

CYNTHIA M. HO

Loyola University Chicago School of Law
25 East Pearson St., Chicago, Illinois 60611
(312) 933-9994; cho@luc.edu

ACADEMIC POSITIONS

Loyola University Chicago School of Law, Chicago, IL (1997- present)
Clifford E. Vickrey Research Professor of Intellectual Property Law
Director, Intellectual Property Program
Professor of Law, 2009 - present
Associate Professor of Law (with tenure), 2003-present
Assistant Professor of Law, 1997-2003

- 2023 Outstanding 1L Professor
- 2021 Professor of the Year
- 2021 Outstanding 1L Professor

University of Strasbourg (April 2018)
Center for Intellectual Property Studies
Visiting Scholar

Emory University School of Law, Atlanta, GA (Spring 2005)
Visiting Associate Professor of Law

EDUCATION

Duke University School of Law, Durham, NC,
J.D., *with honors*, 1993
Research Editor, Duke Journal of Comparative & International Law

Boston University, Boston, MA,
B.A., *cum laude*, 1990

BOOKS

CO-AUTHOR, **CLICK & LEARN: A GUIDE TO CIVIL PROCEDURE**: (Carolina Press, 2021)

ACCESS TO MEDICINE IN THE GLOBAL ECONOMY: INTERNATIONAL AGREEMENTS ON PATENTS AND RELATED RIGHTS (Oxford University Press 2011)

PATENT LAW, Questions & Answers Series (Lexis 2008)

BOOK CHAPTERS & LAW REVIEWS

“Recalibrating Trade Secrets Impacting Health to Promote Human Rights,” *in* HUMAN CENTERED APPROACH TO HEALTH INNOVATIONS; RECONCILING IP WITH HUMAN RIGHTS (Peter Yu & Aiden Hollis eds., Cambridge U. Press *forthcoming* 2024)

“Beyond IP: Addressing Regulatory Barriers,” *in* INTELLECTUAL PROPERTY, COVID-19, AND THE NEXT PANDEMIC: DIAGNOSING PROBLEMS, DEVELOPING CURES (Sunder & Sun, eds., Cambridge U. Press *forthcoming* 2024)

“Artificial Intelligence and Intellectual Property in Healthcare Technologies,” *in* RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW (*forthcoming* 2024)(with Charlotte Tschider)

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**BOOK CHAPTERS
& LAW REVIEWS
(cont.)**

- “Against Intellectual Property Nationalism,” 100 DENVER L. REV. 109 (2023)
- “COVID Crisis Underscores IP Imbalance,” *in* IMPROVING INTELLECTUAL PROPERTY (Susy Frankel et al., eds. 2023, Edward Elgar)
- “Biosimilar Bias: A Barrier to Addressing American Drug Costs” 99 DENVER L. REV. 517 (2022)
- “Formative Assessment in an Online Civil Procedure Course,” *in* LAW TEACHING STRATEGIES FOR A NEW ERA: BEYOND THE PHYSICAL CLASSROOM 329 (Tessa L. Dysart & Tracy L.M. Norton, eds., Carolina Academic Press 2021)
- “The TRIPS Trap: A Path to Domestic Disclosure of Clinical Drug Data Consistent with International Norms,” 54 CORNELL INT’L L. J. 479 (2021)
- “The Intersection of ISDS and TRIPS flexibilities,” *in* RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND INVESTMENT LAW 207 (Christopher Geiger, ed., 2020, Edward Elgar)
- “A Dangerous Concoction: Pharmaceutical Marketing, Cognitive Biases, and First Amendment Overprotection” 94 INDIANA L. J. 773 (2019)
- “Current Controversies Concerning Patent Rights and Public Health in a World of International Norms,” *in* RESEARCH HANDBOOK ON PATENT LAW AND THEORY (2d ed. 2019, Edward Elgar).
- “Re-examining *Eli Lilly v. Canada*: A Human Rights Approach to Investor-State Disputes?” 21 VAND. J ENT & TECH L. 437 (2018)
- “A Collision Course Between TRIPS Flexibilities and Investor-State Proceedings,” 6 UC IRVINE L. REV. 395 (2017)
- “Regime Shift of IP Lawmaking and Enforcement from WTO to the International Investment Regime, 18 MINN. J. L. SCI & TECH (2017) (with James Gathii)
- “An Active Learning Approach to Teaching Tough Topics: Personal Jurisdiction as an Example, 65 J. LEGAL ED. 772 (2016)
- “Sovereignty Under Siege: Challenging Domestic Decisions Regarding Intellectual Property,” 30 BERK. TECH. L. J. 213 (2015)
- “Should All Drugs be Patentable,” 17 VAND. J. ENT. & TECH L. 295 (2015)
- “Drugged Out: How Cognitive Bias Hurts Drug Innovation,” 51 SAN DIEGO L. REV. 419 (2014) ([over 11,000 downloads from ssrn.com](#))

**BOOK CHAPTERS
& LAW REVIEWS
(cont.)**

“The Role of Conflicting Patent Perspectives for Compulsory Licenses,” in GLOBAL PERSPECTIVES OF PATENT LAW (Margo Bagley & Ruth Okedije, eds., Oxford University Press 2014)

“Beyond Patents: Global Challenges to Affordable Medicines,” in THE GLOBALIZATION OF HEALTH CARE (Glen Cohen, ed., Oxford University Press 2013)

“Global Access to Medicine: The Influence of Competing Patent Perspectives,” 34 FORDHAM INTL L. J. 1 (2011)

“Unveiling Competing Patent Perspectives,” 46 HOUSTON L. REV. 1047 (2009), *excerpts reprinted in* DANIEL C.K. CHOW & EDWARD LEE, INTERNATIONAL INTELLECTUAL PROPERTY: PROBLEMS, CASES AND MATERIALS (2d ed. 2012)

“Current Controversies Concerning Patent Rights and Public Health in a World of International Norms,” in PATENT LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (Toshiko Takenaka & Rainer Moufang, eds., Edward Elgar 2009)

“On Breaking Patents: Separating Strands of Fact from Fiction under TRIPS,” 34 NC J INT’L L (2009), *excerpts reprinted in* L. HELFER & G. AUSTIN, HUMAN RIGHTS AND INTELLECTUAL PROPERTY: MAPPING THE GLOBAL INTERSECTIONS (Cambridge University Press 2010)

“A New World Order for Addressing Patent Rights and Public Health, 82 CHICAGO KENT L. REV. 1469 (2007) (invited symposium article)

“Agricultural Biotechnology in a Post-TRIPS World and Beyond: Addressing Social Policies in a Pro-Patent Environment,” in AGRICULTURAL BIOTECHNOLOGY AND INTELLECTUAL PROPERTY: SEEDS OF CHANGE (Oxford University Press 2007)

“Biopiracy and Beyond: A Consideration of Socio-Cultural Conflicts with Global Patent Policies,” 39 U. MICH. J. LAW REFORM 433 (2006)

“Inoculation Inventions: The Interplay of Infringement and Immunity in the Development of Biodefense Vaccines,” 8 J. HEALTH CARE L. & POL. 111 (2005)(invited symposium article)

“Do Patents Promote the Progress of Justice? Reflections on Varied Visions of Justice,” 36 LOY. U. CHIC. L. J. 469 (2005)

“Attacking the Copyright Evildoers in Cyberspace,” 54 SMU L. REV. 1561 (2002), cited in ROCHELLE DREYFUSS & ROBERTA KWALL, INTELLECTUAL PROPERTY CASES AND MATERIALS 479 (2d ed. 2010).

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**BOOK CHAPTERS
& LAW REVIEWS
(cont.)**

“Who Deserves the Patent Pot of Gold?: An Inquiry into the Proper Inventorship of Patient-Based Discoveries” 2 HOUS. J. HEALTH L. & POL’Y 107 (2002), *republished at* 7 DEPAUL J. HEALTH CARE L. (2004).

“Patients, Patents and Public Policy: An Incomplete Intersection at 35 U.S.C. § 287(c),” 33 U.C. DAVIS L. REV. 601 (2000), *cited in* CARL R. MOY, 1 MOY’S WALKER ON PATENTS 5.34 (4th ed. 2007)

“Splicing Morality and Patent Law: Issues Arising from Mixing Mice and Men,” 2 WASH. U. J. L. & POLICY 247 (2000) (invited article for symposium), *quoted in* ROBERT PATRICK MERGES & JOHN FITZGERALD DUFFY, PATENT LAW AND POLICY (8th ed., 2021)

“International Intellectual Property Issues in Biotechnology,” *in* ENCYCLOPEDIA OF ETHICAL, LEGAL, AND POLICY ISSUES IN BIOTECHNOLOGY (2002)

**COMMISSIONED
STUDY**

“Disclosure of Origin and Informed Consent for Applications of Intellectual Property Rights Based on Genetic Resources: A Technical Study of Implementation Issues,” prepared for and at the request of the United Nations Convention on Biological Diversity, UNEP/CBD/WG-ABS/2/INF/2 (Sept. 29, 2003)

**OTHER
PUBLICATIONS**

“Evergreening,” *in* ENCYCLOPEDIA OF INTELLECTUAL PROPERTY LAW (Irina Stamatoudi et al, eds., Edward Elgar, *forthcoming* 2024)

[Innovation Bullying in Drug Policy](#), Health Affairs, Sept. 11, 2023

[To Promote Innovation, Congress and Companies Should Support Drug Development Cost Disclosure](#), Health Affairs, July 28, 2022

[IP Nationalism: The unexamined issue underlying the controversial WTO vaccine proposal and beyond](#), STAT, June 14, 2022

“[Potential Claims Related to IP and Public Health in Investment Agreements: COVID-19, the Proposed TRIPS Waiver and Beyond](#),” South Centre Investment Policy Brief, Dec 9, 2021

[How to use Formative Assessment Data to Tailor Teaching](#), Law Teaching and Learning Blog, August 17, 2021

[How to Choose a Formative Assessment Platform to Optimize Data-Based Learning](#), Law Teaching and Learning Blog, August 11, 2021

[Failure, Fun and Formative Assessment](#), Law Teaching and Learning Blog, July 16, 2020

[TRIPS Flexibilities Under Threat From Investment Disputes: A Closer Look at](#)

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**OTHER
PUBLICATIONS
(cont.)**

[Canada's 'Win' Against Eli Lilly](#), Intellectual Property Watch, April 27, 2017

[Million Dollar Mistake? The Cost of Limiting or Canceling IP Rights](#), PatentlyO Blog, Mar 29, 2015

“Introduction to TRIPS,” Center for Computer-Assisted Legal Instruction (CALI) lesson, at www.cali.org

**SELECTED
PRESENTATIONS**

Panelist, “How to Write a Final Exam,” AALS New Law Professors, Nov. 1, 2023 (virtual)

“Trade Secret Bullying,” IP Scholars Conference, Cardozo School of Law, August 3, 2023

“Leaning into COVID IP -- Issues Lessons Learned?,” American Society of Law, Medicine and Ethics Annual Health Law Professor Conference, U. Maryland School of Law, June 8, 2023

“Enhancing and Integrating Oral Skills Alongside Substantive Knowledge,” Institute for Law Teaching and Learning, Law School Pedagogy Work In Progress, May 31, 2023

“Recalibrating Trade Secrets Impacting Health,” A Human-Centered Approach to Health Innovations: Reconciling IP with Human Rights, Global Justice Program, Yale Law School, Oct. 29, 2022

“Re-evaluating Trade Secrecy for Public Health,” American Society of Law, Medicine and Ethics Annual Health Law Professor Conference, Sandra Day O’Connor School of Law at Arizona State University, June 3, 2022

“IP nationalism: Complicating Access to COVID Treatments and Beyond,” IP Scholars Conference, August 3, 2021

“Harnessing Formative Assessment Data to Tailor Teaching,” Institute for Law Teaching, June 30, 2021

“Biased Against Biosimilars,” American Society of Law, Medicine and Ethics Annual Health Law Professor Conference, June 10, 2021

“Potential Claims Related to IP and Public Health in Investment Agreements,” [South Centre Webinar on Emerging Trends in FTAs and Public Health](#), May 28, 2021

Discussant, Online & Hybrid Learning Pedagogy, Workshop on Online Education, SEALS, July 31, 2020 (via zoom)

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**SELECTED
PRESENTATIONS
(continued)**

“Leveraging Technology for Learning,” New York Law School Initiative in Excellence in Law Teaching, (via zoom), March 30, 2020

“Misinformation and Misunderstanding: Revealing Contributing Factors to Expensive Drugs,” St. Louis University School of Law, Center for Health Law Studies – Distinguished Speaker Series, Feb. 13, 2020

“Optimizing Resources to Enhance Feedback and Assessment for Traditional, Hybrid and Distance Classes,” Online & Hybrid Learning: Towards Defining Best Practices in Legal Education, U. Denver Sturm College of Law, Sept. 27, 2019

“Clinical Trial Transparency versus Trade Secrecy and Beyond: Reconciling Public Health with TRIPS,” Intellectual Property Scholars Conference, August 9, 2019

“Breakthrough Drugs, Biosimilars and Beyond,” ASMLE, Loyola University of Chicago School of Law, June, 2019.

“TRIPS art. 39(3) and Clinical Trial Transparency,” TRIPS at 25, Texas A&M School of Law, March 2019

“Cultural ‘Capture,’ Cognitive Bias or Corruption?: Contending with Fake Facts from PhRMA and Overprotection of Drugs,” Global IP Congress, American University College of Law, Sept. 28, 2018

“What Safeguards Exist for Public Policy and TRIPS Flexibilities after Philipp Morris and Eli Lilly Disputes,” Enforcing Intellectual Property in Trade and Investment Agreements: What Safeguards for its Social Function?, XIXth EIPIN Congress, University of Strasbourg, European Parliament, Strasbourg, France, April, 25 2018

“Can Embracing Human Rights Better Balance IP Issues in ISDS Disputes?,” JETLaw Symposium on Dramatic Changes: International Trade’s Effect on Intellectual Property and Human Rights, Vanderbilt University, Jan. 25, 2018

“Manageable Modifications to Achieve Real World Readiness,” Institute for Law Teaching and Learning, Washburn School of Law, June, 2016

“Teaching Tough Topics: Personal Jurisdiction,” presentation for Panel on the Pedagogy of Procedure: Using Civil Procedure to Showcase Innovative Teaching Methods, American Association of Law Schools, January, 2016

“Regime Shifting of IPR Law-Making and Enforcement to International Investment Law,” American Society of International Law, Oct. 24, 2015

“Collision Course: International IP versus Investment Agreements,” Conference on Patent Sovereignty and International Law, UC Irvine, Oct. 16, 2015

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**SELECTED
PRESENTATIONS
(continued)**

“Drug Rehab: Addressing Cognitive Biases to Improve Drug Development,” Works in Progress Intellectual Property Colloquium, USPTO, Feb 7, 2015

Panelist, On Professionalism & Balance: Academic and Personal Success, 12th Annual LatCrit-SALT Junior Faculty Development Workshop, William S. Boyd School of Law, Las, Vegas, NV, Oct. 9, 2014

Panelist, Supreme Court Review, Chicago-Kent School of Law, September 12, 2014.

“A New Challenge to Domestic Ability to Determine Intellectual Property Rights: Evaluating Eli Lilly’s Investor-State Arbitration Claim for Invalidation of Patent Rights,” Intellectual Property Scholars Conference, Boalt Law School, Aug. 7, 2014
“Should All Drugs be Patentable? Cardozo IP and Innovation Colloquium, Feb. 24, 2014

“Should All Drugs be Patentable Subject Matter?: A Comparative and Cognitive Bias Approach,” Patents 101: Eligibility from Computer Code to Genetics, Vanderbilt Law School, Jan. 24, 2014

“Individualized Education: Using Online Tools and Videos to Reach all Students, CALICon Conference, Chicago-Kent School of Law, June 2013

“Current Framework of International Treaties and the Availability of Generic Drugs,” Vector PhARMA International Seminar, Mexico City, June 4, 2013

“Cognitive Biases in Treaty Interpretation and Negotiation,” Emerging Issues In International IP Panel (and Chair), Law and Society Annual Conference, May, 30, 2013

“The Perfect Storm: Cognitive Biases of Global Access to Medicine,” International IP Scholars Conference, University of San Diego, April 19, 2013.

“IP without Borders,” Intellectual Property Scholars Conference, Stanford Law School, August 9, 2012

“Global Access to Medicine,” Sujal Parikh Memorial Symposium for Sustainable Connections and Collaborations for Health and Social Justices, University of Michigan School of Public Policy and Medicine, March 24, 2012

“A Tale of Two Patent Views,” Patents, Patients and Patience: Why the World Awaits a Consensus on Compulsory Medicine, 24th Annual Emanuel Emroch Lecture, University of Richmond School of Law, March 15, 2012

“Beyond Patents: The Impact of Patent Related Rights on Global Access to Medicine,” The Globalization of Health Care: Legal and Ethical Challenges, Petrie Flom Center, Harvard Law School, May 21, 2011

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**SELECTED
PRESENTATIONS
(continued)**

“In Transit Infringement Under TRIPS and Beyond,” Pharmaceuticals in Developing and Emerging Economies: Production, Innovation, and Access to Medicines in the Wake of TRIPS, University of Hyderabad & Deakin University, Hyderabad, India, Sept. 18, 2010

Panelist, Bilski – What is the Future for Business Method Patents, IP Owner’s Annual Meeting, Chicago, IL, Sept. 15, 2009.

“In-transit (Patent) Infringement: Trouble under TRIPS and Beyond,” IP Scholars Conference, Cardozo School of Law, Aug. 7, 2009

“Competing Patent Perspectives,” A2K Workshop, George Washington School of Business, June 8, 2009

“Unveiling Competing Patent Perspectives,” Symposium on Intellectual Property in International Perspective, Institute for Intellectual Property and Information Law, University of Houston, June 6, 2009

“Preventing Perverse Patent Incentives,” Research Gone Wrong Panel, Law and Society Conference, Denver, CO, May, 2009

“International Patent Issues for an Influenza Pandemic,” Symposium on Preparing for a Pharmaceutical Response to Pandemic Flu, Seton Hall School of Law, Oct. 24, 2008

“On Breaking or Balancing Patents,” Intellectual Property Scholars Conference, Stanford Law School, August 8, 2008

“Inventorship and Ownership: Patent Implications of Genetic Research,” One Origin, One Race, One Earth: Genetics, Human Rights and the Next Phase of Human Evolution, University of Calgary, November 17, 2007

Panelist, From Infringement to Innovation: Counterfeiting and Enforcement in the BRICs, Of Bricks and Mortar: Technology Drivers in Booming Economies, Northwestern University School of Law, April 13, 2007

“Are Patent Thickets a Problem for Public Health?” Conference on the Future of Patent Reform, Ohio State School of Law, February 23, 2007

“Immoral Patents: An International Problem,” Patenting People Conference, Cardozo School of Law, Nov. 12, 2006

“Beyond Borders: Re-evaluating Patent Law and Policy for Extraterritorial Infringement,” Intellectual Property Scholars Conference, Boalt School of Law, Berkeley, CA, August 10, 2006.

“Multinational Patent Infringement,” AALS Conference on Intellectual Property Law,

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**SELECTED
PRESENTATIONS
(continued)**

Vancouver, BC, June 2006

“Patent Rights versus Public Health in a Post TRIPS World,” International Conference on High-Tech Law, University of Gdansk, Poland, October 22, 2005

“Preserving Access to Medicine in a TRIPS-Plus World,” High Technology Protection Summit, University of Washington School of Law, July 23, 2005

“Promoting the Proper Progress of Science?” Where are Law, Ethics & the Life Sciences Headed?: Frontier Issues Conference, University of Minnesota, May 19, 2005.

“Biopiracy and Beyond,” Emory School of Law, April 11, 2005

“Moving from Rhetoric to Reality: A Reconsideration of Biopiracy Patents,” Case Western Reserve University Law School, November 8, 2004.

“Intellectual Property Law and Policy Issues for Bioterrorism Vaccines,” Conference on Eliminating Legal, Regulatory and Economic Barriers to Bioterrorism Vaccine Development, University of Maryland College of Law, June 8, 2004.

“Agricultural Biotechnology in a Post-TRIPS World and Beyond,” Symposium: Seeds of Change—Intellectual Property Protection for Agricultural Biotechnology, UIUC, Apr. 8-10, 2004, Champaign, Illinois.

“Moving TRIPS Forward from Rigid Rules to a Flexible Framework: An Attempt to Accommodate Patents & Public Health,” Conference on Patent Law, Social Policy and Public Interest: The Search for a Balanced Global System, Cardozo School of Law, November 7, 2002

“TRIPS and the WTO,” video lecture and discussion with Shanghai WTO Consultation Centre, June 28, 2002

“Patent Law Issues in Biotechnology and Global Health,” presentation at American Association of Law Schools (AALS) Annual Conference, New Orleans, January 4, 2002

“Splicing Morality and Patent Law,” Conference on Re-engineering Patent Law: The Challenge of New Technologies, Washington University School of Law, Apr. 1, 2000.

**PROFESSIONAL
SERVICE**

Consultant, National Institutes of Health (2005, 2010)

Consultant, United Nations Convention on Biological Diversity (2003)

Peer Reviewer for Oxford Legal Publications & Journal of Law & Medicine

Peer Reviewer, ICSID Review- Foreign Investment Law Journal

Peer Reviewer, Nature Biotechnology

Intellectual Property Lawyers Association of Chicago

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- Law Schools Committee Chair (2012-present)
- Executive Board Member (2015-2017)

Chicago Intellectual Property Alliance Founding Board Member (2002-2020)

Co-Founder, Bio-ip Junior Scholars Conference (2014-2019)

Linn Inn of Court Executive Board Member (2008 – 2011)

Senior Reviewer, Junior Faculty Workshop on IP Issues in the Pharmaceutical Industry, Indiana University McKinney School of Law (2013)

Executive Board, Conference of Asian Pacific American Law Professors (2003-2012)

Senior Reviewer, MSU IP & Communications Law Scholarship Workshop 2008

UNIVERSITY SERVICE

Loyola Copyright Task Force (2011-2013)

Loyola University Patent Committee (Fall 2002 – present)

Loyola Faculty Mentor (2010-1011)

LAW SCHOOL SERVICE (selected)

Curriculum Committee (2008 – present; **Chair** 2018-2023)

Founder & Faculty Advisor, [IP Bytes](#) blog (2019-present)

Co-Founder and annual co-organizer, Wiet Life Sciences Workshop (2018-present)

Associate Dean of Faculty Research & Development (2012-2014)

Dean Search Committee (2004 -2005, 2021-2022)

Dean's Advisory Committee (2005-2014; 2022-2023)

Reference Librarian Search committee (2023-present)

Student Conduct Ad hoc Committee (2023-24)

Faculty Hiring Committee (2001-03; 05-07; **Chair** 2006-07; 2019-10; 2013-14)

Admissions Policy and Review Committee (1998-2005; **Chair** 2003-2004)

Co-Founder, Chicago Intellectual Property Colloquium

ABA Self-Study Committee (2012-2014)

Faculty Advisor, Patent Law Interview Program (1998 - present)

Faculty Advisor, Intellectual Property Law Society (1997 – present)

Faculty Advisor, Asian Pacific American Law Students Association (1997-present)

Scholarship Committee (2009-2010)

Wing Tat Lee Chair Search Committee (2005-06)

Credential Review Committee (1999-2001)

LEGAL PRACTICE

Fish & Neave, New York, NY (1993-1997)

Associate

Experience included participation in multiple phases of patent, trade secret, and unfair competition litigation, as well as prosecution of patent applications and due diligence into all aspects of intellectual property.

PROFESSIONAL MEMBERSHIPS

American Bar Association; American Intellectual Property Law Association

Richard Linn American Inn of Court; IP Lawyers Association of Chicago

Society for American Law Teachers

BAR ADMISSIONS

New York; Registered to practice before the United States Patent & Trademark Office