

Christopher J. Morten

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EMPLOYMENT & TEACHING EXPERIENCE

COLUMBIA LAW SCHOOL, New York, NY

Associate Clinical Professor of Law (2021-present)

Director (2021-present), Science, Health & Information Clinic

Course taught:

- Science, Health, and Information Clinic

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 (2019-2022), *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, *Publicizing Corporate Secrets*, 171 U. PENN. L. REV. (forthcoming 2023).
- 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).

Published Symposium:

- Christopher Morten (moderator); Barry Datlof, Amy Kapczynski, Donna Meuth & Zain Rizvi (panelists), [*Should the U.S. Government Actively Assert Its Own Patents?*](#), 11 N.Y.U. J. INTELL. PROP. & ENT. L. 19 (2021).

Shorter Publications in Law & Medicine:

- Ravi Gupta, Christopher J. Morten, Yaqian Zu, Reshma Ramachandran, Nilay D. Shah & Joseph S. Ross, [*Approvals and Timing of New Formulations of Novel Drugs Approved by the US Food and Drug Administration Between 1995 and 2010 and Followed Through 2021*](#), 3(5) JAMA HEALTH FORUM e221096 (May 20, 2022).
- Reshma Ramachandran, Christopher J. Morten & Joseph S. Ross, [*Strengthening the FDA's Enforcement of ClinicalTrials.gov Reporting Requirements*](#), 326(21) JAMA 2131-32 (November 12, 2021).
- Alexander C. Egilman, Amy Kapczynski, Margaret E. McCarthy, Anita T. Luxkaranayagam, 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*](#), 49 J.L. MED. & ETHICS 456-85 (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).

PUBLICATIONS (con.)

White Papers & 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*](#), NYU TECHNOLOGY LAW & POLICY CLINIC (April 14, 2021).
- Ethan Lin, [*Recommendations for Statutory Reform of the Patent Term Extension System to Increase Public Accountability and Fight Soaring Drug Prices*](#), NYU ENGELBERG CENTER ON INNOVATION LAW & POLICY (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).

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

- Ava Alkon, Christopher Morten & Reshma Ramachandran, [*Are high-cost prescription drugs the price of innovation? Disclose the costs of clinical trials*](#), THE HILL (Apr. 21, 2022).
- Christopher J. Morten, Reshma Ramachandran, Joseph S. Ross & Amy Kapczynski, [*55 years to fulfill a records request? Clearly, the FDA needs serious reform of its data-sharing practices.*](#), THE WASHINGTON POST (Dec. 13, 2021).
- Christopher J. Morten, Zain Rizvi & Ameet Sarpatwari, [*President Biden Already Has The COVID Vaccine Recipe. He Should Share It*](#), HEALTH AFFAIRS BLOG (Sep. 22, 2021).
- Christopher Morten, [*TransUnion Is a Double-Edged Sword. Should the Legal Left Wield It?*](#), LPE BLOG (Sep. 20, 2021).
- 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).

PUBLICATIONS (con.)

Op-Eds, Blog Posts & Other Writing for Popular Audiences (con.):

- 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 14 Law Professors in *GlaxoSmithKline v. Teva*, No. 18-1976 (Fed. Cir.) (Oct. 21, 2021).
- [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 & ADMINISTRATIVE ADVOCACY

- [Letter](#) to Senator Warren on Government Patent Use and Bayh-Dole Rights (Apr. 20, 2022).
- [Letter](#) of Doctors Without Borders USA, Doctors for America, the Drugs for Neglected Diseases *initiative* (DNDi) North America, Knowledge Ecology International, and Christopher Morten to the Biden administration, entitled “The US Government Should Disclose the Costs of Clinical Trials it Funds To Make Medical Tools Affordable, Accessible, and Suited to Public Health Needs” (Jan. 31, 2022).
- [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

- 2022 Petrie-Flom Center Annual Conference: Diagnosing in the Home (Harvard Law School), “Toward A Legal Framework for Patient Access to At-Home Health Care Device Data” (June 15, 2022) (paper presentation with Charles Duan).
- Mitchell Hamline School of Law 2022 Trade Secret Workshop, “Publicizing Corporate Secrets” (June 11, 2022) (paper presentation).
- Privacy Law Scholars Conference 2022 (Northeastern University School of Law), “Administering Social Data: Lessons for Social Media from Medical Data” (June 2-3, 2022) (paper presentation with Gabriel Nicholas).
- NYU School of Law, Selected Topics in Health Law and Access to Medicines (Rachel Sachs & Alison Bateman-House, Profs.) (Apr. 4, 2022) (guest lecture).
- NYU Law Innovation Policy Colloquium, “Publicizing Corporate Secrets for Public Good” (Mar. 9, 2022) (paper presentation).
- Tri-State Region IP Workshop, “Publicizing Corporate Secrets for Public Good” (Jan. 14, 2022) (paper presentation).
- Students for a National Health Program, Weill Cornell Medicine Chapter (Nov. 19, 2021) (guest lecture).
- NYU School of Law, Advanced Topics in IP and Information Law Seminar (Katherine Strandburg, Prof.) (Nov. 11, 2021) (guest teacher).
- Berkeley Technology Law Journal (BTLJ) 2nd Annual Race & Technology Law Symposium (Nov. 10, 2021) (panel member).
- California Lawyers Association Intellectual Property Law Section 45th Annual IP Institute (Nov. 10, 2021) (panel member).
- Ohio State University Moritz College of Law, Biotechnology Law & Policy Seminar (Nov. 10, 2021) (guest lecturer).
- Tech Clinic Camp 2021 (June-July 2021) (organizer/planning committee).
- 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 with Amy Kapczynski).
- 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. & E.D. Tex.
- U.S. Courts of Appeals for the Second, Third & Federal Circuits
- U.S. Supreme Court
- U.S. Patent & Trademark Office (Reg. No. 69,974)