

Christopher J. Morten

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EMPLOYMENT & TEACHING EXPERIENCE

COLUMBIA LAW SCHOOL, New York, NY

Associate Clinical Professor of Law (2021-present)

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

Deputy Director (2020-2021), Clinical Teaching Fellow (2019-20), Technology Law & Policy Clinic Fellow (2019-2021), Engelberg Center on Innovation Law & Policy

Courses co-taught:

- Technology Law & Policy Clinic and Advanced Technology Law & Policy Clinic
- Secrecy vs. Science: How Trade Secrets Impact Public Health Innovation (1L reading group)
- Innovation Externship (guest lecture)
- Patent Law (guest lecture)
- Survey of Intellectual Property (guest lectures)
- Trade Secret Law (guest lecture)

YALE LAW SCHOOL, New Haven, CT

Visiting Fellow (2019-present), Fellow (2018-19), Global Health Justice Partnership

Affiliated Fellow (2020-present), Resident Fellow (2018-19), Information Society Project

Staff Attorney, Collaboration for Research Integrity and Transparency (CRIT) (2018-19)

Clinical Lecturer-in-Law, Media Freedom & Information Access Clinic (2018-19)

Courses co-taught:

- Media Freedom & Information Access Clinic and Advanced Media Freedom & Information Access Clinic
- Intellectual Property: The Law of Scientific and Cultural Production (guest lecture)

GOODWIN PROCTER L.L.P., New York, NY

Associate (2016-18)

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, Washington, DC

Law Clerk to the Hon. Timothy B. Dyk (2015-16)

BAKER BOTTS L.L.P., New York, NY

Scientific Advisor, Patent Agent, and Summer Associate (2014-15)

GOODWIN PROCTER L.L.P., New York, NY

Science Advisor and Law Clerk (2011-13)

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., *magna cum laude* and Order of the Coif, 2015

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA

Ph.D. in Organic Chemistry, 2011

COLUMBIA COLLEGE, COLUMBIA UNIVERSITY, New York, NY

B.A. in Chemistry, *summa cum laude*, *Phi Beta Kappa*, and with departmental honors, 2005

PUBLICATIONS

Law Review Articles:

- Christopher J. Morten & Amy Kapczynski, *The Big Data Regulator, Rebooted: Why and How the FDA Can and Should Disclose Confidential Data on Prescription Drugs*, 109 CALIF. L. REV. 493-558 (2021).
- Christopher J. Morten & Charles Duan, *Who's Afraid of Section 1498? A Case for Government Patent Use in Pandemics and Other National Crises*, 23 YALE J.L. & TECH. 1-96 (2020).
- Mark J. Abate & Christopher J. Morten, *Standing with a Bundle of Sticks: The All Substantial Rights Doctrine in Action*, 28 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 477-509 (2018).

Shorter Publications in Law and Medicine:

- Alexander C. Egilman, Amy Kapczynski, Margaret E. McCarthy, Anita T. Luxkaranyagam, Christopher J. Morten, Matthew Herder, Joshua D. Wallach & Joseph S. Ross, *Transparency of regulatory data across the European Medicines Agency, Health Canada, and US Food and Drug Administration*, J.L. MED. & ETHICS (forthcoming 2021).
- Matthew Herder, Christopher J. Morten & Peter Doshi, *Integrated Drug Reviews at the US Food and Drug Administration—Legal Concerns and Knowledge Lost*, 180(5) JAMA INTERNAL MED. 629-30 (2020).
- Christopher J. Morten, Aaron Kesselheim & Joseph S. Ross, *The Supreme Court's Latest Ruling on Drug Liability and its Implications for Future Failure-to-Warn Litigation*, 47 J.L. MED. & ETHICS 783-87 (2019).
- Alex C. Egilman, Joshua D. Wallach, Christopher J. Morten, Peter Lurie & Joseph S. Ross, *Systematic Overview of Freedom of Information Act Requests to the Department of Health and Human Services from 2008 to 2017*, 4 RESEARCH INTEGRITY & PEER REVIEW 26 (2019).
- Cynthia L. Hardman, Marta E. Delsignore & Christopher J. Morten, *Forum Selection Clauses Can Doom PTAB Review*, LAW360 (Apr. 20, 2018).
- Cynthia L. Hardman, Marta E. Delsignore & Christopher J. Morten, *Inter Partes Review Estoppel Takes Shape*, LAW360 (Jan. 9, 2017).
- Christopher Morten, *Motion Practice in Inter Partes Review*, LEXOLOGY (Aug. 19, 2014).

Book Chapter:

- Chris Morten, *XOXO Science*, in 1996 (Matt Keegan ed., 2020).

White Papers and Reports:

- Christopher J. Morten, Laurel Boman, Joe Rabinovitsj & Celine Rohr, *U.S. 10,960,070: The U.S. Government's Important New Coronavirus Vaccine Patent* (April 14, 2021).
- Ethan Lin, *Recommendations for Statutory Reform of the Patent Term Extension System to Increase Public Accountability and Fight Soaring Drug Prices* (Christopher Morten, ed., March 2021)
- Joseph Adamczyk, Adrienne Lewis & Shivani Morrison, *§ 1498: A Guide to Government Patent Use*, NYU TECHNOLOGY LAW & POLICY CLINIC AND PREP4ALL (Christopher Morten, ed., January 2021).
- Ariella Barel & Laurel Boman, *Clinical Trial Cost Transparency at the NIH: Law and Policy Recommendations*, NYU ENGELBERG CENTER ON INNOVATION LAW & POLICY (Christopher Morten, ed., August 2020).
- James Krellenstein & Christopher J. Morten, *The U.S. Government's Apparent Co-Ownership of Patents Protecting Remdesivir*, PREP4ALL AND NYU TECHNOLOGY LAW & POLICY CLINIC (May 20, 2020).
- Christopher Morten, *Statement on CDC's Patents for PrEP*, YALE GLOBAL HEALTH JUSTICE PARTNERSHIP (Mar. 12, 2019).

PUBLICATIONS (con.)

Op-Eds, Blog Posts, and Other Writing for Popular Audiences:

- Gregg Gonsalves, Christopher Morten, Reshma Ramachandran & Joseph Ross, *The FDA is in desperate need of some soul-searching*, THE WASHINGTON POST (June 17, 2021).
- Christopher Morten, Christian Antonio Urrutia & Zain Rizvi, *Pharma's secrecy hinders global COVID-19 vaccination. Joe Biden could fix that*, THE BOSTON GLOBE (June 1, 2021).
- Christopher Morten & Matthew Herder, *We Can't Trust Big Pharma To Make Enough Vaccines*, THE NATION (May 31, 2021).
- Christopher Morten, *To Invent Our Way Beyond COVID-19, We Need Open Science*, COMMON DREAMS (Sept. 17, 2020).
- Dana Brown & Christopher Morten, *Four Steps to Transform the Pharmaceutical Industry and Survive the Pandemic*, IN THESE TIMES (Sept. 10, 2020).
- Dana Brown, Alex Lawson, Christopher Morten & Fran Quigley, *Reclaim Public Medicine for Public Health*, COMMON DREAMS (Aug. 20, 2020).
- Carrie Teicher & Christopher J. Morten, *We need strings attached!*, MEDIUM (Aug. 5, 2020).
- Christopher Morten, Christian Urrutia & James Krellenstein, *A powerful law gives HHS the right to take control of remdesivir manufacturing and distribution*, STAT (Jul. 2, 2020).
- Chris Morten & Alex Moss, *Could a patent get in between you and a Covid-19 test? Yes*, THE GUARDIAN (May 20, 2020).
- Christopher Morten & Charles Duan, *Who's Afraid of Section 1498?: Government Patent Use as Versatile Policy Tool*, WRITTEN DESCRIPTION BLOG (Apr. 24, 2020).
- Christopher Morten & Charles Duan, *The tension between public health and patents in the era of Covid-19*, STAT (Apr. 14, 2020).
- Christopher Morten, Peter G. Lurie & Charles Seife, *Lost opportunities from FDA, NIH inaction when sponsors fail to report clinical trial results*, STAT (Apr. 13, 2020).
- Christopher J. Morten, Amy Kapczynski, Harlan M. Krumholz & Joseph S. Ross, *To Help Develop the Safest, Most Effective Coronavirus Tests, Treatments, and Vaccines, Ensure Public Access to Clinical Research Data*, HEALTH AFFAIRS BLOG (Mar. 26, 2020).
- Christopher J. Morten & Amy Kapczynski, *United States v. Gilead: Can a Lawsuit Yield Better Access to PrEP?*, HEALTH AFFAIRS BLOG (Nov. 18, 2019).
- Christopher J. Morten & Amy Kapczynski, *Assessing Drug Pricing Reform Proposals: The Real Leverage and Benefits of Competitive Licensing*, HEALTH AFFAIRS BLOG (Nov. 4, 2019).
- Shweta Kumar, Christopher Morten & Joseph J. Ross, *Promoting clinical trial transparency through the courts: A strategic lawsuit against the FDA*, TRANSPARIMED BLOG (Oct. 23, 2019).

Chemistry Publications:

- Mousseau, J. J.; Morten, C. J.; Jamison, T. F. "A Dioxane Template for Highly Selective Epoxy Alcohol Cyclizations," *Chem. Eur. J.* **2013**, *19*, 10004-16.
- Morten, C. J.; Byers, J. A.; Jamison, T. F. "Evidence that Epoxide-Opening Cascades Promoted by Water Are Stepwise and Become Faster and More Selective After the First Cyclization" *J. Am. Chem. Soc.* **2011**, *133*, 1902-08.
- Morten, C. J.; Byers, J. A.; Van Dyke, A. R.; Vilotijevic, I.; Jamison, T. F. "The Development of Endo-Selective Epoxide-Opening Cascades in Water," *Chem. Soc. Rev.* **2009**, *38*, 3175-92.
- Morten, C. J.; Jamison, T. F. "New Strategies for the Stereocontrolled Synthesis of Substituted 'Skipped' Diepoxides," *Tetrahedron* **2009**, *65*, 6648-55 (invited).
- Morten, C. J.; Jamison, T. F. "Water Overcomes Methyl Group Directing Effects in Epoxide-Opening Cascades," *J. Am. Chem. Soc.*, **2009**, *131*, 6678-79.

SELECTED AMICUS BRIEFS

- Brief of Amici Curiae Latipa (née Michelle Dizon) and Việt Lê in Support of Appellee the Andy Warhol Foundation in *Andy Warhol Foundation v. Goldsmith*, No. 19-2420 (2d Cir.) (Feb. 28, 2020).
- Brief of Amici Curiae Small, Medium, and Open Source Technology Organizations in Support of Petitioner in *Google LLC v. Oracle America, Inc.*, No. 18-956 (U.S. Supreme Court) (Jan. 13, 2020).
- Brief of Amici Curiae Collaboration for Research Integrity and Transparency and Public Justice in *In re Avandia Marketing, Sales Practices & Products Liability Litigation*, No. 18-2259 (3d Cir.) (Nov. 5, 2018).

SELECTED LEGISLATIVE & REGULATORY ADVOCACY

- Comment of Ethan Lin, Christopher Morten, Brett Kaufman, and Jason Schultz on “Proposed Modifications to the HIPAA Privacy Rule” (Docket No. HHS-OCR-2021-0006-0001) (Apr. 23, 2021).
- Comment of Christopher Morten on FDA’s “Listing of Patent Information in the Orange Book” (Aug. 30, 2020).
- Letter of Amy Kapczynski and Christopher Morten to the United States House Oversight Committee in connection with HOC’s hearing, “HIV Prevention Drug: Billions in Corporate Profits after Millions in Taxpayer Investments” (May 16, 2019).
- Comment of Yale CRIT on FDA’s Draft Guidance Entitled “Civil Money Penalties Relating to the ClinicalTrials.gov Data Bank: Guidance for FDA Staff, Responsible Parties, and Submitters of Certain Applications and Submissions to the FDA” (Oct. 30, 2018).

SELECTED CONFERENCES & PRESENTATIONS

- Doctors for America, “Protecting Patients Through Clinical Trials Transparency” (Panel Discussion for International Clinical Trials Day 2021) (May 20, 2021) (moderator).
- Yale Information Society Project Ideas Lunch, “The Public’s Rights in Privately Held Patents & Trade Secrets” (May 20, 2021) (presentation with Charles Duan).
- NYU Engelberg Center, “Access to Medicine: The Role and Impact of U.S. Innovation Policy” (Mar. 10, 2021) (organizer and moderator).
- Works-in-Progress Intellectual Property (WIPIP) Colloquium, “Regulators as Whistleblowers: Publicizing Corporate Secrets in the Public Interest” (Feb. 13, 2021) (paper presentation).
- Weill Cornell Medical College, Health Policy Course (Jan. 25, 2021) (guest lecture).
- Universities Allied for Essential Medicines North America Annual Conference (Oct. 3, 2020) (presentation).
- Weill Cornell Medical College, Health Equity: Social Determinants (Sept. 18, 2020) (guest lecture).
- Doctors for America National Leadership Conference (Aug. 29, 2020) (presentation).
- Tech Clinic Camp 2020 (June-July 2020) (organizer, moderator, and presenter).
- NYU Law Privacy Research Group, “The Big Data Regulator, Rebooted: Why and How the FDA Can and Should Disclose Confidential Data on Prescription Drugs” (Mar. 25, 2020) (paper presentation).
- Georgetown Law Center Intellectual Property and Information Policy (iPIP) Clinic (Mar. 24, 2020) (guest teacher).
- NYU Law Innovation Policy Colloquium, “The Big Data Regulator, Rebooted: Why and How the FDA Can and Should Disclose Confidential Data on Prescription Drugs” (Mar. 12, 2020) (paper presentation).
- Tri-State Region IP Workshop, “The Big Data Regulator, Rebooted: Why and How the FDA Can and Should Disclose Confidential Data on Prescription Drugs” (Jan. 10, 2020) (paper presentation).
- NYU Law Clinical Faculty Meeting Presentation: “How Patents Are Part of the Battle to End the HIV/AIDS Epidemic” (December 9, 2019) (presentation with Jason Schultz).
- Yale MFIA Access & Accountability Conference: “HIV Prevention for All: Demanding Access & Accountability from CDC, HHS, and Big Pharma” (Oct. 5, 2019) (presentation).
- Yale Workshop on the Future of Electronic Health Record Data (June 13, 2019) (organizer and moderator).

SELECTED CONFERENCES & PRESENTATIONS (con.)

- NYU Patent Law Reading Group Seminar: “Understanding *Oil States*: Exploring the Public Rights Doctrine as Applied to Patents” (Feb. 13, 2019) (presentation).
- Fairfield University: “What is a Patent? A Trade Secret? An Introduction to Intellectual Property Law and the Problem of Access to Medicine” (Feb. 8, 2019) (presentation).
- Yale CRIT Conference on Court Secrecy in Medical Product Litigation (Sept. 17, 2018) (reporter).
- NYU Patent Law Reading Group Seminar: “Standing in Patent Infringement Suits and the Federal Circuit's ‘All Substantial Rights’ Doctrine” (Nov. 16, 2017) (presentation).

BAR & COURT ADMISSIONS

- New York
- S.D.N.Y., E.D.N.Y., & D.D.C.
- U.S. Courts of Appeals for the Second, Third, & Federal Circuits
- U.S. Supreme Court
- U.S. Patent & Trademark Office (Reg. No. 69,974)