacy Versus the Right to Know, Op-Ed, NATIONAL LAW JOURNAL (Dec. 8, 2014).

Legal Help for Entrepreneurs (with Jeffrey Iris), Guest Column, CONNECTICUT LAW TRIBUNE (March 10, 2008).

TEACHING EXPERIENCE

Animal Welfare and Human Self-Interest: The Case of Pandemics
Antitrust
Innovation and the Law
Intellectual Property Survey
Patent Law
Speech, Society and the First Amendment
Technology, Innovation and Intellectual Property Workshop
Topics in Antitrust

PRESENTATIONS, CONFERENCES, SYMPOSIA

National Academies of Science, Washington DC, October 2019.
Committee on Science, Technology and Law: Social Media, Public Understanding, and Democratic Institutions
Presentation: *Antitrust to the Rescue?*

Southeastern Association of Law Schools, Fort Lauderdale, August 2018.
Panelist, Hipster Antitrust.

Am. Bar Assoc. Antitrust Section. Washington, DC.
Spring Meeting, 66th Annual ABA Section of the Antitrust Law, April 2018.
Moderator: Antitrust in a Time of Economic Populism.

William & Mary Law School. Williamsburg, VA.
WILLIAM & MARY LAW REVIEW Symposium, Antitrust and the Constitutional Order, February 2018.
Presentation, *Antitrust as Speech Control*.

University of Connecticut School of Law, Hartford, CT.
CONNECTICUT LAW REV. Symposium, Privacy, Security & Power: The State of Digital Surveillance, January 2017.
Moderator, Panel 3: Data Collection and the Regulatory State (and faculty advisor to symposium).

Am. Assoc. Law Schools. San Francisco, CA.
Annual Meeting, Section of Antitrust and Economic Regulation, January 2017.
Moderator, anti-I-trust – The Centrality of Innovation to the Competition Discourse.

Am. Bar Assoc. Antitrust Section.
Intellectual Property Licensing Guidelines: A Fireside Chat with Rich Gilbert, December 2016.
Moderator.

University of Connecticut School of Law. Hartford, CT.
Q. & A. with US DOJ Antitrust Division DAAG for Civil Enforcement Juan A. Arteaga, October 2016
Co-Moderator (with Michael A. Kurs)

New York State Bar Association – Antitrust Section. New York City, NY.
Presentation, *Muzzling Antitrust: Information Product Redesign, Innovation & Free Speech*, May 2016.

64th Annual ABA Section of the Antitrust Law
Panelist, Chair's Showcase – Examining the Per Se Rule, April 2016.

University of Virginia School of Law. Charlottesville, VA.
Presentation, *The Architecture of Legal Consistency*, March 2016.

NYU School of Law. New York City, NY.
The Next Generation of Antitrust Scholarship Conference, January 2016.
Commentator, *Pre-Competition*.

University of Maryland School of Law. Baltimore, MD.
J. BUS. & TECH. L. Symposium, The Impact of the First Amendment on American Businesses,
March 2015.
Presentation, *Muzzling Antitrust: The First Amendment as a Defense to Anticompetitive Information
Product Redesign*.

Am. Assoc. Law Schools. Washington, DC.
Annual Meeting, Co-Sponsoring Sections – Antitrust and Economic Regulation & Law Medicine and
Health Care, January 2015.
Moderator, Competition Policy on Health Care.

Boston University School of Law. Boston, MA.
Intellectual Property Speaker Series, December 2014.
Presentation, *Information Product Redesign as Commercial Expression: Antitrust Treatment of Speech and
Innovation*.

George Washington School of Law. Washington, D.C.
The FTC at 100: Centennial Commemorations and Proposals for Progress, November 2014.
Presentation, *Revealed Preference of Enforcement Agencies: Determinants of Decisions to Challenge
Mergers that Affect Innovation*.

University of Iowa College of Law. Iowa City, IA.
Iowa Law Review Symposium Honoring Herbert Hovenkamp, October 2014.
Presentation, *Antitrust's Marginalist Revolution*.

University of California Berkeley School of Law. Berkeley, CA.
14th Annual Intellectual Property Scholars Conference, August 2014.
Presentation, *Information Product Redesign as Commercial Expression: Antitrust Treatment of Speech and
Innovation*.

Yale Law School. New Haven, CT.
Freedom of Expression Scholars Conference II, May 2014.
*Information Product Redesign as Commercial Expression: Antitrust Treatment of Speech and
Innovation*.

Loyola University Chicago School of Law. Chicago, IL.
14th Annual Loyola Antitrust Colloquium, April 2014.
Presentation, *Information Product Redesign as Commercial Expression: Antitrust Treatment of Speech
and Innovation*.

University of California Berkeley School of Law. Berkeley, CA.
Law and Economics Workshop, March 2014.
Presentation, *The Architecture of Legal Consistency*.

NYU School of Law. New York City, NY.
The Next Generation of Antitrust Scholarship Conference, January 2014.
Presentation, *Anticompetitive Speech and Innovation*.

Am. Assoc. Law Schools. NYC, NY.
Annual Meeting, Antitrust and Economic Regulation Section Session, January 2014.
Panelist, *Old Agency in a New Bottle? Contemplating the 100th Birthday of the Federal Trade Commission*.

International Issues Relating to Pro-Innovation Patent Systems and Competition Policy. Nagoya, Japan.
Nagoya University Graduate School of Law, February 2013.
Presentation, *The Role of the Competition Community in Promoting Innovation*.

Fuel Cell Seminar and Exposition. Uncasville, Connecticut.
Business Services and Export Workshop Session, November 2012.
Presentation, *Observations for Protecting Intellectual Property*.

American Antitrust Institute. Washington, DC.
AAI 13th Annual Conference: Civil Liberties and Competition Policy, June 2012.
Panelist, The Liberties and Risks of Collective Entities.

NYU School of Law, New York City, NY.
The Next Generation of Antitrust Scholarship Conference, January 2012.
Presentation, *The Architecture of Legal Consistency*.

Loyola University Chicago School of Law, Chicago, IL.
11th Annual Loyola Antitrust Colloquium, April 2011.
Discussant, Commenting on *Rabbinic Cartels*.

Benjamin N. Cardozo School of Law, NYC, NY. April 2011.
Some Modest Proposals 4.0: A Conference About Pouring Academic Ideas into Legislative Bottles.
Conference Fellow.

American Association of Law Libraries, Denver, CO.
103rd Annual Meeting, July 2010.
Presentation, *Antitrust Censorship of Economic Protest*.

Boston College Law School, Newton, MA.
Faculty Colloquium, February 2010.
Presentation, *Antitrust Censorship of Economic Protest*.

Seton Hall University School of Law, Newark, NJ.
Faculty Colloquium Series, February 2010.
Presentation, *Antitrust Censorship of Economic Protest*.

NYU School of Law, New York City, NY.
The Next Generation of Antitrust Scholarship Conference, January 2010.
Presentation, *Antitrust Censorship of Economic Protest*.

Boston University School of Law, Boston, MA.
Antitrust Conference in Honor of Joseph Brodley, September 2009.
Presentation, *Patent Pooling Behind the Veil of Uncertainty: Antitrust, Competition Policy, and the Vaccine Industry*.

Loyola University Chicago School of Law & British Institute of International and Comparative Law
Antitrust Marathon III: Antitrust and the Rule of Law, Cambridge, MA. April 2009.
Roundtable discussant.

Southwestern Law School, Los Angeles, CA.
Faculty Speaker Series, April 2009.
Presentation, *Antitrust Censorship of Economic Protest*.

Boston University School of Business, Boston, MA.
Federal Trade Commission – Into Our Second Century, October 2008.
Panelist.

University of Minnesota Law School, Minneapolis, MN.
Second Annual Intellectual Property Scholarship Roundtable, September 2008.
Presentation, *Buyer Price-Fixing, Intellectual Property & Innovation*.

Loyola University Chicago School of Law, Chicago, IL.
8th Annual Loyola Antitrust Colloquium, April 2008.
Discussant, Commenting on Government Prosecution of Monopolies.

University of Connecticut School of Law, Hartford, CT.
Insurance, Intellectual Property & Innovation Symposium, March 2008.
Co-organizer (with Tom Baker) of symposium.
Moderator, Panel on Business Method Patents and the Insurance Industry.

Am. Assoc. Law Schools, Washington, DC.
Annual Meeting, Session: Antitrust Limits on Patent and Copyright, January 2007.
Presentation, *Competitive Consequences of Boycotting Intellectual Property*.

Utah Appellate Judges Annual Conference, Moab, UT, April 2006.
Presentation, *Guideline Institutionalization: The Role of Merger Guidelines in Antitrust Discourse*.

Boston University School of Law, Boston, MA.
Law and Economics Workshop, March 2006.
Presentation, *Guideline Institutionalization: The Role of Merger Guidelines in Antitrust Discourse*.

University of Utah - S.J. Quinney College of Law, Salt Lake City, Utah.
Antitrust Symposium in Honor of John J. Flynn, February 2006.
Discussant, Commenting on Antitrust in Regulated Industries.

McGill University - Center for Intellectual Property Policy, Montreal, Canada.
Biotechnology and Intellectual Property: Restructuring for the Public Benefit, September 2005.
Presentation, *The Role of Ideas & Research in Patent Reform*.

Duke University. Durham, NC.
Collective Action and Proprietary Rights: Promoting Innovation and Access in Health Care,
March 2005.
Presentation, *Antitrust Awareness and the Design of Patent Pools*.

University of Pennsylvania Law School. Philadelphia, PA.
Faculty Ad Hoc Workshop, October 2004.
Presentation, *Guideline Institutionalization*.

Federal Trade Commission. Washington, DC.
90th Anniversary Symposium, September 2004.
Presentation, *The FTC's Role in the Development of Antitrust Guidelines*.

Rockefeller Foundation. Lake Cuomo, Italy.
Bellagio Frati Dialogue: Collective Management of Intellectual Property, November 2002.
Conference presentation, *Competition Perspectives on Patent Trade-offs*.

University of Texas School of Law. Austin, TX.
7th Annual Patent Law Institute, November 2002.
Presentation, *Antitrust Issues*.

American Intellectual Property Law Association. Washington, DC.
Annual Meeting, October 2002.
Discussant, *The Antitrust Patent Interface*.

Virginia State Bar Association. Wintergreen, VA.
September 2002.
Presentation, *Competition and Intellectual Property Law in the Knowledge-Based Economy*.

American Bar Association. Washington, DC.
Spring Meeting, April 2002.
Presentation, *The FTC/DOJ Hearings on Competition and Intellectual Property*.

TESTIMONY

- Connecticut State Legislature (Higher Education and Employment Advancement Committee)
- Provided oral and written testimony regarding Raised SB No. 1100 - An Act Establishing a Task Force to Study the Creation of Innovation Corps of New Business and Industry Leaders (March 2011)

ACADEMIC & PROFESSIONAL SOCIETIES, BOARD MEMBERSHIPS AND AWARDS

Connecticut Bar Foundation – James W. Cooper Foundation Fellow (2018-present)

American Association of Law Schools – Section on Antitrust & Economic Regulation

- Chair (2016)
- Executive Committee (2011-2016)

Wesleyan University Press

- Advisory Board (2013-2015)

American Antitrust Institute

- Advisory Board (2006-2010)

American Bar Association – Section of Antitrust Law

- ANTITRUST LAW JOURNAL (peer-reviewed journal published by the Antitrust Section of the American Bar Association)
 - Contributing Editor (2010-2018), (2006-2008); Senior Editor (2003-2006); Associate Editor (2002-2003); Assistant Editor (2001-2002)
- Retrospective Analysis Award Selection Committee (2013-2015)
- Section of Antitrust Law, Chair Spring Meeting Awards.
 - Special recognition for contributions to the Antitrust Law Journal (2002-2003)
 - Special recognition for contributions to the Antitrust Law Journal (2001-2002)

BAR MEMBERSHIPS

New York State, Southern District of New York, United States Supreme Court