

**SIMONE A. ROSE**  
Professor of Law  
Wake Forest University School of Law  
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## **EDUCATION**

*University of Maryland School of Law*, J.D. with honors (1989)

*University of Pennsylvania*, Philadelphia, PA  
B.S. in Mechanical Engineering (1981)

## **EMPLOYMENT**

*Wake Forest University School of Law*

Associate Dean for Intellectual Property and Innovation, July 2019-May 2021

Associate Dean for Innovation and Entrepreneurship, July 2016-July 2019

Professor of Law, July 1999 to present

Associate Professor, July 1996 - June 1999

Assistant Professor, July 1993-July 1996

*Courses taught:* Intellectual Property Survey, Trademarks, Copyrights, Advanced Copyrights, Secured Transactions, Torts, Professionalism, and Intellectual Property-MSL Business Law Curriculum

*Foley & Lardner*, Washington, DC

Associate Attorney, September 1989-June 1993

Registered to practice before the U.S. Patent and Trademark Office

*General Electric*, Baltimore, MD

Technical Marketing and Applications Engineer, September 1981-June 1986

## **TEACHING/ACADEMIC HONORS**

**Joseph Branch Award for Excellence in Law Teaching (2005)** (given annually to a member of the Wake Forest law faculty who exhibits excellence in teaching and

scholarship and whose service to the academic community reflects the highest and best ideals of a learned profession)

**Atlantic Coast Conference (ACC) Academic Leadership Network Fellow (2018-2020)-Co-Chair ACC Innovation Hub Project Committee**

### **SCHOLARSHIP**

*Will Atlas Shrug? Dilution Protection for `Famous' Trademarks: Anticompetitive Monopoly or Earned `Property' Right?* **47 Florida Law Review 653 (1996)**

*Patent Monopolyphobia: A Means of Extinguishing/ Silencing the Fountainhead?* **49 Case Western Law Review 509 (1999) (Featured as one of the best intellectual property law articles in the 2000 edition of the Intellectual Property Law Review)**

*Johnny Can Read, But Can He "Surf"? Harmonizing Copyright Law and Internet Ethics,* **1 Minnesota Intellectual Property Law Review 79 (2000)**

*Whose Rules Rule? Resolving Ethical Conflicts during Simultaneous Representation of Clients in Patent Prosecution,* **12 Federal Circuit Bar Journal (2003), reprinted with permission in 44 Idea-The Journal of Law and Technology 283 (2004)**

*On Purple Pills, Stem Cells and other Market Failures: A Case for A Limited Compulsory Licensing Scheme for Patent Property,* **48 Howard Law Journal 579 (2005) (Symposium on Intellectual Property and Social Justice)**

*The Preemptive Effect of the PTO Code of Ethics in Trademark Practice-paper presented at the American Bar Association's 18<sup>th</sup> Annual Intellectual Property Law Conference (2003)*

*The Biotechnology Patent Regime-Issues and Opportunities-paper presented at North Carolina Central Seminar on Biotechnology and Pharmaceutical Law (2006)*

*The Problem with Stem Cells- short paper presented at the North Carolina Central IP Institute's Seminar on Ethical Issues Relating to Stem Cells (2007) and the 2007 Intellectual Property Scholars Conference held at DePaul University;*

*"Battle Over Gene Patents is Most Likely Headed to the Supreme Court"- 8/21/11 Huffington Post Blog, (<http://www.huffingtonpost.com/simone-rose>)*

*Semiconductor Chips, Genes and Stem Cells: New Wine for New Bottles?* **38 American Journal of Law and Medicine 113 (2012)**

*IP Law and the America Invents Act: A Perfect Fit, Reasonable Compromise or Falling Short?*

**Paper Presented at North Carolina Central Seminar on Biotechnology (2012)**

*The Supreme Court and Patents: Moving Toward a “Postmodern” Vision of Progress?*  
**23 Fordham Intell. Prop. Media & Ent. L.J. 1197 (2013)**

*Further Reflections on Extinguishing the “Fountainhead” of Knowledge: A Call to Challenge the Transition to the “Innovation Policy” Narrative in Patent Law*, **66 SMU Law Review 609 (2014)**

*White Paper: Wake Forest University School of Law-The Innovation Hub (September 2017)*

*Frederic L. Allen et al, v. Roy Cooper III (as Governor of North Carolina, et.al.), Brief of Professor Simone Rose as Amicus Curiae in Support of the State of North Carolina (Arguing that under both the de minimis and Fair Use doctrines, North Carolina did not violate U.S. Copyright Law) (September 2019)*

*The Biosimilar Action Plan-An Effective Mechanism for Balancing Pharmaceutical Innovation and Competition in the U.S.?* (Topic presented at the Global Center Conference-Changing Regulation of Pharmaceuticals: Pricing, Intellectual Property, Trade and Ethics, University of the Pacific McGeorge School of Law (April 2019)  
**51 U. Pac. L. Rev. 1 (2020) (Co-authored with Tracea Rice)**

*The Non-Obvious Razor and Generative AI*, **25 N.C. Journal of Law & Technology 399 (2024) (co-authored with Raina Haque and Nick DeSetto)**

*Economic Interest Convergence: A Platform for Increasing Biosimilar Approval and Access in the United States (work in progress)*

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

*Atlantic Coast Conference (ACC) Academic Leaders Network Fellow-(ACC Innovation Hub Project Co-Chair) (2018-present)*

*Member and Education Subcommittee Chair-North Carolina Bar Association Future of Law Committee (2017-present)*

*Member-Forsyth County Entrepreneurial Ecosystem (2016-present)*

*Member-Wake Forest Baptist Hospital Corporate Engagement Hub (2017-2019)*

*Member- Intellectual Property Committee, American Bar Association (1989-present)*

*Member- Legislation Committee, International Trademark Association (1996-2003)*

*Member- Intellectual Property Committee, North Carolina Bar Association (1995-present)*

*Member-Wake Forest Law, Medicine and Business Collaborative Working Group (2016-2018)*

*Board Member-Tri-City Relays/Project T.E.A.C.H (2004-2016)*

*Member- Wake Forest "Colloquium on Teaching" Committee (1994-95)*

*Member- Leadership Winston-Salem (Class of 1999) (Education Committee Member)*

*Board Member- Delta Fine Arts Center (2004-2006)*

*Volunteer-Diggs Elementary School (Tutor and general assistant to second grade class) 2001-2004*

*Member- Oscar Night America Steering Committee (Annual function to raise funds for Juvenile Justice in North Carolina) (2004-2007)*

*Executive Committee Member- Faculty Senate, Wake Forest University (2005-2006) (2008-2009); member of University Senate (2004-2009)*

*Member-Provost Ad-hoc Committee on Diversity Initiatives, Wake Forest University (2008-2010)*

*Chair-Academic Engagement Committee, Wake Forest University Law School (2008-present);  
Member (2005-2007)*

*Member-Wake Forest Law School Dean Search Committee (2018-2019)*

*Member-Wake Forest Law School Dean's Cabinet (2016-2020)*

*Member-Wake Forest Law School Dean's Faculty Executive Committee (2020-present)*

*Member-Wake Forest Innovation Center Learning Initiatives Committee (2018-present)*

*Member-Wake Forest ACC Planning Group (2018-Present)*

*Member-Wake 4 Life Executive Planning Committee (2018-Present)*

*Member-Law School Task Force on Educational Reform (2014-2015)*

*Member-Office of Diversity & Inclusion Collaborative Campus Climate Working Group:  
Faculty Engagement Committee (2014-2018)*

*Member-Diversity and Inclusion Executive Committee (2016-2018)*

*Member-Faculty Evaluation Committee, Wake Forest University Law School (2007-  
2008, 2015-2018)*

*Member-Faculty Appointments Committee, Wake Forest University Law School (1994-  
2002); (2008-2013) (2019-Present)*

*Member-Faculty Senate Senior University Appointments Committee, Wake Forest  
University (2004-2009)*

*Member-Curriculum Committee, Wake Forest University Law School (2004-2009)*

*Member-Faculty Development Committee, Wake Forest University Law School (2004-  
2009)*

*Advisor- Black Law Students Association, Wake Forest University Law School (1994-  
2014)*

*Advisor-Academic Engagement Program, Wake Forest University Law School (2001-  
present)*

*Advisor -Wake Forest Journal of Business and Intellectual Property Law Journal (2003-  
present)*

*Contributor- Richard Des Ruisseux, "Pursuing a Patent, what to do  
After you've had a Stroke of Genius" (Associated Press, 1994)*

*Contributor- Frank Fraboni, "Copyrights, Fair Use and the Digital Downloading of  
Music", ABC/Channel 45 News (2003)*

*Contributor-Fox News, "Copyrights, Fair Use and Whitehaven LLC" (2010)*

***Cited: Blackbeard's shipwreck sparked a legal battle in NC. Now it's up to the Supreme Court (Raleigh News and Observer 11/5/2019):***

<https://www.newsobserver.com/news/state/north-carolina/article236989874.html>

## **PRESENTATIONS**

*Presenter/Discussant: IP Policy and AI-Meeting with IP Legislative Team of Senator Tom Tillis (May 2024)*

*Presenter: Patent Law's AI Survival: NC Journal of Law & Technology Symposium-Reframing IP Rights in the AI Age (January 2024)*

*Moderator/Discussant: IP Policy and the Pandemic-A Conversation with Brad Watts, Minority Chief Counsel for Ranking Member Thom Tillis on the U.S. Senate Committee on the Judiciary, Subcommittee on Intellectual Property. (March 2021)*

*Moderator/Panelist: Athletes as Intellectual Property: Athletes Receiving Compensation for Use of Their Names, Images and Likenesses, Amateur Hour is Over: Analyzing the Impact that Changes in "Amateurism" May Have on the Business of Collegiate Sports, Wake Forest Journal of Business and Intellectual Property Symposium (February 2020)*

*Moderator/Discussant: Payment Models for Access to Unapproved Drugs, Right to Try Laws: The Benefit and Burdens of Balancing Protection with Access in Human Subjects Research, Wake Forest Journal of Law and Policy Symposium (November 2019)*

*Presenter/Panelist: "The Biosimilar Action Plan-An Effective Mechanism for Balancing Innovation and Competition in the United States?", Global Center Conference-Changing Regulation of Pharmaceuticals: Pricing, Intellectual Property, Trade and Ethics, University of the Pacific McGeorge School of Law (April 2019)*

*Presenter/Panelist: Women in Entrepreneurship, WFU Center for Entrepreneurship (March 2018)*

*Judge: Tech Starts: Triad Women Startup Weekend (February 2018)*

*Presenter: "The Innovation Hub -A Joint Project (Law, Engineering and Entrepreneurship), Wake Forest Law Board of Visitors Meeting (November 2017)*

*Presenter: "Mock Law School Class: Welcome to Intellectual Property", 3<sup>rd</sup> Annual Minority Pre-Law Conference-Putting the Pieces Together: Is Law School the Right Fit? Wake Forest Law School (March 2017)*

*Discussant:* Wake Forest Law School's Proposed Relationship with the Innovation Quarter ("Downtown Wake"), Winston Salem Entrepreneurial Ecosystem Spring Meeting, Creative Community Lab (February 2017)

*Discussant/Co-Sponsor:* "Concept to Company: Building and Financing the Entrepreneurial Venture", Collaboration with Wake Forest University's Center for Innovation, Creativity and Entrepreneurship (November 2016)

*Presenter:* "Innovation and Entrepreneurship at Wake Forest Law School", Wake Forest Law School Board of Visitors Fall Meeting (November 2016)

*Presenter:* "The Role of Trademarks in Innovation/Technology Commercialization", Wake Innovations Technology and Commercialization Group Meeting (October 2016)

*Presenter/Panelist-* "Teaching Secured Transactions: Integrating Ethical and Professional Issues, Drafting Assignments, and Learning Outcomes and Assessments into Everyone's Favorite Class", Southeastern Association of Law Schools Conference (August 2016)

*Presenter/Panelist:* "Managing Patents in the Digital World: IP Strategy in the Digital Age", Wake Forest School of Law Spring IP Symposium (February 2015)

*Presenter/Panelist:* "Forces that Shape Trademark Law: Impact of state views concerning trademark dilution on the application of federal dilution law by federal courts", 2013 Southeastern Association of Law Schools Conference (August 2013)

*Discussant:* "Innovation models for Emerging Technologies", 2013 Southeastern Association of Law Schools Conference (August 2013)

*Presenter/Panelist:* "Innovation, Disruptive Technologies and the Federal Circuit", 10<sup>th</sup> Annual Symposium on Emerging Intellectual Property Issues: The Federal Circuit and Patent Law, SMU School of Law Spring IP Symposium (March 2013)

*Presenter:* "IP Law and the America Invents Act: A Perfect Fit, Reasonable Compromise or Falling Short?" The Biotechnology and Pharmaceutical Law Review, 6<sup>th</sup> Annual Spring Symposium (March 30, 2012)

*Co-presenter with Prof. Tracey Coan:* Using an ASP model to teach Article 9, "What We Like and Dislike about Article 9", 2012 Southeastern Association of Law Schools Conference (August 2012)

*Moderator-* "Creative Capital: Intellectual Property and Venture Capital", Wake Forest Journal of Business and Intellectual Property Spring Symposium (March 25, 2011)

*Presenter-* Wake Forest University School of Law Academic Success, “1L Strategies for taking Multiple Choice Exams” (October 2010)

*Panelist-*Wake Forest University School of Law Career Services, “Advice for 3L’s entering the current job market” (September 2010)

*Moderator/Presenter-* “Who is Right? A Comparison and Contrast of the interests of Artists, Broadcasters, Assignees, Academics and the Public, Wake Forest Intellectual Property Law Journal Symposium, (March 2010)

*Co-Presenter (with Professors Ron Wright and Timothy Davis)-* “Multiple Choice Test Drafting”, Faculty Development Seminar-Wake Forest University School of Law (Spring 2009)

*Moderator-* “Land Possessor Liability”, Symposium on the Third Restatement of Torts, Wake Forest University School of Law (April 2009)

*Moderator/Presenter-* “Regenerative Medicine-The Crossroads; Examining the Research from Every Angle”, Wake Forest University Intellectual Property Law Journal Symposium (Spring 2009)

*Co-Presenter (with Professor Tracey Coan)-* “Enhancing Student Learning: Academic Success Program”, Faculty Development Seminar-Wake Forest University School of Law (Fall 2009)

*Commencement Speaker-*Clemmons Elementary School (Spring 2008)

*Moderator/panelist-* “Counterfeit Pharmaceuticals and Trademarks”, Wake Forest Intellectual Property Law Journal Symposium (Spring 2008)

*Presenter-* “Making the Case for Sui-Generis Protection for Stem Cells”-Seminar on Ethical Issues Relating to Stem Cells, North Carolina Central University Biotechnology Law Center (April 2007)

*Presenter-* “Semiconductor Chips, Genes and Stem Cells: New Wine for New Bottles? - IP Scholars Conference, DePaul University School of Law (August 2007)

*Presenter-* “On Purple Pills, Stem Cells, and Other Market Failures”, Symposium on Intellectual Property and Social Justice, Howard University School of Law (October 2005)

*Presenter-* “Collisions at the Intersection of Law and Biotechnology-The Biotechnology Patent Regime, Issues and Opportunities”, North Carolina Central University Biotechnology Law Center (April 2006)

*Presenter/Panelist-* “Biotechnology: Innovation, Funding and Ethics” A collaboration of Wake Forest University’s Babcock School of Management, School of Medicine, Comprehensive Cancer Center and School of Law (September 2006)

*Presenter-* “Recent Developments in Ethics for Intellectual Property Attorneys”, Intellectual Property Law Section Annual Meeting (North Carolina Bar Association 2004)

*Presenter-* “Cyberpiracy in the Digital Millennium”- Wake Forest University Dialogue Series (October-2004)

*Presenter-* “Whose Rules Rule? Resolving Ethical Conflicts during Patent Prosecution”, Franklin Pierce Intellectual Property Law Association Symposium (November 2003)

*Presenter-* “Digital Downloading and Copyright Law”-Presented to the Wake Forest Law Community, January 2003

*Panelist-* “Legal Ethics for Trademark Practitioners”, 18<sup>th</sup> Annual Intellectual Property Law Conference (ABA 2003)

*Panelist-* “Legal Ethics for Trademark Practitioners”, 18<sup>th</sup> Annual Intellectual Property Law Conference (ABA 2003)

*Presenter-* “Patents and Fair Use”, Annual Meeting- Intellectual Property Law Section of the North Carolina Bar Association (2002)

*Presenter-* “Everybody loves surfing: The Internet and the Digital Millennium Copyright Act”, Presented to the Intellectual Property Section of the North Carolina Bar, (April 1999)

*Panelist-* “Resolving Conflicts in Patent Prosecution”, ABA Intellectual Property Section Young Lawyers Division, (April 1998)

*Presenter-* “Copyright Law for Librarians and How It Affects Internet Ethics”, Presented to the North Carolina Association of Librarians, (October 1999)

*Panelist-* “Resolving Conflicts in Patent Prosecution”, North Carolina Bar Foundation, Intellectual Property Law Section Annual Meeting, (1998)

*Panelist-* “Women in the Legal Profession” Seminar, Hosted by

Dr. Cheryl Leggon, Wake Forest University, Sociology,  
(Spring 1994, 1995 and 1996)

*Expert Witness*-Victus, LTD d/b/a/ MASTER DESIGN FURNITURE V. COLLEZIONE  
EUROPA U.S.A., Inc. (Design Patent Case)