

BRENDA M. SIMON

Professor of Law and ProFlowers Professor of Internet Studies
California Western School of Law
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EDUCATION

University of California, Berkeley School of Law

J.D., 2000, with Intellectual Property Law Specialization
Prosser Award in Intellectual Property
Executive Editor, Berkeley Technology Law Journal
Chair, Moot Court Board

University of California, Los Angeles

B.S., 1997, General Chemistry, *summa cum laude*
Phi Beta Kappa
President, UCLA Mortar Board, National Community Service Organization
Talk Show Host and Disc Jockey, KLA Radio

FELLOWSHIPS, AFFILIATIONS, AND CLERKSHIP

Center for the Protection of IP and The IP Policy Institute

George Mason University (2017-2025) and the University of Akron (2025-present)

Senior Scholar, 2023-present

Edison Innovation Fellow, 2017-2018

Research intellectual property and technology related issues; participate in workshops.
Draft scholarship; review and comment on others' projects.
Interact with industry leaders and innovators.

Stanford Law School, Stanford, CA

Teaching Fellow, Law, Science and Technology LLM program, May 2008-July 2010

Fellow, Center for Law and the Biosciences, May 2008-July 2010

Researched intellectual property, technology, and biosciences related issues.
Designed and taught Law, Science and Technology course.
Participated in faculty and fellow workshops.
Responsible for all aspects of the Law, Science and Technology LLM program, including teaching, grading, student advising, and admissions.
Coordinated Center for Law and Biosciences Speaker Series, conferences, and journal clubs.

U.S. District Court, Central District of California, Los Angeles, CA

Law Clerk to the Honorable Mariana R. Pfaelzer, August 2000-August 2001

Assisted in drafting orders, dispositions, and opinions in intellectual property cases.
Analyzed briefs, patents, prosecution histories, and case law.
Participated in trials and settlement conferences.

ACADEMIC EXPERIENCE

California Western School of Law, San Diego, CA

Professor of Law (2020-present) (with tenure)

ProFlowers Professor of Internet Studies (2022-present)

Co-Director, IP Area of Concentration (2023-present)

Visiting Professor, Fall 2019-Spring 2020

Award: 1L Professor of the Year (2025)

Courses: Property I; Property II; Patent Law; Legal and Ethical Issues with AI and Data; supervise two law review notes per year on average.

Service: ABA Site Visit Committee (2019-2021), Admissions Committee (2020-2021), Artificial Intelligence Working Group (2022-2023), Castetter Endowment Advisory Committee (2020-present), Co-Coach to National Patent Application Drafting Competition Team (2021-2023), CFO Search Committee (2020), Faculty Development Committee (2019-2020), Faculty Executive Committee (Chair 2022-2023), Non-JD Programs Committee (Chair, 2020-2021), Ombudsperson (Alternate, 2022-2023), Registrar Search Committee (2020), Sabbatical Committee (2021-2022), Tenure & Promotion Rules Revision Committee (2021), Visitor/Adjunct Committee (2021-present); Law, Technology & Justice Initiative (2023-present).

University of California, San Diego, Rady School of Management

Visiting Professor, Spring 2018-December 2020

Designed and taught course on Legal and Ethical Issues with Big Data and AI for the Master of Business Administration (MBA) and Master of Science in Business Analytics (MSBA) degree programs. Received excellent teaching evaluations.

Thomas Jefferson School of Law, San Diego, CA

Professor, Spring 2019-Spring 2020; *Associate Professor*, Fall 2010-Spring 2019 (with tenure, since 2016); *Director*, Center for Law and Intellectual Property, 2016-2019

Awards: 2L Professor of the Year (2019); 3L Professor of the Year (2018); 2L Professor of the Year Finalist (2016); 3L Professor of the Year (2015).

Courses: Patents; Property I and II; Scholarly Legal Writing; Mastering the Performance Test. Organized and co-taught IP Survey Weekend Course and Intellectual Property Practicum (partner, lecturer). Supervised four directed studies on average per year. Oversaw Certificate Program.

Service: Academic Policy Committee; Tenure and Promotions Committee; Law Review Committee (Chair 2015-2017, 2018-2019); IP Fellows Advisor; Technology Committee (Chair 2013-2014, 2017-2018); Coach, AIPLA Moot Court Competition; Appointments Committee.

Stanford Law School, Stanford, CA

Teaching Fellow, Law, Science & Technology Colloquium, Fall 2008-Spring 2010

Designed and taught Law, Science and Technology course, both semesters.

Received excellent teaching evaluations (4.8/5.0, overall teaching effectiveness).

University of California, Berkeley School of Law

Teaching Assistant, Negotiations, Spring 2000

Student Advisor, Appellate Advocacy, Spring 1999

OTHER PROFESSIONAL EXPERIENCE

Fenwick & West LLP, Silicon Valley, CA

Intellectual Property and Litigation Groups, October 2001- March 2008

Participated in litigation, including discovery, taking and defending depositions, interviewing clients, trial preparation, research, and drafting complaints, answers, motions, and briefs for trial and appellate courts.

Prepared and prosecuted patent applications; strategic counseling; portfolio management.

Recipient, Outstanding Advocacy Award, 2005.

BAR ADMISSIONS

California

United States Patent and Trademark Office

SELECTED PUBLICATIONS

Artificial Intelligence and the Self-Represented Inventor, 58 LOY. L.A. L. REV. 169 (2025), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4792163

Bespoke Regulation of Artificial Intelligence, 57 LOY. L.A. L. REV. 989 (2024), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5094900

Using Artificial Intelligence in the Law Review Submissions Process, 56 U.C. DAVIS L. REV. 347 (2022), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4113550

Preserving the Fruits of Labor: Impediments to University Inventor Mobility, 89 TENNESSEE L. REV. 1 (2022), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3848224

Patents, Information, and Innovation, 85 BROOKLYN L. REV. 727 (2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3393302

The Pathologies of Data-Generating Patents, in BIG DATA, HEALTH LAW, AND BIOETHICS (I. Glenn Cohen et al., eds., Cambridge University Press, 2018) (with Ted Sichelman), available at <https://ssrn.com/abstract=2882459>

Fostering Reproducibility in Industry-Academia Research, 357 SCIENCE 759 (2017) (with B.R. Jasny, N. Wigginton, et al.), available at <http://science.sciencemag.org/content/357/6353/759.full>

Data-Generating Patents, 111 NORTHWESTERN UNIV. L. REV. 377 (2017) (with Ted Sichelman) (first author), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2753547

Preventing the Potential Perils Associated with Automated Pre-Examination Search, 2 BERKELEY TECHNOLOGY LAW JOURNAL COMMENTARIES (2016), available at <http://btlj.org/2016/03/comments-pillar-1-proposal-2/>

Rules, Standards, and the Reality of Obviousness, 65 CASE W. RES. L. REV. 25 (2014), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2447141

Selected for republication in the INTELLECTUAL PROPERTY LAW REVIEW (Thomas Reuters West 2015), as one of the best intellectual property law review articles published in 2014.

The Implications of Technological Advancement for Obviousness, 19 MICH. TECH. L. REV. 331 (2013), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2152123

Patent Cover-Up, 47 HOUS. L. REV. 1299 (2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1599893

Unsettled expectations: how recent patent decisions affect biotech, 29 NATURE BIOTECH. 229 (2011) (with Christopher Thomas Scott) (first author), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1792985

Pluripotent patents make prime time: an analysis of the emerging landscape. 28 NATURE BIOTECH. 557 (2010) (with Charles E. Murdoch and Christopher Thomas Scott) (first author), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1622556

Misuse Made Plain: Evaluating Concerns about Neuroscience in National Security, *Peer Commentary*, 1 AM. J. BIOETHICS-NEUROSCIENCE 15 (2010) (with multiple authors)

How to Get a Fair Share: IP Policies for Publicly Supported Biobanks, 1 STAN. J. L. SCIENCE & POL'Y 65 (2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1413951

The Underrepresentation of Women on the Court of Appeals for the Federal Circuit, 16 WIS. WOMEN'S L.J. 113 (2001)

United States v. Hilton, 14 BERKELEY TECH. L.J. 385 (1999)

SELECTED PRESENTATIONS AND CONFERENCES

Presenter, "Innovation Policy in the Shadow of Declining Biodiversity," Intellectual Property Scholars Conference, DePaul University College of Law, August 8, 2025.

Presenter, "Bespoke Regulation of Artificial Intelligence," Biolaw Conference, Stanford Law School, May 16, 2025.

Presenter, "Bespoke Regulation of Artificial Intelligence," PatCon: Annual Patent Law Conference, University of San Diego School of Law, April 11, 2025.

Presenter, "Artificial Intelligence and the Self-Represented Inventor," Intellectual Property Scholars Conference, UC Berkeley Law, August 9, 2024.

Presenter, "Artificial Intelligence and the Self-Represented Inventor," Biolaw Conference, Stanford Law School, May 18, 2024.

Presenter, “Artificial Intelligence and the Self-Represented Inventor,” PatCon: Annual Patent Law Conference, University of San Diego School of Law, April 12, 2024.

Moderator, “Privacy and Cybersecurity,” Accountable AI: The Responsible Governance of AI and Emerging Technologies Symposium, California Western School of Law, March 22, 2024.

Presenter, “Exploring Intellectual Property,” California Western School of Law, February 29, 2024.

Presenter, “Bespoke Regulation of Artificial Intelligence,” The Global Race Toward AI Regulation Symposium, Loyola Law School, February 16, 2024.

Participant, “AI as an Inventing Tool – Its Implications on Patent Law and Policy,” UC Berkeley Law, November 15, 2023.

Panelist, “Algorithmic Justice,” California Western School of Law, October 12, 2023.

Presenter, “Artificial Intelligence and Invention,” Biolaw Conference, Stanford Law School, May 20, 2023.

Panelist, “The Equality Machine,” University of San Diego School of Law, April 19, 2023.

Presenter, “Artificial Intelligence and Invention,” PatCon: Annual Patent Law Conference, University of San Diego School of Law, March 17, 2023.

Discussant, “Works-in-Progress in Intellectual Property,” Suffolk University School of Law, February 3-4, 2023.

Participant, “Diversity Pilots Conference, Santa Clara University School of Law,” November 18, 2022.

Presenter, “Preserving the Fruits of Labor for University Inventors,” California Western School of Law, August 19, 2022.

Presenter, “Can Artificial Intelligence Fix the Law Review Submissions Process?,” Legal Scholars Roundtable on Artificial Intelligence, Loyola University Chicago School of Law, March 18, 2022.

Presenter, “Preserving the Fruits of Labor: Impediments to University Inventor Mobility,” California Western School of Law, August 26, 2021.

Moderator, Patent Litigation Panel, Intellectual Property Scholars Conference, Cardozo Law, August 12, 2021.

Moderator, Bias and Artificial Intelligence, 5th Annual Legal Ethics Conference, May 14, 2021.

Presenter, “Preserving the Fruits of Labor: Impediments to University Inventor Mobility,” California Western Women’s Community Speakers’ Program, March 18, 2021.

Presenter, “Preserving the Fruits of Labor: Impediments to University Inventor Mobility,” Annual Works-in-Progress Intellectual Property Colloquium, February 12, 2021.

Guest Speaker, “Preserving the Fruits of Labor: Impediments to University Inventor Mobility,” Stanford Law and the Biosciences Workshop, Stanford Law School, January 12, 2021.

Moderator, “Privacy Law Panel,” Student Intellectual Property Law Association, California Western School of Law, October 27, 2020.

Presenter, “Preserving the Fruits of Labor: Impediments to University Inventor Mobility,” IP Law Speaker Series, University of San Diego School of Law, April 16, 2020.

Panelist, “Careers in Intellectual Property Law,” Student Intellectual Property Law Association, California Western School of Law, October 24, 2019.

Guest Lecturer, “Patents, Information, and Innovation,” Corporate Innovation and Legal Policy Seminar, University of San Diego School of Law, October 16, 2019.

Guest Speaker, “Challenges to Inventor Mobility,” Intellectual Property Colloquium, Brigham Young University Law School, September 6, 2019.

Presenter, “Challenges to Inventor Mobility,” Intellectual Property Scholars Conference, DePaul University College of Law, August 8, 2019.

Guest Lecturer, “The Intersection of Intellectual Property and Data,” Seminar on Current Trends in Biomedical Informatics, University of California, San Diego School of Medicine, June 7, 2019.

Presenter, “Patents, Information, and Innovation,” PatCon: Annual Patent Law Conference, University of San Diego School of Law, University of San Diego School of Law, March 22, 2019.

Presenter, “Patents, Information, and Innovation,” 2019-2020 IP Law Speaker Series, University of San Diego School of Law, March 14, 2019.

Presenter, “Patent Eligibility of Biologic and Biosimilar Inventions: A Doctrine in Flux,” University of California, Irvine School of Law, February 8, 2019.

Participant, “The Law and Policy of Patented Innovation in the Biopharmaceutical Industry,” George Mason University School of Law, November 8-9, 2018.

Presenter, “Contextualizing the Information-Facilitating Function of Patents,” Intellectual Property Scholars Conference, University of California, Berkeley School of Law, August 9, 2018.

Guest Lecturer, “The Intersection of Intellectual Property and Data,” Seminar on Current Trends in Biomedical Informatics, University of California, San Diego School of Medicine, June 8, 2018.

Presenter, “Contextualizing the Information-Facilitating Function of Patents Throughout the Innovative Process,” BioLaw Conference, Stanford Law School, March 23, 2018.

Presenter, “Contextualizing the Information-Facilitating Function of Patents Throughout the Innovative Process,” PatCon: Annual Patent Conference, University of San Diego School of Law, March 2, 2018.

Guest Lecturer, “Contextualizing the Information-Facilitating Function of Patents Throughout the Innovative Process,” Corporate Innovation and Legal Policy Seminar, University of San Diego School of Law, February 27, 2018.

Presenter, “The Ethical Implications of Data-Generating Patents,” 2018 Legal Ethics Symposium, California Western School of Law, February 17, 2018.

Presenter, “Contextualizing the Information-Facilitating Function of Patents Throughout the Innovative Process,” Thomas Edison Innovation Fellowship Roundtable, George Mason University School of Law, January 25-26, 2018.

Presenter, “The Information-Facilitating Function of Patents Throughout the Innovative Process,” Thomas Edison Innovation Fellowship Roundtable, George Mason University School of Law, September 7-8, 2017.

Presenter, “The Information-Facilitating Function of Patents Throughout the Innovative Process,” Intellectual Property Scholars Conference, Cardozo School of Law, August 10, 2017.

Participant, Thomas Edison Innovation Fellowship Roundtable, George Mason University School of Law, April 20-21, 2017.

Participant, Thomas Edison Innovation Fellowship Roundtable, George Mason University School of Law, March 2-4, 2017.

Panelist, “Reproducibility in Academia-Industry Partnerships” Workshop, American Association for the Advancement of Science (AAAS), Pew Charitable Trusts, Washington DC, October 25, 2016.

Presenter, “Big Data and Patent Eligibility,” Intellectual Property Scholars Conference, Stanford Law School, August 12, 2016.

Presenter, “The Pathologies of Data-Generating Patents,” 2016 Annual Conference: Big Data, Health Law and Bioethics, Harvard Law School, May 6, 2016.

Guest Lecturer, “Data-Generating Patents,” Corporate Innovation and Legal Policy Seminar, University of San Diego School of Law, March 10, 2016.

Commentator on “On the Sociology of Patenting,” Patent Professors’ Workshop, University of San Diego, January 17, 2016.

Presenter, “Data-Generating Patents,” 2014–15 IP Law Speaker Series, University of San Diego, November 19, 2015.

Presenter, “Patenting Data Generating Inventions,” Intellectual Property Scholars Conference, DePaul University College of Law, August 7, 2015.

Written Comments, “Preventing the Potential Perils Associated with Automated Pre-Examination Search,” Enhancing Patent Quality Initiative, USPTO, May 6, 2015.

Commentator, “Public Enforcement of Patent Law,” PatCon: Annual Patent Law Conference, University of San Diego, January 17, 2015.

Moderator, IPLA Career Interest Panel, Thomas Jefferson School of Law, October 25, 2014.

Presenter, “Generating Trade Secrets from Patents,” Intellectual Property Scholars Conference, UC Berkeley School of Law, August 7, 2014.

Moderator, “Where to File: A Framework for Pharmaceutical and Biotechnology Companies to Develop an International Filing Strategy,” Thomas Jefferson School of Law, April 11, 2014.

Presenter, “Rules, Standards and the Reality of Obviousness,” PatCon: Annual Patent Conference, University of San Diego School of Law, April 5, 2014.

Guest Lecturer, “Rules, Standards and the Reality of Obviousness,” Corporate Innovation and Legal Policy Seminar, University of San Diego School of Law, March 20, 2014.

Moderator, “The Blurred Lines Between Intellectual Property Trolls and Legitimate Intellectual Property Enforcement,” Thomas Jefferson School of Law, October 18, 2013.

Presenter, “Rethinking Analogous Arts in Patent Law,” Intellectual Property Scholars Conference, Cardozo Law School, August 9, 2013.

Presenter, “Clarifying the Analogous Arts Test,” Spring 2013 Colloquia and Distinguished Speaker Series, Whittier Law School, March 21, 2013.

Presenter, “Clarifying the Analogous Arts Test,” 2012–13 IP Law Speaker Series, University of San Diego, February 28, 2013.

Presenter, “Clarifying the Analogous Arts Test,” Intellectual Property Scholars Conference, Stanford Law School, August 9, 2012.

Presenter, “The Implications of Technological Advancement for Obviousness,” 2012 Annual Meeting of the Law and Society Association, June 8, 2012.

Presenter, “The Implications of Technological Advancement for Obviousness,” Southern California Junior Law Faculty Workshop, California Western School of Law, May 5, 2012.

Oral and Written Testimony, USPTO Genetic Diagnostic Testing Hearing, University of San Diego, March 9, 2012.

Presenter, “The Implications of Technological Advancement on Obviousness,” Stanford Law and the Biosciences Workshop, Stanford Law School, March 6, 2012.

Presenter, “Are Human Genes Patentable?” Women and the Law Conference, Thomas Jefferson School of Law, February 24, 2012.

Commentator, “Edifying Thoughts of a Patent Watcher,” Patent Professors’ Workshop, University of San Diego, January 21, 2012.

Presenter, “The Implications of Technological Advancement on Obviousness,” Intellectual Property Scholars Conference, DePaul University College of Law, August 12, 2011.

Interview, “US switch to first-to-file patents could cause minor shake-up,” 17 NATURE MEDICINE 906-907, August 2011.

Moderator, “TRIPS and Patent Enforcement,” Thomas Jefferson School of Law, April 8, 2011.

Speaker, “Patent Cover-Up,” IP Speaker Series, Cardozo School of Law, March 21, 2011.

Presenter, “Public Patents, Private Information,” Intellectual Property Scholars Conference, UC Berkeley School of Law, August 13, 2010.

Presenter, “Patent Silence: The Need for a Quality Assessment Defense,” Intellectual Property Scholars Conference, Cardozo School of Law, August 6-7, 2009.

Presenter, “Patent Silence: An Infringement Exception for Testing Shortcomings,” Berkeley Intellectual Property & Technology Law Workshop, UC Berkeley School of Law, May 7, 2009.

Moderator, “Neuroscience and the Courts: The Implications of Advances in Neurotechnology,” Moderator, Stanford Technology Law Review Symposium, Stanford Law School, February 27, 2009.

Co-Presenter, “Presidential Health Care Policies,” Center for Law & the Biosciences Journal Club, Stanford Law School, October 20, 2008.

Moderator, “Biobanking, Bioethics & the Law,” Stanford Journal of Law, Science & Policy Symposium, Stanford Law School, September 26, 2008.

PROFESSIONAL ACTIVITIES

Member, State Bar of California

Member, United States Patent Bar

Member, Lawyer's Club, San Diego

Member, San Diego Intellectual Property Law Association

Member, SoCal IP Profs

Blacks in Technology San Diego, Black History Month Event, helped organize discussion and prepare moderator questions (2020)

AALS Intellectual Property Section, AALS Annual Meeting in San Diego, helped organize debate on Trade Secret Law (2018)

Contributor, American Association for the Advancement of Science (AAAS), Reproducibility in Academia-Industry Partnerships, Pew Charitable Trusts (2016)

Provided comments to the United States Patent & Trademark Office on suggestions to enhance patent quality (2015)

Provided testimony to the United States Patent & Trademark Office on genetic diagnostic testing (2012)

Contributor, Stanford Law and Biosciences Blog (2008-2012)

Pro bono representation of inmate before Federal Circuit Court of Appeals, resulting in favorable judgment (2004-2005)

Pro bono representation of inmate, argued before Ninth Circuit Court of Appeals, successfully obtaining writ of habeas corpus, resulting in client being released from prison (2002-2003)