

Prof. Timothy A. Lemper

Curriculum Vitae

Office Address

Indiana University - Kelley School of Business
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EMPLOYMENT

Academic Positions

Kelley School of Business, Indiana University, Bloomington, Indiana

Clinical Professor of Business Law (2013-present)

Clinical Associate Professor of Business Law (2007-2013)

Harvard Law School, Cambridge, Massachusetts

Teaching Assistant, Trial Advocacy Workshop (2001)

Research Assistant to Professor Margo Schlanger (1999)

Professional Experience

Finnegan, Henderson, Farabow, Garrett & Dunner LLP, Washington, D.C.

Associate, Trademark and Copyright Group (2005-2007)

Baker & Hostetler LLP, Cleveland, Ohio

Associate, Litigation and Intellectual Property Law Groups (2001-2005)

Summer Associate (2000)

United States Air Force, Pentagon, Alexandria, Virginia

Management Consultant (1997)

United States Senate, Washington, D.C.

Staff Assistant to U.S. Sen. Richard Lugar (1996)

British House of Commons, London, UK

Intern to Harriet Harman MP, Shadow Secretary for Employment (1994)

EDUCATION

Harvard Law School, Cambridge, Massachusetts

J.D., June 2001

Executive Editor, *Harvard Journal of Law & Public Policy*

Third Year Paper: "Working Class Ethics: Implications of the Professionalism

Crusade for the Delivery of Legal Services to Lower- and Middle-Income Consumers"

London School of Economics & Political Science, London, England

M.Sc., *with merit*, in Public Administration & Public Policy, Nov. 1997

Thesis: “Stealth Justices & Green Legislators: Cultural Theory of Ideology and Voting”

Indiana University, Bloomington, Indiana

B.A., *summa cum laude*, in History (Spanish minor), Dec. 1995

B.A., *summa cum laude*, in Political Science and English (honors), Dec. 1995

Area Certificate, Liberal Arts & Management Program (LAMP)

Harry S. Truman Scholar

Herman B Wells Scholar

Elvis J. Stahr Senior Recognition Award

Phi Beta Kappa

Phi Eta Sigma National Merit Scholar

Study abroad in Mexico City (1992) and London (1994)

AWARDS AND HONORS

- ❖ Wells Scholars Program Distinguished Alumni Award, Indiana University, 2017
- ❖ Frank Banta Award for Student Advocacy, 2016
- ❖ Leadership Award, Phi Eta Sigma National Honor Society, 2008, 2010, 2012, 2014, 2016
- ❖ Kelley School of Business Outstanding Service Award, 2015
- ❖ William Panschar Award for Excellence in Undergraduate Teaching, 2011, 2015
- ❖ Indiana University Trustees Teaching Award, 2008, 2013
- ❖ Kelley School of Business Innovative Teaching Award, 2009

RESEARCH AND PUBLICATIONS

Research Interests

- Intellectual Property & Unfair Competition Law
- Communications & Media Law
- First Amendment & Constitutional Law
- Morality & Law

Publications

LAW FOR BUSINESS (14th ed. 2020) (with A.J. Barnes and E.L. Richards)

Immunity Reform and the Nonparty Defense, 36 *Verdict* No. 1, 25-35 (Ind. Trial Lawyers Ass’n) (Spring 2015) (with Anthony A. Smith)

The Supreme Struggle: “Obamacare” and the New Limits of Federal Regulation, BUSINESS HORIZONS Vol. 56, Issue 6, 797-805 (2013)

The Critical Role of Timing in Managing Intellectual Property, BUSINESS HORIZONS, Vol. 55, Issue 4, 339-347 (2012)

“Infringement and Unfair Competition on the Internet,” TRADEMARK INFRINGEMENT REMEDIES, Ch. 13 (Brian E. Banner ed., BNA 2005-2012) (with B. Brett Heavner)

Five Trademark Law Strategies for Managing Brands, BUSINESS HORIZONS, Vol. 55, Issue 2, 113-117 (2011)

The Dilution Defense Congress Never Meant to Create (and Needs to Fix), 101 TRADEMARK REP. 1580 (2011) (with Joshua R. Bruce)

Beware the Scrivener's Error: Curing the Drafting Error in the Federal Registration Defense to Trademark Dilution Claims, 19 TEX. INTELL. PROP. L. J. 169 (2011) (with J.R. Bruce)

Embracing Marketplace Realities: Rediscovering Section 18 of the Lanham Act on the 20th Anniversary of its Revival, 99 TRADEMARK REP. 1299 (2009) (with L.K. McLeod)

Evolution of the Fraud Doctrine in the Trademark Office: Medinol and Its Progeny, in BRIGHT IDEAS, Vol. 16, No. 3 (N.Y. State Bar Ass'n Intell. Prop. Law Section, Winter 2007) (with L.K. McLeod)

Plaintiffs in Trademark Proceedings Need Not Show Use in Interstate Commerce under Section 2(d) of the Lanham Act, in *Last Month at the Federal Circuit* (Finnegan Henderson, Farabow, Garrett & Dunner LLP, Feb. 2007)

Federal Circuit Affirms Rule That Varietal Names Are Generic, in *Last Month at the Federal Circuit* (Finnegan, Henderson, Farabow, Garrett & Dunner LLP, 2006)

Supreme Court Decision Eases Employee Burden In Proving Discrimination, in *Employment and Labor Newsletter*, Vol. XX, Issue 1 (Baker & Hostetler LLP, 2000)

The Promise and Perils of 'Privileges or Immunities': Saenz v. Roe, 119 S. Ct. 1518 (1999), 23 HARV. J. L. & PUB. POL'Y 295 (1999)

CONFERENCE AND SEMINAR PARTICIPATION

Presented Papers

Variable Fame Standard: National vs. Niche Fame for Blurring and Tarnishment Claims (with A.A. Smith), Academy of Legal Studies in Business, Seattle, WA, Aug. 5, 2014

Expanding TTAB Authority to Modify Descriptions of Goods and Services under Section 18 of the Lanham Act (with L.K. McLeod and A.A. Smith), Academy of Legal Studies in Business, Seattle, WA, Aug. 5, 2014

Beware the Scrivener's Error: Curing the Drafting Error in the Federal Registration Defense to Trademark Dilution Claims (with J.R. Bruce), Tri-State Academy of Legal Studies in Business, Bloomington, Indiana, Oct. 22, 2010

The BP Oil Spill in the Gulf of Mexico: A Case Study in US and International Legal and Ethical Issues (with J.R. Bruce and M. Chan), Academy of Legal Studies in Business, Richmond, Virginia, Aug. 6, 2010

The Business of Ethical Lawyering: Assessing the Movement to "Unbundle" Legal Services, Academy of Legal Studies in Business, Denver, CO, Aug. 7, 2009

The Fall (and Rise?) of Section 18 of the Lanham Act, Tri-State Academy of Legal Studies in Business, South Bend, IN, Oct. 24, 2008

The Virtú Project: Social Entrepreneurship as Vehicle for Business Law & Ethics Education (with J.D. Prenekert), Academy of Legal Studies in Business, Long Beach, CA, Aug. 16, 2008

Summary of Recent Decisions of the Trademark Trial & Appeal Board on Fraud before the U.S. Trademark Office, Am. Intell. Prop. Law Ass'n, Washington D.C., Oct. 18, 2007

Recent Decisions of the Trademark Trial & Appeal Board on Fraud before the Trademark Office, Intell. Prop. Law Section, N.Y. State Bar Ass'n, New York N.Y., Oct. 4, 2007

Session Moderator

Development Track: Tax Law, Academy of Legal Studies in Business, Annual Conference, Portland, OR, Aug. 13, 2018

Development Track: Intellectual Property Law, Academy of Legal Studies in Business, Annual Conference (Savannah, Georgia), Aug. 10, 2017

Development Track: Privacy Law, Academy of Legal Studies in Business, San Juan, Puerto Rico, Aug. 9, 2016

Development Track Session: Curriculum and Legal Reasoning, Academy of Legal Studies in Business, Annual Meeting, Kansas City, Missouri, Aug. 9, 2012

Intellectual Property Law, Annual Meeting of the Academy of Legal Studies in Business, New Orleans, Louisiana, Aug. 13, 2011

Research Discussion Panel, Annual Meeting of the Academy of Legal Studies in Business, Richmond, Virginia, Aug. 7, 2010

Evolution of the Law Five Years after *Medinol* and the Consequences for Trademark Practice, Panel on Trademark Ethics, Annual Meeting, Intellectual Property Owners Ass'n, Sep. 23, 2008

Seminar and Professional Education Participation & Presentations

"Online Teaching: Best Practices," Academy of Legal Studies in Business, Annual Conference (Savannah, Georgia), Aug. 8, 2017

Invited Participant, Workshop on Patent Grace Period, Economic and Scientific Advisory Board, European Patent Office, Munich, Germany (Nov. 26, 2014)

"Immunity: A Love Story," Indiana Trial Lawyers Ass'n, Annual Institute, Indianapolis, IN (Nov. 6, 2014)

"Web 2.0: Using Interactive Social Media to Engage Millennial Learners," Annual Meeting, Academy of Legal Studies in Business, Richmond, Virginia (Aug. 7, 2010)

"Strategies for Designing a Marketing Law Course," Marketing & Sports Law Section, Annual Meeting, Academy of Legal Studies in Business, Richmond, VA (Aug. 5, 2010)

“Evolution of the Fraud Doctrine before the Trademark Office and the Safe Harbor Provision in the Trademark Dilution Revision Act,” Practical Issues in Intellectual Property Law, Intell. Prop. Law Section, Cleveland Bar Ass’n (Dec. 19, 2007)

“U.S. Trademark Litigation: What Canadian Practitioners Need to Know,” Intellectual Property Institute of Canada, McGill University (Aug. 10, 2006)

“U.S. and Canadian Trademark Prosecution: A Comparative Analysis,” Intellectual Property Institute of Canada, McGill University (Aug. 10, 2006)

“Find it Free and Fast on the Net: Advanced Internet Strategies for the Ohio Legal Professional,” National Business Institute, Cleveland, Ohio (2004)

“Injunctive Relief under the Safe Distance Rule,” Intellectual Property Litigation Section, Baker & Hostetler LLP, Cleveland, Ohio (June 11, 2003)

“The Hearsay Rule in Federal Trademark Litigation,” Intellectual Property Litigation Section, Baker & Hostetler LLP, Cleveland, Ohio (Oct. 18, 2002)

Invited Talks

“The Good Shepherd: Legal Ethics in Trademark Prosecution,” PTO Day, Intell. Property Owners Assoc., Int’l Trade Center, Washington, DC, Dec. 10, 2012

“The Good Shepherd: Legal Ethics in Trademark Prosecution,” U.S. Patent & Trademark Office (sponsored by the American Intellectual Property Law Ass’n), Alexandria, VA, Oct. 15, 2012

Contemporary Issues in Trademark Law, Intellectual Property Ass’n, Cooley Law School, Grand Rapids, MI (Oct. 23, 2009)

Trademark Law, Case Western Reserve University Law School (Nov. 2004)

Other Presentations

“Immunity in Indiana Law,” Interim Study Committee on Courts and the Judiciary, Indiana General Assembly, Oct. 2, 2014

Conference and Seminar Attendance

Annual Meeting, Academy of Legal Studies in Business, Portland, OR (2018), Savannah, GA (2017), San Juan, PR (2016), Seattle, WA (2014), Kansas City, MO (2012), New Orleans, LA (2011), Richmond, VA (2010), Denver, CO (2009), Long Beach, CA (2008), Indianapolis, IN (2007)

Annual Meeting, Tri-State Academy of Legal Studies in Business, Bloomington, IN (Oct. 22, 2010), South Bend, IN (Oct. 24, 2008)

PROFESSIONAL DEVELOPMENT

Faculty Workshop, Phi Eta Sigma National Honor Society National Convention, Arlington, VA (2018), Charleston, SC (2014), Salt Lake City, UT (2012), Knoxville, TN (2010), Louisville, KY (2008)

Faculty Workshop, Liberal Arts & Management Program (2011)
Course Development Institute, Indiana University (2010)

JOURNAL REFEREE ACTIVITY

AMERICAN BUSINESS LAW JOURNAL
Ad hoc reviewer (2009-Present)

TEACHING

Courses Taught

- C548: Managing Intellectual Property in a Global Environment (Graduate and Executive Education)
- C550: Law and Ethics in Business (Graduate)
- H204: Interdepartmental Colloquia (Morality & Law) (Undergraduate) (Wells Scholars Seminar)
- H237: Law & Society (Morality and Law) (Undergraduate) (Wells Scholars Seminar)
- J300: Communications Law (IU School of Journalism) (Undergraduate)
- L272: Sustainability Down Under (Australia) (Undergraduate)
- L293: Honors Legal Environment of Business (Undergraduate)
- L315: The Business and Law of Sports and Entertainment (Undergraduate)
- L355: Law, Ethics, And Decision-making Strategies (Kelley LEADS) (Undergraduate)
- L356: Intellectual Property Law & Strategy in a Global Environment (Undergraduate)
- L416: Pirates of the 21st Century (Undergraduate) (Liberal Arts & Management Program)
- L470: Research in Business Law & Public Policy (Undergraduate)
- L490: Independent Studies in Business (Undergraduate)
- L507: Law and Ethics for Business Leaders (Graduate)
- M429: Legal Aspects of Marketing (Undergraduate)
- M525: Legal Issues in Marketing Management (Graduate)
- X496: Independent Research Project (business honors capstone) (Undergraduate)
- X574: Global Business and Social Enterprise (GLOBASE) (Indonesia) (Graduate)

Curricular Development

- C548: Adapted three-month MBA course into four-day executive education course
- H204: Conceived and developed honors seminar on morality and the law
- H237: Substantially revised honors seminar on morality and the law
- L272: Revised existing course on environmental law with study abroad in Australia
- L315: Revised existing course on the business and law of sports and entertainment

- L355: Developed a course on Law, Ethics, and Decision-making Strategies as practicum for students to create a non-profit organization and provide business consulting for it and its clients
- L356: Conceived course on international intellectual property, planned course content, and shepherded proposal through course approval process
- L416: Developed interdisciplinary seminar on piracy and intellectual property
- L470: Revised existing course on research in business law and public policy
- X574: Helped develop course and client contacts for first GLOBASE trip to Indonesia

Other Teaching

Simulated Kelley Classroom Experience, Direct Admit Day, Kelley School of Business, Indiana University, 2018, 2019

Deep Dive: Legal Issues in Business, DePauw Management Accelerator Program, Kelley School of Business, Indiana Univ., 2015, 2016, 2017, 2018, 2019

Intellectual Property, Global Business Institute, Kelley School of Business, Indiana University, 2014, 2015, 2016, 2017

Factoring Intellectual Property Into Business Strategy, X513: Topics in Business Analysis, Kelley Connect Week, Kelley School of Business, Mar. 9, 2016

A Cultural Theory of Risk: Surveying Morality in Life, Business, and the Great Recession, Mini University, Indiana University Alumni Association, June 12, 2014

BAR ADMISSION

Court of Appeals for the District of Columbia, 2005
U.S. District Court, Northern District of Ohio, 2002
Supreme Court of Ohio, 2002

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Academy of Legal Studies in Business
Tri-State Academy of Legal Studies in Business
American Bar Association
District of Columbia Bar Association
International Trademark Association (INTA)

SERVICE

Service to the Discipline of Business Law

American Business Law Journal, Ad hoc reviewer (2009-Present)
Academy of Legal Studies in Business, Marketing and Sports Law Section, Chair (2013-2014), Vice Chair (2012-2013), Member (2008-Present)
Academy of Legal Studies in Business, Faculty Mentor (2017)

Academy of Legal Studies in Business, Technology Section, Assistant Program
Coordinator (2012)

Academy of Legal Studies in Business, Student Paper Competition, Reviewer (2011)

Service to the University

Faculty Diversity Council, Office of Vice Provost for Diversity and Inclusion (2018-Present)

Student Affairs Committee, Bloomington Faculty Council, Member (Aug. 2016-Present)

Maurer School of Law, Williams Institute Moot Court Team, Faculty Mentor (2010-2019)

Campus Reviewer and Interviewer, Office of Competitive Awards, Luce Scholars,
Knight-Hennessy Scholars, Schwarzman Scholars (2017-Present)

Rhodes, Marshall, Mitchell, and Churchill Scholarship Nominating Committee, Chair
(2015-present), Member (2014-Present)

Hutton Honors College, Scholarship Reviewer, (2015-Present)

IU GLBT Office Advisory Board, Member (2014-Present)

Wells Scholars Program, Advisory Board Member (2011-Present), Application
Reviewer (2007-Present), Interviewer (2007-Present)

IU LGBTQ+ Alumni Association Board of Directors, Immediate Past President (July 2018-
Present), President (July 2016-July 2018), Vice President (July 2014-July 2016),
Secretary (July 2013-July 2014), Director (Oct. 2012-present)

Truman Scholarship Nominating Committee, Interviewer (2009-Present)

Phi Eta Sigma National Honor Society, Faculty Advisor (2008-Present)

Academic Misconduct Policy and Procedures Workgroup, Office of Student Conduct,
Member (2018)

Guest Speaker, NTT Day on Professional Development, Career Development Plenary,
Office of the Vice Provost for Faculty and Academic Affairs (Jan. 5, 2018)

Winter Commencement Ceremony, Marshal (2016, 2018)

Spring Commencement Ceremony, Marshal (2010, 2011, 2012, 2013, 2014, 2018)

IU Chapter Faculty Chaperone, Phi Eta Sigma National Honor Society, Midwest Area
Regional Conference, "A World of Opportunities," Green Bay, WI (Nov. 10-12, 2017)

American Mock Trial Association, Judge (Jan. 26, 2013; Jan. 23, 2016)

Faculty Chaperone, Wells Scholars Program Spring Retreat (2011, 2013, 2015, 2016)

IUPUI Lavender Graduation Reception, GLBT Alumni Assn. Speaker (2014, 2015)

Alpha Lambda Delta National Honor Society, Faculty Advisor (2009-2015)

IU Chapter of Assoc. of Latino Professionals for America, "Succeeding in a Diverse
Workplace," Panelist (Apr. 9, 2014)

IU School of Public & Environ. Affairs, "Sexual Diversity in the Workplace," Panelist
(Apr. 2, 2014)

IU Maurer School of Law, INTA moot court team, Faculty Mentor (2013)

LAMP Student Advisory Board, Fairview Elementary School Trivia Night Fundraiser,
Master of Ceremonies (Feb. 28, 2013 and Oct. 24, 2013)

Wells Scholars Program Director Search Committee, Member (May-June 2013)

School of Public & Environmental Affairs, Diversity in the Workplace, Guest Speaker
(Nov. 1, 2012)

Liberal Arts & Management Program, Graduation Ceremony Faculty Representative (2010-2014), Induction Ceremony Keynote Speaker (2011), Orientation Guest Speaker (2007)

IU Golf Club, Faculty Advisor (2011-2012)

IU Office of GLBT Student Support Services and IU Career Development Center, "Out on the Job" GLBT Career Panel, Panelist (2011)

CommUNITY Education Event, "Issues Facing LGBT Students," Panelist (2011)

Sigma Chi, Scholarship Banquet Keynote Speaker (2010)

The Virtú Project, Legal Advisor (2007-2010)

Service to the Kelley School of Business

Faculty Liaison for Student Engagement, Undergraduate Program (2018-Present)

Finance Diversity Program Advisory Board, Kelley School of Business (2018-Present)

Johnson Center Legal Advising Forum, Director (Aug. 2015-Present)

Academic Fairness Committee, Chairperson (2010-2018), Member (2009-2019)

Kelley Scholars Program, Mentor (2008-present), Reviewer (2008-Present), Interviewer (2008-Present)

Direct Admit Day, Faculty Rep., Simulated Kelley Classroom Experience (2018, 2019)

DePauw Management Accelerator Program, Instructor (2015-2019)

Kelley Undergraduate Winter Recognition Ceremony, Faculty Representative (2018)

Kelley Connect Week Opening Reception, Faculty Representative (2018)

Kelley Direct MBA Graduation Ceremony, Faculty Representative (2010-2016, 2018)

Out @ Kelley, Faculty Advisor (2009-2015, 2017-2018)

Kelley Sophomore Success Breakfast, Faculty Presenter (2015, 2016, 2017, 2018)

Kelley Direct MBA Connect Week Case Competition, Judge (2013, 2015, 2016, 2018)

Kelley Student Government Ethics Essay Competition, Judge (2013, 2017, 2018)

Business Horizons, Law & Ethics Corner Contributing Editor (2012-2018), Contributor (2011-2013)

Kelley MBA Case Competition, Judge (Dec. 13, 2017)

Faculty Presenter, Academic Integrity, New Student Orientation, MSIS Program (2015, 2016, 2017)

Instructor, Intellectual Property, Global Business Institute (2014, 2015, 2016, 2017)

Kelley Connect Week, Instructor, X513: Topics in Business Analysis, (Mar. 9, 2016)

Kelley Honors Case Competition, Judge (Feb. 23, 2013; Feb. 12, 2016)

Kelley's Got Talent, Auditions Judge (2012-2016)

Kelley Student Government Ethics Case Competition, Judge (2015)

IU Kelley School of Business Economic Forum, Jasper Rotary Club, Speaker (Feb. 19, 2015)

Kelley MEET (formerly Junior Executive Institute), Instructor (2008-2014)

Kelley Undergraduate Spring Recognition Ceremony, Faculty Rep. (2008, 2013)

Kelley Direct MBA Induction Ceremony, Faculty Representative (2010, 2011)

Emerging Markets Club, Case Competition, Judge (April 17, 2010)

Grant Thornton Case Competition, Judge (April 2, 2010)

Association of Latino Professionals in Finance & Accounting, Speaker (Jan. 28, 2010)

Honors Committee, Member (2007-2010)

Service to the Department of Business Law & Ethics

Executive Committee, Non-Tenure Track Representative (2019-present)

Awards & Recognition Committee, Chairperson (2019-present), Member (2019-present)

Indiana University, Direct Admit Day, Department Representative (2008, 2018, 2019)

Non-Tenure-Track Faculty Search Committee (2018)

Legal Studies Major Revision Committee, Member (2013)

L201 Redesign Committee, Member (2013)

Kelley Academic Coaching Program, Department Representative (2011-2012)

Kelley School of Business, Standard Admit Orientation, Dept. Rep. (2009-2012)

Kelley Legal Studies Club, Law Career Panel, (Sep. 21, 2011)

Kelley Ethics Case Competition, Judge (Mar. 27, 2010)

Chrysler Foundation Ethics Case Competition, Judge (2009)

Other Service

Phi Eta Sigma National Honor Society, Moravian College Re-Chartering Ceremony (Feb. 11, 2018)

Hoosier Social Impact Fund Inc., Founder (2014), Treasurer (2018-Present), Secretary (2014-Present), Director (2014-Present)

Phi Eta Sigma National Honor Society, Grand Vice President (2012-present), Scholarship Program Chairperson (2012-present), Executive Committee Member (2008-present)

Phi Eta Sigma National Honor Society, National Convention, Washington, DC (2018), Orlando, FL (2016), Charleston, SC (2014), Salt Lake City, UT (2012), Knoxville, TN (2010), Louisville, KY (2008)

Local First Bloomington, Board of Directors (Oct. 2012-2017)

Phi Eta Sigma National Honor Society, Exec. Committee, Annual Meeting, San Antonio, TX (2017), Orlando, FL (2015), Philadelphia, PA (2013), Birmingham, AL (2011), Sanibel Island, FL (2009)

Phi Eta Sigma National Honor Society, Boise State Chartering Ceremony (Apr. 19, 2010)