# JESSICA M. KISER

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### **EDUCATION**

#### Columbia Law School

Juris Doctor

- Harlan Fiske Stone Scholar
- Senior Editor, Columbia Journal of Law and the Arts
- Kirkland & Ellis Diversity Fellowship
- Fred E. & Claire R. Strine Scholar
- Kernochan Center Arts Law Summer Fellowship

### **Boston University**

B.A., Cultural Anthropology, *Summa Cum Laude* with distinction B.S., Communication (Advertising), *Summa Cum Laude* 

- Phi Beta Kappa
- Trustee Scholarship
- Scarlet Key Award (for service to Boston University)
- College Prize for Excellence in Anthropology (top graduate in Anthropology)
- Distinguished Student Award (top graduate in Communication)

#### PUBLICATIONS AND WORKS IN PROGRESS

An Empirical Study of How Market Incentives Impact Trademark Bullying (Work in Progress).

Making Room for the "Brandright" (Work in Progress).

Brands as Copyright, 61 VILLANOVA L. REV. 1 (2016).

To Bully or Not to Bully: Understanding the Role of Uncertainty in Trademark Enforcement Decisions, 37 COLUM. J. L. & ARTS 211 (2014).

How Dykes on Bikes Got It Right: Procedural Inequities Inherent in the Trademark Office's Review of Disparaging Trademarks, 46 U.S.F.L. REV. 1 (2011).

Beware of the Blog, COPYRIGHT WORLD, February 2010, at 22 (with Rita Berardino).

The Burden of Proof: Perceptions of Native Americans as an Example of Ethnic Ambiguity (May 2003) (unpublished Honors Thesis, Boston University).

#### TEACHING INTERESTS

Primary Interests: Intellectual Property Law (including Patent, Copyright and Trademark),

Contract Law, Property Law, Transactional Law

Additional Interests: Family Law, Criminal Law, Communications Law, Entertainment Law,

Privacy Law, Legal Drafting, Native American Law

#### SCHOLARLY PRESENTATIONS

Presenter, *Brandright: Finding a Place for Brands*, Inland Northwest Scholars Workshop, at Gonzaga University School of Law, August 1, 2016.

Presenter, *Brandright: Finding a Place for Brands*, Junior Scholars Virtual Colloquium, hosted by the University of Toledo College of Law, August 12, 2016.

Presenter, *Finding a Place for Brands*, Seventh Annual INTA Trademark Scholarship Symposium, at International Trademark Association's 2016 Annual Meeting, May 25, 2016.

Presenter, Market Responsiveness to Trademark Litigation: Designing an Empirical Study, at Gonzaga University School of Law, April 14, 2016.

Presenter, *Market Responsiveness to Trademark Litigation*, at 2016 Works-in-Progress Intellectual Property Colloquium, University of Washington School of Law, February 19, 2016.

Presenter, *Brands as Copyright*, at Inaugural Texas A&M Intellectual Property Scholars Roundtable, Texas A&M University School of Law, October 10, 2015.

Presenter, *Growing Your IP Business: Ethical Risks Posed by Prospective, Current and Former Clients*, at Inaugural Gonzaga Intellectual Property Merit Scholarship CLE, Gonzaga University School of Law, September 25, 2015.

Presenter, *Undercover Copyright: Brand Theory and the Evolution of Trademarks*, at Inland Northwest Scholars Workshop, University of Idaho School of Law, July 31, 2015.

Presenter, *Undercover Copyright: Brand Theory and the Evolution of Trademarks*, Junior Scholars Virtual Colloquium, hosted by the Louis D. Brandeis School of Law at the University of Louisville, July 22, 2015.

Presenter, *Quality Control, Naked Licensing, and Consumer Trademark Use,* Rocky Mountain Junior Scholars Forum, hosted by University of Utah S. J. Quinney College of Law, November 13-14, 2014.

Presenter, *Naked Licensing*, Junior Scholars Virtual Colloquium, hosted by Michigan State University College of Law, August 8, 2014.

Presenter, *Trademark's Fans*, Inland Northwest Scholars Workshop, Gonzaga University School of Law, July 14, 2014.

Participant, Law and Economics Center's Workshop for Law Professors on Empirical Methods, George Mason University School of Law, Arlington, VA, May 19-23, 2014.

Panelist and Guest Lecturer, *Racial Mascotting and Trademark Law*, University of Washington School of Law, Seattle, WA, May 8, 2014.

Presenter, *Trademark Law as Corporate Law*, at 2014 Works-in-Progress Intellectual Property, Santa Clara University School of Law, February 7-8, 2014.

Founder and Presenter, *Trademark Bullying and the Duty to Police Infringement*, at the Junior Scholars Virtual Colloquium, hosted by Gonzaga University School of Law, July 17, 2013.

Commenter, at the Drake Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA, March 12-13, 2013.

Invited participant for the inaugural University of New Hampshire IP Academics Bootcamp, Holderness, NH, June 6-8, 2013.

Moderator, *International Business & Trade: From Policy to Practice*, at the Gonzaga Journal of International Law 2013 Annual Spring Symposium, Gonzaga University School of Law, March 22, 2013.

Presenter, *Trademark Bullying and the Duty to Police Infringement*, at Seattle University School of Law, March 4, 2013.

Presenter, *Trademark Bullying and the Duty to Police Infringement*, at Gonzaga University School of Law, February 28, 2013.

Presenter, *Copyright: A Year in Review*, at the Washington State Bar Association's 5<sup>th</sup> Annual Inland Empire Intellectual Property Institute, Gonzaga University School of Law, October 12, 2012.

Presenter, *Registration of Disparaging Trademarks Under the Lanham Act*, at Emerging Legal Scholarship: Teaching Fellows Annual Conference, Loyola University New Orleans College of Law, March 25, 2011.

Presenter, *Facing Facebook: Potential Trademark Concerns*, at Kirkland & Ellis LLP KTECH Training, New York, July 2009.

Presenter, *Douglas v. Talk America*, at Kirkland & Ellis LLP KTECH Training, New York, January 2008.

# TEACHING EXPERIENCE

#### Assistant Professor, Gonzaga University School of Law

2012 - Present

Teach courses in Intellectual Property, Advanced Trademark and Unfair Competition, International and Comparative Intellectual Property, and Property Law. Advisor to the Gonzaga Intellectual Property Law Association and the Moot Court Honors Council.

### Westerfield Fellow, Loyola University New Orleans College of Law

2010 - 2012

Taught first year courses in Legal Research and Writing and Moot Court, which included developing exercises, facilitating group discussion and conducting individual student drafting sessions. Developed and taught a seminar on Contract Drafting; selected appropriate text book, created a syllabus, and prepared interactive assignments.

#### Moot Court Student Judge, Columbia Law School

2006 - 2007

Served as advisor for new Moot Court Student Editors. Assisted the editors in the development of their moot court problem, fact pattern, and final bench memo.

### Moot Court Student Editor, Columbia Law School

2005

Taught legal research and writing through the development of student briefs as part of an indepth moot court program for first-year students.

#### Teaching Assistant, Legal Research and Writing, Columbia Law School

2006

Prepared and delivered supplemental lectures on legal research and writing and provided after-hours help to students.

### PROFESSIONAL EXPERIENCE

### Associate, Kirkland & Ellis LLP

September 2007 – June 2010

Transactional Intellectual Property Group

Assisted clients with the management of intellectual property portfolios including the filing of copyright and trademark applications, responding to office actions from the United States Patent and Trademark Office, and the monitoring of third party trademarks. Coordinated the intellectual property due diligence and negotiations for venture capital financings and mergers and acquisitions involving pharmaceutical, biotechnology, software, manufacturing, consumer product and communications companies. Negotiated and drafted a wide range of corporate agreements, including stock and note purchase agreements, merger agreements, trademark and patent licenses, development and supply agreements, and web hosting agreements.

#### Intern, Thirteen/WNET-New York

Summer 2005

Researched and drafted memoranda on sweepstakes law, defamation, copyright law, and FCC broadcast regulations. Informed client of complex New York registration requirements, which led to the complete revision of an annual promotional sweepstakes.

# **UNIVERSITY ACTIVITIES**

Scholarship Committee, Member, Gonzaga University School of Law

Faculty Senate, Law School Representative, Gonzaga University

Dean's Advisory Committee, Member, Gonzaga University School of Law

Admissions Committee, Member, Gonzaga University School of Law

Faculty Recruitment Committee, Member, Gonzaga University School of Law

Gonzaga Moot Court Honors Council, Faculty Advisor

Gonzaga Intellectual Property Law Association, Faculty Advisor

Vis International Commercial Arbitration Moot Court, Faculty Advisor, Loyola

National Moot Court, Faculty Advisor, Loyola

### PROFESSIONAL DEVELOPMMENT

**Intellectual Property Section, The Association of American Law Schools** Board Member, 2016-2017

# **BAR ADMISSIONS**

New York, District of Columbia, Washington