

AARON XAVIER FELLMETH

PROFESSOR OF LAW, ARIZONA STATE UNIVERSITY – SANDRA DAY O’CONNOR COLLEGE OF LAW

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RESEARCH AND TEACHING INTERESTS

Public International Law

International Trade Law

International Business Transactions

International Human Rights Law

International Protection of Intellectual Property

Patent Law and Policy

Biotechnology and Intellectual Property Law

U.S. Foreign Relations Law

EDUCATION

YALE LAW SCHOOL

- ♦ Editor-in-Chief, *Yale Journal of International Law*
- ♦ Senior Editor, *Yale Law Journal*
- ♦ 1995-96 Ambrose Gherini Prize for Best International Law Paper
- ♦ Research Assistant, Prof. W. Michael Reisman

J.D. 1997

YALE UNIVERSITY GRADUATE SCHOOL

Department of International Relations

- ♦ Yale University Fellow, 1994-97

M.A. 1997

UNIVERSITY OF PARIS IV — SORBONNE

Center for the Study of French Civilization, 1993

Graduate study in economics and French history

UNIVERSITY OF CALIFORNIA, BERKELEY

Graduated *summa cum laude* in Honors Social Sciences

Honors Thesis: *The Reciprocal Influence of Law & Social Psychology*

- ♦ Phi Beta Kappa
- ♦ University Citation of Distinction

B.A. 1993

PUBLICATIONS

ARTICLES

State Regulation of Sexuality in International Human Rights Law and Theory, 50 WM. & MARY L. REV. ___ (2009) (forthcoming)

Questioning Civilian Immunity, 43 TEX. INT’L L.J. 453 (2008)

Challenges and Implications of a Systemic Social Effect Theory, 2006 U. ILL. L. REV. 691

Cure without a Disease: The Emerging Doctrine of Successor Liability in International Trade Regulation, 31 YALE J. INT’L L. 125 (2006)

Civil and Criminal Sanctions in the Constitution and Courts, 94 GEORGETOWN L.J. 1 (2005)

Secrecy, Monopoly, and Access to Pharmaceuticals in International Trade Law: Protection of Marketing Approval Data under the TRIPs Agreement, 45 HARVARD INT’L L.J. 443 (2004)

Reinventing the Double Helix: A Novel and Nonobvious Reconceptualization of the Biotechnology Patent, 55 STANFORD L. REV. 303 (2002) (with Dr. Linda Demaine)

Control Without Interest: State Law of Assignment, Federal Preemption, and the Intellectual Property License, 6 VIR. J.L. & TECH. 8 (2001)

Don’t Judge a Sale By Its License: New Approaches to Software Transfers Under the First Sale Doctrine in the United States and Europe, 36 U.S.F. L. REV. 1 (2001) (with Dr. Lothar Determann)

Feminism and International Law: Theory, Methodology, and Substantive Reform, 22 HUM. RTS. Q. 658 (2000)

ESSAYS & COMMENTS

The Challenge to Patent Law of Pure Chemical Protein Synthesis, 23 NATURE BIOTECHNOLOGY 547 (2005)

Distinguishing Natural Substances from Patentable Inventions, 300 SCIENCE 1375 (2003) (with Dr. Linda Demaine)

Wiwa v. Royal Dutch Petroleum Co.: *A New Standard for the Enforcement of International Law in U.S. Courts*, 5 YALE HUM. RTS. & DEV. L.J. 241 (2002)

BOOK REVIEWS

Interpretation and Revision of International Boundary Decisions by Kaiyan Homi Kaikobad, 102 AM. J. INT'L L. ___ (2008) (forthcoming)

IN PROGRESS

THE U.S. PRACTICE OF NEUTRALITY UNDER INTERNATIONAL LAW

The Rationale for Sub-Economic Prospective Damages in International Claims Against States

Alternative Framing of Human Rights Theories, __ YALE J. INT'L L. __ (2009) (forthcoming)

Choice of Gender Identity in International Human Rights Law, in LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Mahmounsh Arsanjani et al. eds., Martinus Nijhoff 2009) (forthcoming)

FELLMETH & HORWITZ'S GUIDE TO LATIN IN INTERNATIONAL LAW (Oxford U. Press, forthcoming spring 2009) (with Maurice Horwitz)

THE LAW OF INTERNATIONAL BUSINESS TRANSACTIONS (West Academic Pub., American Casebook Series, forthcoming 2009)

LECTURES & COLLOQUIA

OFF-CAMPUS

Extraterritorial Enforcement of Intellectual Property Rights: What Role for Harmonization, panel presentation at the International Law Association (Am. Branch) International Law Weekend West, Willamette, OR (forthcoming Mar. 6-7, 2009)

Empirical Approaches to the Study of International Humanitarian Law, Panel Chair at the International Law Association (Am. Branch) International Law Weekend West, Willamette, OR (forthcoming Mar. 6-7, 2009)

New Frontiers in International Human Rights Law: The Emerging Human Right to Sexual Freedom, Roundtable Chair and presentation at the International Law Association (Am. Branch) International Law Weekend, New York, NY (Oct. 17, 2008)

Custodianship, Ownership, and IP Issues in Biospecimen Research, Chair and panel presentation at the National Cancer Institute, National Institutes of Health, Symposium on Biospecimen Research, Rockville, MD (Oct. 4-5, 2007)

Vanderbilt International Law Roundtable, Commentator, Vanderbilt U. Law School (Jan. 26-27, 2007)

Global Patent Law Harmonization: Problems and Prospects, Chair and panel presentation at the International Law Association (Am. Branch) International Law Weekend, New York, NY (Oct. 27, 2006)

The Problem with Trade Secrets in International Trade Regulation of Pharmaceuticals, award lecture presented to the Society for Policy Sciences, 2005 Policy Sciences Institute, New Haven, CT (Oct. 22, 2005)

International and Foreign Law Considerations in Supreme Court Jurisprudence, presented to the Thurgood Marshall Inn of Court, Phoenix, AZ (Mar. 23, 2005)

International Negotiations for the Protection of Intellectual Property: The Past, Present and Future of the TRIPs Agreement Solution, presented to the Japan Ctr. for Fair Trade and WTO Studies, Tokyo, Japan (Mar. 23, 2004)

Reinventing the Double Helix, presented at the Research Symposium with the Next Generation of Leaders in Science & Technology, Washington, D.C., jointly sponsored by the Colum. U. Ctr. for Sci., Pol'y & Outcomes; Am. Ass'n for the Advancement of Sci.; and Rutgers U., Washington, D.C. (Nov. 22, 2002) (with Dr. Linda Demaine)

ON-CAMPUS

Patent-Oriented Chemical Research Technique and Commercialization, guest lecture to Ariz. State U., Dep't of Chemical Engineering, Graduate Course CHE 598 (Oct. 31, 2007)

Unique Problems of Nanotechnology Patenting, guest lecture for Perspectives in Nanotechnology, Barrett Honors College, Ariz. State U. (Apr. 26, 2006)

The Distinction Between Foreign and International Law in Constitutional Jurisprudence, commentary on John McGinnis's presentation *Foreign to Our Constitution?* before the Ariz. State U. College of Law Federalist Society, Tempe, AZ (Feb. 2, 2006)

The Future of DNA Patents After The Human Genome Project, presented to the Ariz. State U. College of Law, Law & Science Students Ass'n, Tempe, AZ (Nov. 2, 2004)

PROFESSIONAL AWARDS & HONORS

- ◆ 2005 Harold D. Lasswell Prize for Best Policy Sciences Paper (for *Secrecy, Monopoly, and Access to Pharmaceuticals in International Trade Law*), Society for Policy Sciences

COURT OPINIONS REFERENCING SCHOLARSHIP

- ◆ Superbrace, Inc. v. Tidwell, 21 Cal.Rptr.3d 404, 411-13 (Cal. Ct. App. 2004)
- ◆ Torgelson v. 17138 880th Ave., Renville Cty., 734 N.W.2d 279, 284 (Minn. App. 2007)
- ◆ Traicoff v. Digital Media, Inc., 439 F.Supp.2d 872, 872 (S.D. Ind. 2006)
- ◆ *In re* Supernatural Foods, LLC, 268 B.R. 759, 796 n.103 (Bkrtcy. M.D. La. 2001)

EXPERIENCE

ARIZONA STATE UNIVERSITY, SANDRA DAY O'CONNOR COLLEGE OF LAW, PHOENIX, AZ

Professor of Law, May 2008 to present

Associate Professor of Law, August 2004 to May 2008

Faculty Fellow, Center for the Study of Law, Science and Technology, August 2004 to present

COURSES TAUGHT:

Public International Law
International Business Transactions
U.S. Foreign Relations Law (new)
Research Methods in International Law (new)
Patent Law
Biotechnology & Intellectual Property Law (new)
Contracts

COLLEGE OF LAW SERVICE:

International Studies Committee (2008-09)
College of Law Meta-Committee (2007-08)
Curriculum Committee (2004-07)
Academic Standards Committee (2006-07)
LL.M. Program Committee (2004-07)
Student Externship Program, Student Supervisor (2005-07)
Phillip C. Jessup International Law Moot Court
Administrator, Southwest Regional Competition (2007)
Team Coach (2006, 2009)
Law School Self-Study Committee (2005-06)
Ad hoc Law Journal Committee (2005-06)
International Law Students Association, Faculty Advisor (2007-08)
Intellectual Property Students Association, Faculty Advisor (2005-06)

UNIVERSITY OF HAWAII, WILLIAM S. RICHARDSON SCHOOL OF LAW, HONOLULU, HI

Visiting Scholar, July 2008

Visiting Scholar, June 2006 to August 2006

MILLER & CHEVALIER, WASHINGTON, DC

Senior Associate, International Department, December 2002 to May 2004

BRYAN CAVE LLP, WASHINGTON, DC & LOS ANGELES, CA

Senior Associate, International Group, April 2000 to November 2002

BAKER & MCKENZIE, SAN FRANCISCO, CA

Associate, Foreign Trade Group & Intellectual Property Group, September 1997 to March 2000

Summer Associate, Foreign Trade Group, May 1996 to July 1996

International trade, commercial and corporate regulation and litigation, focusing on trade policy, export and customs compliance and litigation and international protection of intellectual property; advised the governments of Taiwan and Poland and the U.S. Senate on Uruguay Round treaties and bilateral trade negotiations; advised the government of

Morocco during free trade agreement negotiations with the United States; domestic and international registration and protection of intellectual property; representation of the government of Kuwait before the U.N. Compensation Commission; representation of parties accused of violating the United Nations imposed embargo of Iraq; international commercial arbitration; representation and advising in international and domestic Internet transactions.

UNITED NATIONS SECRETARIAT, OFFICE OF LEGAL AFFAIRS, NEW YORK, NY

Law Clerk, May 1995 to July 1995

Researched and advised on issues of public international law, including application of international humanitarian law to U.N. military operations and jurisdiction of Rwanda Human Rights Tribunal.

U.S. INTERNATIONAL TRADE COMMISSION, OFFICE OF THE GENERAL COUNSEL, WASHINGTON, DC

Law Clerk, May 1994 to August 1994

Aided in drafting appellate briefs; drafted Commission preliminary determinations; reported on congressional hearings on the GATT and WTO; researched and wrote memoranda of law on antidumping and countervailing duty legal issues and international patent law issues.

BAR ADMISSIONS

- ◆ California (Dec. 9, 1997) No. 191061
- ◆ District of Columbia (Oct. 5, 1998) No. 459466
- ◆ Arizona (May 7, 2007) No. 330019

PROFESSIONAL ASSOCIATIONS

- ◆ American Society of International Law
 - ◇ Member, Editorial Advisory Committee, *International Legal Materials*, 2004-2006 term
- ◆ International Law Association, American Branch
 - ◇ Chair, International Intellectual Property Law Committee, 2005-present
 - ◇ Organizing Committee, International Law Weekends, 2006 & 2008
- ◆ American Intellectual Property Law Association
 - ◇ Member, Editorial Board, *AIPLA Quarterly Journal*, 2003-2005 term
- ◆ American Bar Association
- ◆ Philip C. Jessup International Law Moot Court
 - ◇ Senior Member, Authorial Committee, 2008-09 term

FOREIGN LANGUAGES

- ◆ Fluent in French
- ◆ Proficient in Italian, Spanish