

ROBERT E. THOMAS

Assistant Dean for Diversity and Inclusion
Darden Professor of Diversity Management

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ACADEMIC BACKGROUND

Ph.D. (Economics), Stanford University, Graduate School of Business, 1989
Dissertation Title: Settlement Negotiations in Litigation: An Economic Analysis
J.D. Stanford University, Law, 1982
A.B. (Economics) Princeton University, 1979

APPOINTMENTS

University of Florida, Warrington College of Business, Gainesville, Florida
Assistant Dean for Diversity and Inclusion, 2018-present
Darden Restaurants Professor of Diversity Management, 2017-present
Chair, Department of Management, 2010-2017
Associate Professor, 1999-present
Assistant Professor, 1993-1999

Stanford Graduate School of Business
Visiting Scholar, 2017

Institut d'Administration des Entreprises d'Aix-en-Provence (IAE Aix),
University of Aix-Marseille, France
Invited Professor of Management and Negotiations, 2003-2011

University of Pennsylvania, Wharton School of Business, Philadelphia, Pennsylvania
Whitney Young Visiting Associate Professor, 1999

Institute for Advanced Legal Studies, University of London, London, UK
Visiting Scholar, 1998

University of Michigan, School of Business Administration, Ann Arbor, Michigan
Assistant Professor of Business Economics and Business Law, 1989-1993
Assistant Professor of Economics (Literature, Sciences and the Arts), 1989-1993
Lecturer, 1988-1989

Orrick, Herrington and Sutcliffe (Law Firm), San Francisco
Associate, 1982-1984

COURSES

Graduate: Negotiation, Cross-Cultural Negotiation; International Negotiation Concepts; Negotiation in the Regulatory Context; Law, Ethics, and Organizations; Legal Aspects of Technology Management (intellectual property); E-Commerce Law; Law and Economics Seminar; International Business Law; Legal Environment of Business; Political and Institutional Environment of American Business.

Undergraduate: Business Law; Commercial Law; Economics Research Seminar; Intermediate Microeconomics; Negotiation Skills (Leadership Academy).

ACADEMIC PUBLICATIONS

Susan Marsnik and Robert E. Thomas, "Drawing a Line in the Patent Subject Matter Sands: Does Europe Provide a Solution to the Business Method and Software Patent Problem?" *Boston College Comparative and International Law Review*, 34 (2011), 227-327.

Dana M. Muir, David Baumer, Stephanie Greene, Gideon Mark and Robert E. Thomas, "Justice Sotomayor on the Supreme Court: A Boon for Business?" *Virginia Law & Business Review* 4 (2009), 187-230.

Robert E. Thomas, "Debugging Software Patents Increasing Innovation and Reducing Uncertainty in the Judicial Reform of Software Patent Law," *Santa Clara Computer and High Technology Law Journal* 25 (Fall 2008), 191-241.

Robert E. Thomas and Larry DiMatteo, "Harmonizing the International Law of Business Method and Software Patents: Following Europe's Lead," *Texas Intellectual Property Law Journal* 16 (Fall 2007), 1-46.

Robert E. Thomas, "Vanquishing Copyright Pirates and Patent Trolls: The Divergent Evolution of Copyright and Patent Laws," *American Business Law Journal* 43 (Winter 2006), 689-739.

Robert E. Thomas and Bruce Louis Rich, "Under the Radar: The Resistance of Promotion Biases to Market Economic Forces" *Syracuse Law Review* 55 (2005), 301-370.

Virginia G. Maurer, Robert E. Thomas, and Pamela A. DeBooth, "Attorney Fee Arrangements: The U.S. and Western European Perspective," *Northwestern University International Journal of Law and Business* 19 (Winter 1999), 272-329.

Robert E. Thomas, "The Psychological Impact of Scrutiny on Contingent Fee Attorney Effort," *West Virginia Law Review* 101 (Winter 1998), 327-384.

Michael A. Plater and Robert E. Thomas, "The Impact of Job Performance, Gender, and Ethnicity On The Managerial Review Of Sexual Harassment Allegations," *Journal of Applied Social Psychology* 28 (January 1998), 52-70.

Virginia G. Maurer, and Robert E. Thomas, "Getting Credit Where Credit is Due: Proposed Changes in the Fair Credit Reporting Act," *American Business Law Journal* 34 (Summer 1997), 607-667.

Robert E. Thomas, and Virginia G. Maurer, "Database Marketing Practices: Protecting Consumer Privacy," *Journal of Public Policy and Marketing* 16 (Spring 1997), 147-155.

Robert Axelrod, Will Mitchell, Robert E. Thomas, D. Scott Bennett, and Erhard Bruderer, "Coalition Formation in Standard-Setting Alliances," *Management Science* 41 (September 1995): 1493-1508 (also appears in Robert Axelrod *THE COMPLEXITY OF COOPERATION* 1997)

Robert E. Thomas, "The Trial Selection Hypothesis Without the 50 Percent Rule: Some Experimental Evidence," *Journal of Legal Studies* 24 (January 1995), 209-228.

BOOK CHAPTERS AND OTHER PUBLICATIONS

Robert E. Thomas and Cassandra Aceves, "Coalition Formation and Battles to Effect Intellectual Property Policy Change in the Age of ACTA, AIA, and the SHIELD Act," in *THE CHANGING FACE OF AMERICAN PATENT LAW AND ITS IMPACT ON BUSINESS STRATEGY* (Dan Cahoy and Lynda Oswald, eds, 2013).

Larry A. DiMatteo and Robert E. Thomas, "Unifying the International Law of Business Method and Software Patents," in *THE GLOBAL CHALLENGE OF INTELLECTUAL PROPERTY RIGHTS* (Robert C. Bird and Subhash C. Jain, Eds, 2009), 17-36,

Robert E. Thomas, Book Review of *Using the Law for Competitive Advantage* by George Siedel. *Academy of Management Executive* 16 (August 2002), 159-161.

Robert Thomas, "Negociación Estratégica: Conceptos Y responsabilidad in la Regulación de los Servicios Públicos, (Strategic Negotiation: Concepts and Accountability in Public Utilities Regulation)," *Revista Regulación de Agua Potable y Saneamiento Básico* 7 (June 2001), 79-88.

Robert E. Thomas, "The Economics of Race and Music," *Sister 2 Sister* 13 (June 2001), 44-47.

WORKING PAPERS AND WORKS IN PROGRESS

Robert E. Thomas and Susan Marsnik,

Susan Marsnik and Robert E. Thomas, "Transatlantic Drift: Convergence Or Divergence In U.S. And European Approaches to Patent Remedies."

Robert E. Thomas, "Herding Patent Cats: Coordinating Divergent Stakeholder Interests to Reform Patent Law"

Robert E. Thomas and Susan Marsnik, "Can Software Patents be Saved? Parsing the Inventiveness Standard to Distinguish Deserving from Undeserving Software Inventions"

RESEARCH INTERESTS

Comparative intellectual property law
Patent law reform
Regulatory management of conflict in environments with rapidly changing technologies
Intellectual property law policy
Biases in Managerial Decision-making

GRANTS, AWARDS AND HONORS

Larry DiMatteo Senior Scholar Award, Southeastern Academy of Legal Studies in Business, 2018
Kay Duffy Outstanding Service Award, Academy of Legal Studies in Business, 2017
Best Paper Award, Western ALSB Annual Conference, 2017
President, Academy of Legal Studies in Business, 2013-2014
University of Florida Professional Two-Year MBA Outstanding Faculty and Teaching Excellence
2006, 2010, 2011, 2014
Academy of Legal Studies in Business 2010 Holmes/Cardozo finalist
University of Florida Distinguished Alumni Professor Nominee 2007
CIBER grant for intellectual property research 2005
CIBER grant for cross-cultural negotiation course development 2004
University of Florida MBA Elective Faculty of the Year 1998-1999
Academy of Legal Studies in Business 1998 Holmes/Cardozo Excellence in Research Award
Academy of Legal Studies in Business 1997 Ralph C. Hoerber Volume 34 of the American Business Law Journal Excellence in Research Award
Academy of Legal Studies in Business 1996 Holmes/Cardozo Excellence in Research Award
University of Florida Department of Sponsored Research Grant to conduct experimental study of attorney incentives in litigation, 1994
University of Michigan Office of the Vice President of Research Grant to study factors that influence settlement decisions in litigation, 1992
Apple Computers Inc. Apple Technology Partners Grant to develop experimental software for study of litigation, 1992

Warner Lambert Inc. Grant, with Valerie Suslow and Craig Pirrong, to study the economics of research and development in the pharmaceutical industry, 1990-1992

John M. Olin Foundation Legal Research Fellowship for dissertation research on litigation settlement negotiations

PRESENTATIONS AND PANELS

Papers

Invited Presentations

“Judicial Law of Motion and Patent-Eligibility Standards,” Huber Hurst Legal Research Seminar, Gainesville, Florida, February 2018 (invited).

“The Persistence of Zombie and Cockroach Patents: The Inability of Alice, Bilsky, and Mayo to Exterminate Business Method Patents,” MBAA International, Chicago, March 2017 (invited).

“The Nature of Invention: Defining The Boundaries of Patent Law” Nottingham, United Kingdom, April 2013

“TRIPS to ACTA and America Invents,” Colloquium on The Changing face of American Patent Law and Its Impact on Business Strategy, University of Michigan, Ann Arbor, Michigan, May 2012

“Making Abstract Ideas Concrete: Rationalizing European and U.S. Patent Subject Matter Law,” Association of Law Teachers Conference: Cardiff, Wales, February 2011 (invited)

“Drawing a Line in the Patent Subject Matter Sands: Does Europe Provide a Solution to the Business Method and Software Patent Problem?” Holmes Cardozo Award Session, ALSB Conference, Richmond, Virginia, December 2010 (invited)

“Can Software Patents be Saved? Parsing the Inventiveness Standard to Distinguish Deserving from Undeserving Software Inventions,” DSI International Conference, Nancy, France June 2009 (invited)

“Herding Patent Cats: Coordinating Divergent Stakeholder Interests to Reform Patent Law,” Access To Knowledge Workshop, George Washington University, Washington D.C. June 2009 (invited)

“Debugging Software Patents Increasing Innovation and Reducing Uncertainty in the Judicial Design of Optimal Software Patent Law,” Twelfth Annual Huber Hurst Research Seminar in Legal Studies, Warrington College of Business, University of Florida, February 2008 (invited)

“Unifying the International Law of Business Methods and Software Patents,” The Global Challenge of Intellectual Property Rights, A CIBER Conference, University of Connecticut, May, 2007 (invited)

- “The Psychological Impact of Evaluative Scrutiny on Contingent fee Attorney Effort,” Holmes-Cardozo Award Winners Session, 1998 Academy of Legal Studies in Business Meeting, San Diego, August 1998 (invited)
- “Attorney Fee Arrangements: The U.S. and Western European Perspective,” Institute of Advanced Legal Studies, The University of London, and City University Business School, London, England, May 1998 (invited)
- “Looking Over Her Shoulder: The Impact of Evaluative Scrutiny on Contingent Fee Attorney Effort,” Huber Hurst Seminar at the University of Florida, February 1998 (invited)
- “The Merits of Alternative Attorney Fee Arrangements,” Huber Hurst Law Seminar, University of Florida, February 1997 (invited)
- “Attorney Compensation: The Economic Incentives of Litigation Efforts,” Southern Economic Association, Washington, D.C., November 1996 (invited)
- “Getting Credit Where Credit is Due: Proposed Changes in the Fair Credit Reporting Act,” Technological Assaults on Privacy Conference, Rochester Institute of Technology, Department of Philosophy, and the University of Rochester, Rochester, New York, April 1996 (invited)
- “The Selection Effect, Judicial Error and Litigation Expenditures,” John M. Olin Law and Economics Seminar at Washington University, St. Louis, April 1994 (invited)
- “The Trial Selection Hypothesis Without the 50% Rule: Some Experimental Evidence,” American Law and Economics Association Meeting, Chicago, May 1993 (invited)

Other Presentations

- “United States & European Patent Convergence Through Shared Chaos”, Academy of Legal Studies in Business, Savannah, GA, August 2017.
- “Judicial Law of Motion and Patent-Eligibility Standards,” Western Academy of Legal Studies in Business, Monterey, CA, March 2018.
- "Patent Subject Matter convergence in the Digital Age," Western Academy of Legal Studies in Business, Monterey, CA, March 2017.
- “United States & European Patent Convergence Through Shared Chaos”
- "Convergence and Consistency in U.S. And European Approaches to Patent Remedies," Academy of Legal Studies in Business, San Juan, PR, August 2016.
- “Patent Subject Matter Convergence in the Digital Age” Mid-Atlantic Academy of Legal Studies in Business, New York, New York, April 2016
- “TransAtlantic Patent Subject Matter Convergence” Southeastern Academy of Legal Studies in Business, Atlanta, Georgia, November 2015
- “Does The UK Provide an Answer to the Patent Validity Morass?” Pacific Northwest Academy of Legal Studies in Business Conference, Portland, Oregon, April 2015
- “Clarifying Patent Validity Abstraction” Pacific Southwest Academy of Legal Studies in Business Conference, Palm Springs, California February 2015
- “TRIPS to ACTA and America Invents,” Pacific Northwest Academy of Legal Studies in Business Conference, Portland, Oregon, April 2012

- “Can Abstract Ideas Be Made Concrete?” Rocky Mountain Academy of Legal Studies in Business Conference, Vail, Colorado, September 2011
- Making Abstract Ideas Concrete: Rationalizing European and U.S. Patent Subject Matter Law,” SWALSB Conference: Palm Springs, California, February 2011
- “Herding Patent Cats: Coordinating Divergent Stakeholder Interests to Reform Patent Law, SEALSB Conference, Miami, Florida November 2009
- “Transatlantic Drift: Convergence Or Divergence In U.S. And European Approaches To Patent Remedies,” Southeastern Academy of Legal Studies in Business Meeting, Atlanta, November 2008
- “Transatlantic Drift: Convergence Or Divergence In U.S. And European Approaches To Patent Remedies,” Academy of Legal Studies in Business Meeting, San Diego, August 2008
- “The Problem of Business Method and Software Patents: A Policy-Driven Solution to Divergence,” Southeastern Academy of Legal Studies in Business, Savannah, November, 2006
- “Intellectual Property Rent Seeking: The Divergent Evolution of Copyright and Patent Laws,” Southeastern Academy of Legal Studies in Business Meeting, Atlanta, November, 2005
- “Under the Radar: The Resistance of Promotion Biases to Market Economic Forces,” Southeastern Academy of Legal Studies in Business Meeting, Orlando, October 2003
- “Losing The Benefit Of The Doubt Attribution-Based Discrimination and Minority Employment Opportunity,” Southeastern Academy of Legal Studies in Business Meeting, Savannah, October 2000
- “Attorney Fee Arrangements: The U.S. and Western European Perspective,” Academy of Legal Studies in Business Meeting, San Diego, August 1998
- “The Psychological Impact of Evaluative Scrutiny on Contingent fee Attorney Effort,” Conference on Law & Policy Across Legal Disciplines, University of Michigan Business School, May 1998 (invited)
- “Getting Credit Where Credit is Due: Proposed Changes in the Fair Credit Reporting Act,” Warrington College of Business/Fisher School of Accounting Information and Organizations Seminar Series, University of Florida, November 1997 (invited)
- “Injunctive Relief for Trade Secret Misappropriation,” Southeastern Academy of Legal Studies in Business Meeting, Tampa, October 1997
- “The Merits of Alternative Attorney Fee Arrangements,” Academy of Legal Studies in Business Meeting, Atlanta, Georgia August 1997
- “Comparative Attorney Compensation Schemes,” Midwestern Academy of Legal Studies in Business Annual Meeting, Chicago, March 1997
- “Database Marketing Practices and the Fair Credit Reporting Act,” Southeastern Academy of Legal Studies in Business Annual Meeting, New Orleans, October 1996
- “Getting Credit Where Credit is Due: Proposed Changes in the Fair Credit Reporting Act,” Academy of Legal Studies in Business Meeting, Quebec City, Canada, August 1996

“The Role of Job Performance, Gender, and Race On The Managerial Review of Sexual Harassment Allegations,” Academy of Legal Studies in Business Meeting, Milwaukee, August 1995

“The Role of Job Performance, Gender, and Race On The Managerial Review of Sexual Harassment Allegations,” Midwestern Academy of Legal Studies in Business Meeting, March 1995, Chicago

“An Experimental Investigation of Contingent-Fee Arrangements,” Southeastern Academy of Legal Studies in Business Meeting, Savannah, Georgia, October 1994

“An Experimental Investigation of Contingent-Fee Arrangements,” Academy of Legal Studies in Business Meeting, Dallas, August 1994

Panels and other Presentations

Presentation, Negotiation Skills for Doctoral Students, MDSA Workshop, Anaheim, California, August 2016

Discussant and Director, Huber Legal Research Seminar, San Francisco, California, February 2016

Panelist, Teaching Negotiations in Business, Pacific Southwest Academy of Legal Studies in Business Meeting, Seattle, Washington, February 2015 (invited)

Panelist, Teaching Negotiations, Academy of Legal Studies in Business Meeting, Seattle, Washington, August 2014 (invited)

Discussant and Director, Huber Legal Research Seminar, Gainesville, Florida, February 2014

Administration and Academic Life, Rocky Mountain Academy of Legal Studies in Business Meeting, Vail, Colorado, September 2013 (invited)

Panelist, The Problem with Patent Trolls and the Limit of Patentability, Academy of Legal Studies in Business Meeting, Boston, Massachusetts, August 2013 (invited)

Discussant and Director, Huber Legal Research Seminar, Gainesville, Florida, February 2012

Panelist, Justice Sotomayor on the Supreme Court: A Boon for Business? Academy of Legal Studies in Business Meeting, Denver, August 2009 (invited)

Panelist, Teaching Negotiations in Business Schools, DSI International Conference, Nancy, France, June 2009 (invited)

Discussant and Director, Huber Legal Research Seminar, (Boston College Co-sponsor), Boston, Massachusetts, February 2009

Presenter, 1997 Research Symposium, Academy of Legal Studies in Business Meeting, Atlanta, August 1997 (invited)

Panelist, Feminist Studies Panel on Privacy Issues in the Workplace, American Legal Studies in Business 1997 Academy of Legal Studies in Business Meeting, Atlanta, GA, August 1997 (invited)

Teaching Negotiation in Business Schools (panel presentation at the Academy of Legal Studies in Business National Meeting, Milwaukee, WI, August 1995 (invited))

Session Chair (American Law and Economics Association National Meeting, Berkeley, CA, May 1995 (invited))

PROFESSIONAL ASSOCIATIONS AND SERVICE

Academy of Legal Studies in Business
Executive Committee, 2010-2015
Past President, 2014-2015
President, 2013-2014
President Elect and Program Chair, 2012-2013
Vice President, 2011-2012

Academy of Legal Studies in Business (continued)
Secretary Treasurer, 2010-2011
Research Roundtable Discussant, 2010
Research Symposium Presenter, 1997
Huber Hurst Legal Research Seminar Director 1997-Present
(Director for 15 of the 16 Seminars)
North Carolina A&T Conflict Resolution Seminar on Negotiation
Greensboro, NC, 2006
CIBER Globalization Seminar, Global E-Business presenter University of Memphis, Memphis TN, 2002-2006
Leadership Alliance National Symposium. Negotiation presentation to doctoral students, Washington, D.C. July 2004, 2006
American Business Law Journal
Staff Editor, 1997-Present
Journal of Law and Public Policy
Advisory Board, 2000-Present

Ad-Hoc Reviewer

American Business Law Journal American Economic Review American Management Review
International Review of Law and Economics

Professional Memberships

State Bar of California
Academy of Legal Studies in Business
American Economic Association
American Law and Economics Association

UNIVERSITY SERVICE

University of Florida

Association of Black Faculty and Staff
Treasurer, 2015-2017

Police Relations Task Force 2014-2016
University Task Force on Shared Governance, 2005-2006
Faculty Senate, 1996-1998, 1999-2001, 2002-2008
Distance-Learning Intellectual Property Review Committee 2003
Announcer for University of Florida home track meets, 1999-2000
Minority Mentor Program, 1995-2001, 2013-15

Corporate Leaders Weekend. Presentation of negotiation teaching methods,
September 1998
Academic Information source for soccer team recruits, 1997, 1998
Academic information source for football team recruits, 1996
Academic Grievance Fact-Finding Panel, 1995

College of Business Administration

Asistant Dean for Diversity and Inclusion, 2018-present
Chair, Department of Management, 2010-2017
College Advisory Committee Negotiation Presentation 2011
GBCSO Associate Director Search Committee, 2009
GBCSO Director Search Committee (Chair), 2009
Advisory Council, 2006-2009
Chairman new faculty search committee 2000, 2001
MBA Committee 2000-2001, 2008-2009
PURC/World Bank Training Program for International Regulators
1997-Present
Masters Degree Programs Committee, 2004-2008
Instructional Resources Committee, 1995-1998, 2005-2008
Various search committees for faculty positions 1993-2008