

Phillip R. Malone

Professor of Law and Director, Juelsgaard Intellectual Property and Innovation Clinic

Biography

Phil Malone joined Stanford Law School's faculty in July 2013 as the inaugural director of the Juelsgaard Intellectual Property and Innovation Clinic of the Mills Legal Clinic and professor of law. A leading expert in IP, innovation and cyberlaw, he brings to the position nearly a decade of experience in clinical education and another 20 years of antitrust and technology litigation. His clinical work and scholarship is focused on understanding and promoting sound innovation and exploring how intellectual property and competition policy in high-tech industries affect it. His work also looks at ways in which to encourage broad opportunities for creativity, online expression, open access and dissemination of information, and increased access to justice. His teaching has addressed the relationship between legal policy and innovation, including the role of competition and antitrust law, intellectual property, privacy, and security law.

Professor Malone comes to Stanford from Harvard Law School, where he was a clinical professor of law and the director of the Cyberlaw Clinic at the Berkman Center for Internet & Society. He also taught courses in cybercrime, antitrust, technology and innovation; IP and cyberlaw litigation; and a Harvard College freshman seminar, *Cyberspace in Court: Law of the Internet*. Professor Malone was one of the faculty directors of the Berkman Center and was the initial HLS liaison to the Harvard Innovation Lab, a new, university wide center aimed at facilitating innovation and entrepreneurship among Harvard students and faculty.

Prior to joining the academy, Professor Malone was a senior attorney for over 20 years with the Antitrust Division of the U.S. Department of Justice (DOJ), where he directed numerous civil and criminal investigations and litigated a number of major antitrust trials. Much of his DOJ experience focused on high-technology industries, the Internet and computer software and hardware. Beginning in 1996 he was lead counsel in the DOJ's investigations of Microsoft, and he was the primary career counsel, along with outside counsel David Boies, in the trial of *U.S. v. Microsoft Corp* (D.D.C.). Before leaving the Justice Department he was one of the lead lawyers in the government's antitrust case against Oracle Corp. From 2001-2003 he was the Victor H. Kramer Fellow at HLS, focusing on legal approaches to encouraging and preserving innovation in high-tech industries, evolving competition policy in the computer industry, and the use of technology in discovery and litigation.

title1

Professor of Law

title2

Director, Juelsgaard Intellectual Property and Innovation Clinic

Key Works

- Phil Malone, [Foundation Funding: Open Licenses, Greater Impact](#), Berkman Center for Internet & Society, Harvard University (February 2011).
- Phil Malone, Alan Cheuk, Sara Rowe, Isaac Kriegman, Sandy Wong, and Cyberlaw Clinic, [Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives](#), Berkman Center for Internet & Society, Harvard University (July 29, 2010).
- Phil Malone, [An Evaluation of Private Foundation Copyright Licensing Policies, Practices and Opportunities](#), Berkman Center for Internet & Society, Harvard University (August 2009).
- Phil Malone, Bruce P. Keller, and Cyberlaw Clinic, [Amicus Brief: Commonwealth of Massachusetts v. Michael E. Bryant](#) (December 15, 2005) (Mass. App. Ct. No. 2005-P-0375) (in support of appellee Commonwealth of Massachusetts).
- Phil Malone, Jeffrey P. Cunard, Bruce P. Keller, and Cyberlaw Clinic, [Amicus Brief: Bostley Medical Institute Inc. v. Michael Steven Kremer](#) (9th Cir. No. 04-55962) (November 2, 2004) (in support of affirmance of S.D. Cal. No. 01-1752 in favor of appellee Kremer).

In the News

- [Harvard Law Professor to Direct New Stanford IP Clinic](#)
Law.com, May 15, 2013

STANFORD LAW SCHOOL

Crown Quadrangle

559 Nathan Abbott Way

Stanford, CA 94305-8610

Phone: 650 723.2465

Fax: 650 725.0253

ABOUT

[History](#) [Virtual Tour](#) [Visiting Stanford Law School](#) [ABA - Required Disclosures](#) [Website Feedback](#)

INFORMATION FOR

[Prospective Students](#) [Current Students](#)
[Faculty](#) [Employers](#) [Staff](#)

MORE RESOURCES

[Stanford Lawyer Magazine](#) [SLS Navigator](#) [SLS Blogs](#) [SLS Alumni Network](#) [Student Journals](#)

