H. TOMÁS GÓMEZ-AROSTEGUI
CURRICULUM VITAE

Professor of Law
Lewis & Clark Law School
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(last updated 30 July 2026)

ACADEMIC POSITIONS

2006–Present Lewis & Clark Law School, Portland, OR
Professor of Law (2015–Present)
Kay Kitagawa and Andy Johnson-Laird IP Faculty Scholar (2013–2024)
Associate Professor of Law with Tenure (2011–2015)
Associate Professor of Law (2009–2011)
Assistant Professor of Law (2006–2009)

Regular Courses: History of the Common Law; Civil Procedure; Torts; Remedies

Past Courses: Copyright Law; Cyberspace Law; History of Anglo-American Copyright Law; Information Privacy Law; Intellectual Property Survey; International IP Law; Trademark and Unfair Competition Law

2019–2020 Thomas Edison Innovation Fellowship, Center for the Protection of Intellectual Property, Antonin Scalia Law School, George Mason University, Arlington, VA
Non-Resident Fellow for 2019–2020

2011–2012 The George Washington University Law School, Washington, DC
Visiting Associate Professor of Law

2015–2016 University of Oslo, Faculty of Law, Oslo, Norway
2004–2010 Department of Private Law / Norwegian Research Center for Computers and Law
LLM Evaluation Committee (2015–2016)
Supervisor of Examiners (2007–2010)
Visiting Researcher and Lecturer (Fall 2004, 2005–2006)

1995–1997 University of Southern California Law School, Los Angeles, CA
Legal Writing Instructor

EDUCATION

2003–2004 University of Oslo, Faculty of Law, LL.M. 2004, Oslo, Norway
Norwegian Research Center for Computers and Law

1994–1997 University of Southern California, J.D. 1997, Los Angeles, CA
Order of the Coif (top 10%)
Southern California Law Review
Notes Editor and Executive Committee Member 1996–1997
Staff Member 1995–1996
Legal Writing Instructor 1995–1997
USC Latino Honor Society

1989–1993 University of Southern California, B.A. History 1993, Los Angeles, CA
Dean's List (four semesters)

OTHER PROFESSIONAL EXPERIENCE

2002–2003 Hogan & Hartson LLP, Denver, CO
Litigation Associate

1999–2001 O'Melveny & Myers LLP, Century City, CA
Litigation Associate

1998–1999 Judge John C. Porfilio, U.S. Court of Appeals for the Tenth Circuit, Denver, CO
Law Clerk

1997–1998 Judge Edward Rafeedie, U.S. District Court for the C.D. of Cal., Los Angeles, CA
Law Clerk

1996 O'Melveny & Myers LLP, Century City, CA
Summer Associate

1995 & 1996 Gibson, Dunn & Crutcher LLP, Los Angeles and Century City, CA
Summer Associate

1994 Dove Tree Canyon Software, San Diego, CA
Computer Programmer

PUBLICATIONS & PROJECTS

Articles & Book Chapters

Copyright Formalities before 1800, *in* A SEAMLESS WEB: COPYRIGHT, PRIVATE LAW, COMPARISON AND HISTORY AS UNITED IN THE WORK OF HECTOR MACQUEEN (Mira T. Sundara Rajan ed., Edinburgh Univ. Press) (in progress) (solicited contribution)

Credible Commitment, Patents, and Monopolies in Britain During the Seventeenth-Century (with Sean Bottomley) (in progress)

Patent-Infringement Actions in the Eighteenth Century and the Right to a Jury Trial [83pp] (in progress)

Patent Revocation in 18th Century England (with Sean Bottomley)

Patent-Infringement Suits and the Right to a Jury Trial, 72 AM. U. L. REV. 1293 (2023), https://-ssrn.com/abstract=4353137 [73pp] (with Sean Bottomley)

> Cited in NJOY, LLC v. ITC, No. 3:25-cv-930, -- F. Supp. 3d ---, 2026 WL 1697073, at *5–6 (E.D. Va. June 11, 2026).

The Traditional Burdens for Final Injunctions in Patent Cases c.1789 and Some Modern Implications, 71 CASE W. RSRV. L. REV. 403 (2020), http://ssrn.com/abstract=3687893 (with Sean Bottomley) [solicited symposium contribution] [42pp]

Privy Council and Scire Facias 1700–1883: An Addendum to the Brief for H. Tomás Gómez-Arostegui and Sean Bottomley as Amici Curiae in Support of Neither Party, http://ssrn.com/abstract=3054989 (Oct. 18 & Nov. 6, 2017) (with Sean Bottomley) [43pp]

> Cited in Oil States Energy Serv., LLC v. Greene's Energy Group, LLC, 138 S. Ct. 1365 (Apr. 24, 2018) (Gorsuch, J. & Roberts, C.J., dissenting).

Patent and Copyright Exhaustion in England circa 1800, http://ssrn.com/abstract=2905847 [51pp]

> Cited in Oil States Energy Serv., LLC v. Greene's Energy Group, LLC, 138 S. Ct. 1365 (Apr. 24, 2018) (Gorsuch, J. & Roberts, C.J., dissenting).

Stationers v Seymour (1677), *in* LANDMARK CASES IN INTELLECTUAL PROPERTY LAW 21 (Jose Bellido ed. 2017) [solicited book chapter] [38pp]

Equitable Infringement Remedies before 1800, *in* RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (Isabella Alexander & H. Tomás Gómez-Arostegui eds. 2016) [40pp]

> Cited in Fair Isaac Corp. v. FICO, 408 F. Supp. 3d 1019 (D. Minn. 2019).

Copyright at Common Law in 1774, 47 CONN. L. REV. 1 (2014), http://ssrn.com/abstract=2504221 [57pp]

> Awarded the 2015 Sutherland Prize by the American Society for Legal History for the best article or book chapter on British legal history published in the prior year.
>
> Reprinted in THE HISTORY OF INTELLECTUAL PROPERTY LAW (Oren Bracha ed., 2018).
>
> A follow-up essay, which formed part of a conference on *Donaldson* and copyright history, may be found here: *A Reply to my Colleagues Regarding* Donaldson v Becket, *in* WHAT IS THE POINT OF COPYRIGHT HISTORY? REFLECTIONS ON *COPYRIGHT AT COMMON LAW IN 1774* BY H. TOMÁS GÓMEZ-AROSTEGUI 45 (Elena Cooper & Ronan Deazley eds. 2016). The published proceedings also include other comments: https://zenodo.org/record/47710/files/CREATe-Working-Paper-2016-04.pdf.

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, 25 BERKELEY TECH. L.J. 1247 (2010), http://ssrn.com/abstract=1572177 [solicited symposium contribution] [104pp]

Cited in Golan v. Holder, 565 U.S. 302, 347 (2012) (Breyer & Alito, JJ., dissenting).

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, 78 FORDHAM L. REV. 1661 (2010), http://ssrn.com/abstract=1355464 [71pp]

Cited in ePlus, Inc. v. Lawson Software, Inc., No. 3:09cv620, 2011 WL 2119410 (E.D. Va. May 23, 2011).

Cited in the Reporter's Notes to the RESTATEMENT OF THE LAW, COPYRIGHT § 9.02.

What History Teaches Us About Copyright Injunctions and the Inadequate-Remedy-At-Law Requirement, 81 S. CAL. L. REV. 1197 (2008), http://ssrn.com/abstract=1101974 [84pp]

Cited in Salinger v. Colting, 607 F.3d 68 (2d Cir. 2010).

Cited in the Reporter's Notes to the RESTATEMENT OF THE LAW, COPYRIGHT § 9.02.

Reprinted in COPYRIGHT LAW ANTHOLOGY, 2009–2010, at 539 (Rodney Smolla ed., 2009).

Defining Private Life Under the European Convention on Human Rights by Referring to Reasonable Expectations, 35 CAL. W. INT'L L.J. 153 (2005), http://ssrn.com/abstract=669401 [50pp]

Cited in Corte Constitucional de Colombia, noviembre 17, 2022, Sentencia C-406/22 (Colom.).

A Comparative Fault Framework for Rule 10b-5 Direct Misrepresentation Actions, 70 S. CAL. L. REV. 1407 (1997) [52pp]

Book

RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (co-edited with Isabella Alexander) (2016) [496pp]

Shorter Works & Miscellaneous

An Introduction to English Legal History: A Conversation with Professor Gomez-Arostegui, 1 CLEMSON L. REV. 6 (2026) [interview with Maclain Conlin on universal injunctions and the use of English legal history for the inaugural issue of Clemson Law Review]

Universal Injunctions and Attorney General v. Vernon *(Ch. 1684–1685/6)*, http://ssrn.com/abstract =5244183 (May 6, 2025) [13pp]

Statute of Anne, *in* ELGAR ENCYCLOPEDIA OF INTELLECTUAL PROPERTY LAW (Paul Torremans et al. eds., 2024) [solicited entry]

Sir Edward Coke and International Patent Exhaustion, https://patentlyo.com/patent/2017/03/edward-international-exhaustion.html (Patently-O Blog Mar. 27, 2017) [guest blog post]

Introduction (with Isabella Alexander), *in* RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (Isabella Alexander & H. Tomás Gómez-Arostegui eds. 2016) [5pp]

What History Teaches Us About U.S. Copyright Law and Statutory Damages, 5 WIPO JOURNAL 76 (2013), http://ssrn.com/abstract=2380396 [solicited symposium contribution] [10pp]

Copyright Law and the Public Interest in the Nineteenth Century by Isabella Alexander, Hart Publishing, 2010. Pp. xxiv + 320. Cloth $110, 2 IP LAW BOOK REV. 11 (2011) [solicited book review] [4pp]

The Piracy Loop, Adrian Johns: *Piracy: The Intellectual Property Wars From Gutenberg to Gates* (Chicago: University of Chicago Press, 2010. Pp. 640. $35.00), 73 REV. OF POLITICS 172 (2011) [solicited book review] [3pp]

Harald Welte, Linux, and the GPL, 7 OREGON INTELL. PROP. NEWSLETTER 19 (Winter 2006) [4pp]

Know-How, Intellectual Property, and Confidentiality Issues, *in* REPORT ON LEGAL ISSUES IN SME CLUSTERS (Pinsent Masons, ed., Legal-IST 2005; submitted to the European Commission)

Amicus Briefs

Brief of H. Tomás Gómez-Arostegui and Sean Bottomley as *Amici Curiae* in Support of Neither Party, *Oil States Energy Servs., LLC v. Greene's Energy Group, LLC et al.*, No. 16-712 (U.S. Aug. 17, 2017)

> Cited in Oil States Energy Serv., LLC v. Greene's Energy Group, LLC, 138 S. Ct. 1365 (Apr. 24, 2018) (Gorsuch, J. & Roberts, C.J., dissenting).

Brief of H. Tomas Gomez-Arostegui and Tyler T. Ochoa as *Amici Curiae* in Support of Petitioners, *Golan v. Holder*, No. 10-545 (U.S. June 17, 2011)

Conferences & Other Presentations
(Presented Unless Otherwise Indicated)

Patent-Infringement Actions in the Eighteenth Century and the Right to a Jury Trial, Center for the Protection of Intellectual Property, Summer IP Institute, Beaver Creek, CO, July 20–22, 2026

Patent-Infringement Actions in the Eighteenth Century and the Right to a Jury Trial, Joint Center for History and Economics, Harvard University, Apr. 17, 2026

Panel on *Public Law Litigation in a Post-*CASA *Future*, AALS Annual Meeting, New Orleans, LA, Jan. 8, 2026 (spoke on *Trump v. CASA* and the Supreme Court's historical method)

Doing Originalism Right: The Historical Inquiry Required, Federalist Society, Lewis & Clark Law School, Nov. 4, 2025

English Legal History: Understanding it, Researching it, and Exploring its Implications for Modern-Day Patent Litigation, Texas CLE, Dallas, TX, Dec. 6, 2024

Patent-Infringement Suits and Actions and the Right to a Jury Trial in the Eighteenth Century, Four Hundred Years of the Statute of Monopolies and its Progeny, George Washington University Law School (co-sponsored by Oxford University and Loyola Marymount University), May 29, 2024

Originalism at the U.S. Supreme Court and the Use of English Legal History, The Owen M. Panner Inn of Court, Portland, OR, Jan. 30, 2024

American Patent Law: A Business and Economic History, Classical Liberal Institute, New York University School of Law, Dec. 7, 2023 (roundtable participant)

The Role of Remedies: Patent Injunctions and the Innovation Economy, Hudson Institute, Washington, D.C., May 4, 2023 (roundtable participant)

The Battle Over Patents: History and Politics of Innovation, Classical Liberal Institute, New York University School of Law, Dec. 8, 2022 (roundtable participant)

Patent-Infringement Suits and Actions and the Right to a Jury Trial in the Eighteenth Century, Third Conference on Legal Histories of Empires, Maynooth University, June 27 – July 1, 2022

Copyright and the Constitution, Center for the Protection of Intellectual Property, Antonin Scalia Law School, George Mason University, Apr. 15–16, 2021 (roundtable participant)

Intellectual Property and the Constitution, Hudson Institute, Dec. 3, 2020 (roundtable participant)

2020 Supreme Court IP Review, IIT Chicago-Kent College of Law, Oct. 2, 2020 (panelist on *Google v. Oracle* and jury-trial rights on fair use)

The Traditional Burdens for Final Injunctions in Patent Cases c.1789 and Some Modern Implications, Classical Liberal Institute, New York University School of Law, Conference on the Rise of Intellectual Property in the 18th and 19th Centuries, Mar. 13–14, 2020 (moved to a weekly online format during May, June, and July 2020)

The Traditional Burdens for Final Injunctions in Patent Cases c.1789 and Some Modern Implications, Thomas Edison Innovation Fellowship Meeting, Center for the Protection of Intellectual Property, Miami, FL, Jan. 23–24, 2020

The Traditional Burdens for Final Injunctions in Patent Cases c.1789 and Some Modern Implications, Thomas Edison Innovation Fellowship Meeting, Center for the Protection of Intellectual Property, Antonin Scalia Law School, George Mason University, Sept. 12–13, 2019

Thomas Edison Innovation Fellowship Meeting, Center for the Protection of Intellectual Property, Scottsdale, AZ, Apr. 18–19, 2019 (participant)

Concurrent Trademark Uses in Different Regions of the United States: Dawn Donut *Revisited*, Oregon State Bar CLE, Intellectual Property Section, Portland, OR, Mar. 6, 2019

Thomas Edison Innovation Fellowship Meeting, Center for the Protection of Intellectual Property, Coronado, CA, Feb. 28 – Mar. 2, 2019 (participant)

Patent-Infringement Suits and Actions and the Right to a Jury Trial in the Eighteenth Century, American Society for Legal History Annual Meeting, University of Houston Law Center, Nov. 8–11, 2018

Intellectual Property History Roundtable, University of Washington School of Law, 30 Nov. 2017 (commentator)

Copyright at Common Law in 1774, CREATe Conference on Copyright History and Policy, University of Glasgow, Faculty of Law, 26–27 Mar. 2015

Pacific Intellectual Property Scholars III Conference, University of Washington School of Law & Seattle University School of Law, 5–6 Feb. 2015 (commentator)

The History of Patented Innovation, George Mason University School of Law, 18 Sept. 2014 (commentator)

Copyright at Common Law in 1774, Faculty Colloquium, Lewis & Clark Law School, 16 Sept. 2014

Copyright at Common Law before 1710 and its Modern Implications & *Copyright at Common Law in 1774*, Intellectual Property Colloquium, Stanford Law School, 27 Feb. 2014

Copyright History Workshop, Stationers' Register Online Project, Merton College, University of Oxford, 3 May 2013 (participant)

Copyright at Common Law before 1710 and its Modern Implications, Legal History Workshop, University of Cambridge, Faculties of History and Law, 1 May 2013

Financial Remedies after eBay v. MercExchange*: Royalty Awards in Lieu of Injunctive Relief*, What's New in IP Remedies Conference, University of Cambridge, Faculty of Law, 9 Mar. 2013

Copyright at Common Law before 1710 and its Modern Implications, Panel on Legal History, 31st Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property, IIT Chicago-Kent College of Law, 29 July to 1 Aug. 2012

Copyright at Common Law before 1710 and its Modern Implications & *Copyright at Common Law in 1774*, Copyright History Roundtable, George Washington University Law School, 30–31 Mar. 2012

Legal Records of English Courts before 1800: Finding and Interpreting Documents Relating to the Book Trade, Seminar, Rare Book School, University of Virginia, 2 Mar. 2012

Copyright at Common Law before 1710 and its Modern Implications, Clay Lecture, Rare Book School, University of Virginia, 1 Mar. 2012

Copyright at Common Law before 1710 and its Modern Implications, Faculty Workshop, King's College London, School of Law, 8 Feb. 2012

Copyright at Common Law before 1710 and its Modern Implications & *Copyright at Common Law in 1774*, Works-in-Progress Workshop, George Washington University Law School, 30 Jan. 2012

U.S. Copyright and Trademark Law: Selected Topics, Global Intellectual Property Academy: IP Rights Program for Russian Judges, George Washington University Law School, 9 Nov. 2011

Copyright at Common Law before 1710 and its Modern Implications & *Copyright at Common Law in 1774*, DC Area Legal History Roundtable, George Mason University School of Law, 14 Oct. 2011

Copyright at Common Law before 1790 and its Implications in Golan v. Holder*,* Roundtable on *Golan v. Holder*, Harvard Law School, 23 Sept. 2011

Copyright at Common Law before 1710 and its Modern Implications, Twentieth British Legal History Conference, University of Cambridge, Faculty of Law, 14 July 2011

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Oregon State Bar CLE, Intellectual Property Section, 2 Mar. 2011

The Coming Copyright Termination Crisis, AIPLA Online CLE Seminar, 16 Feb. 2011 (with John Tehranian)

Copyright at Common Law before 1710 and its Modern Implications, Works-in-Progress Intellectual Property Colloquium, Boston University School of Law, 12 Feb. 2011

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Intellectual Property Workshop, University of Michigan Law School, 21 Sept. 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, British Literary and Artistic Copyright Association, London, England, 13 May 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Conference on the 300th Anniversary of the Statute of Anne, University of California, Berkeley School of Law, 9–10 Ap. 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Faculty Colloquium, Lewis & Clark Law School, 26 Jan. 2010

Intellectual Property Remedies, Business Law Fall Forum, Lewis & Clark Law School, 2 Oct. 2009 (convener and panel moderator)

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, 62nd Annual Meeting, Southeastern Association of Law Schools, IP Remedies Panel, 4 Aug. 2009 (also convened the panel)

Conference on the 100th Anniversary of the 1909 Copyright Act, Santa Clara University, School of Law, 30 Apr. 2009 (panel moderator)

A History of English Copyright and its Enforcement before the Year 1800, Presentation for the Coke Society, Paul L. Boley Law Library, 7 Apr. 2009

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Northwest Junior Faculty Conference, Willamette University College of Law, 4 Mar. 2009

A History of English Copyright Law and its Enforcement before the Year 1800, Presentation for Judge Pierre N. Leval, Kitagawa/Johnson-Laird Dinner, 11 Feb. 2009

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Faculty Colloquium, Lewis & Clark Law School, 4 Nov. 2008

Information Privacy—Statutory Claims Under the CFAA, Wiretap Act, and SCA, Johnson-Laird, Inc., 22 Aug. 2008

2008 Privacy Law Scholars Conference, George Washington University Law School, 12–13 June 2008 (discussion leader)

Injunctions in Intellectual Property Cases After eBay v. MercExchange, Oregon State Bar CLE, Computer and Internet Law Section, 17 Apr. 2008

Intellectual Property Law: A Year in Review—International Developments, Oregon State Bar CLE, Intellectual Property Section, 29 Feb. 2008

Information Privacy—Statutory Claims Under the CFAA, Wiretap Act, and SCA, Oregon State Bar CLE, Computer and Internet Law Section, 27 Sept. 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Seventh Annual IP Scholars Conference, DePaul University, College of Law, 10 Aug. 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Faculty Colloquium, Lewis & Clark Law School, 24 Apr. 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Northwest Junior Faculty Conference, Willamette University College of Law, 26 Oct. 2006

Hate Speech: An Analysis of the Additional Protocol to the Convention on Cybercrime, University of Oslo, NRCCL, 22 Mar. 2004

Data Protection Pursuant to the European Convention for the Protection of Human Rights and Fundamental Freedoms: Recent Case Law, University of Oslo, NRCCL, 1 Mar. 2004

Jurisdictional and Choice-of-Law Issues in International Intellectual Property Commerce, University of Oslo, NRCCL, 7 Nov. 2003, with Helge Kauert

SELECTED LAW SCHOOL SERVICE

Faculty Appointments Committee (2008–2009, 2026–Present)
Budget Committee (2024–2026)
Curriculum Committee (2015–2016, 2017–2019, 2022–2024)
Business Law Committee (2006–2023)
Employment Committee (2016–2017)
Johnson-Laird & Kitagawa Scholarship Committee (2007–2016)

Judicial Clerkship Placement Committee (2008–2015), Chair (2012–2015)
Lewis & Clark Law Review, Faculty Advisor (2008–2017)
L&C College-Wide Institutional Review Board (2015)
AEP Admissions Committee (Spring 2007, 2008, 2010, 2011, 2013)
Diversity Committee (Fall 2008)
L&C College-Wide Diversity Committee (2007–2010)

AFFILIATIONS AND OTHER SERVICE

Member, State Bar of California (active)
Member, American Society for Legal History (ASLH)
Member, ASLH Advisory Committee on the Cromwell Prizes—Articles (2018–2020)
Member, Bibliographical Society
Member & Honorary Correspondent for Oregon, Selden Society
Life Member, Friends of the National Archives of the United Kingdom
Exec. Comm. Member, Intellectual Property Section of the Oregon State Bar (2008–2009, 2016–2021)
Referee: The Journal of Legal History; Law and History Review; Yale Law Journal; European Research Council

Court Admissions:
Supreme Court of the United States, March 2011
United States Court of Appeals for the Tenth Circuit, October 2002
United States Court of Appeals for the Ninth Circuit, January 2001
United States District Court for the Central District of California, July 2000
California State Courts, January 2000