

VIVA R. MOFFAT
University of Denver Sturm College of Law
2255 E. Evans Ave., Denver, CO 80208
303.871.6508; vmoffat@law.du.edu

CURRENT EMPLOYMENT

University of Denver Sturm College of Law, Denver, Colorado, August 2004 to present

- Assistant Professor of Law (2005 to present)
- Visiting Assistant Professor of Law (2004-2005)
- Courses include Contracts, Introduction to Intellectual Property, Trademarks & Unfair Competition, Copyright Law, and American Legal History.

Kamlet Reichert, LLP, Denver, Colorado, October 2007 to present

- Special Counsel. Represent clients in intellectual property transactions and litigation matters.

ARTICLES

Regulating Search, 22 HARV. J.L. & TECH. 475 (Spring 2009) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1421275)

Super-Copyright: Contracts, Preemption, and the Structure of Copyright Policymaking, 41 U.C. DAVIS L. REV. 45 (Fall 2007) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=972218)

Mutant Copyrights and Backdoor Patents: The Problem of Overlapping Intellectual Property Protection, 19 BERK. TECH. L.J. 1473 (Fall 2004) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=972358)

OTHER WRITING

Working Together in the Digital World: An Introduction, 84 DENV. U. L. REV. 1 (2006) (with Michael Mireles)

Employee Noncompetes and Intellectual Property Protection (work in progress)

A Brief Comment on Secondary Liability for Cyber Civil Rights Claims (work in progress)

Giving Credit Where Credit is Due: Incorporating Cultural Norms and Trademark Theory into Copyright Law's Treatment of Collage Works (work in progress)

Unauthorized Sequels: A Reader's Essay (work in progress)

EDUCATION

University of Virginia School of Law, J.D., 1996

- Editor-in-Chief, *Virginia Law Review*
- Research assistant for Professor Michael Klarman

University of Virginia, M.A., American History, 1993

- Concentration in American legal history
- Awarded a departmental fellowship
- Masters' thesis on progressive tort reform at the turn of the twentieth century: "The Origins of Federal Tort Reform: Administrative Activism and a Common Law Solution"

Stanford University, A.B., with Honors, History and Political Science, 1991

- Senior honors thesis on the role of judges in overseeing railroad receiverships in the late 19th century: "Railroad Receiverships: Judicial Power in the Late Nineteenth Century." Professor Robert Gordon, then at Stanford Law School, was my thesis advisor.

PREVIOUS EMPLOYMENT

Mastbaum & Moffat, LLP, Denver, Colorado, March 2001-October 2007

- Of counsel and partner in a small firm practice involving many intellectual property matters and general commercial litigation
- Advised clients, including writers, non-profit organizations, and small businesses, concerning intellectual property matters

University of Colorado School of Law, Boulder, Colorado, Spring 2002 & Fall 2003

- Adjunct Professor
- Taught Copyright Law in the Spring of 2002 and Introduction to Intellectual Property Law in the Fall of 2003

Davis, Graham, & Stubbs, LLP, Denver, Colorado, May 2000-March 2001

- Associate

Keker & Van Nest, LLP, San Francisco, California, November 1997-December 1999

- Associate
- Litigated trade secret, trademark, and other general commercial matters
- Participated in the successful criminal defense of one of the first individuals prosecuted under the Economic Espionage Act of 1996

United States Court of Appeals for the Ninth Circuit, Judge Robert R. Beezer
Seattle, Washington, August 1996-August 1997

- Judicial clerk

ADDITIONAL INFORMATION

Presentations:

Presenter, “Secondary Liability for Cyber Civil Rights Claims,” Cyber Civil Rights Symposium, University of Denver Sturm College of Law, November 20, 2009.

Participant, Silicon Flatirons Roundtable, “Google, ISPs, and Other Online Intermediaries: Power, Responsibility, and Regulation.” Denver, Colorado, November 19, 2009.

Facilitator, Copyright Society & Colorado Bar Association screening and discussion of “Copyright Criminals,” University of Denver Sturm College of Law, November 16, 2009

Speaker, “The Future of Music in the Digital Age,” DU CLE, Los Angeles, California, March 2009

Speaker, “Facebook and You(tube): The Risks of Online Social Networking,” University of Denver Faculty Speaker Series, March 2009

Presenter: “Regulating Search,” Intellectual Property Scholars Colloquium, Stanford Law School, August 2008

Presenter, “Issues in Drafting and Litigating Online Contracts,” University of Denver CLE program, July 2008

Presenter: “Copyright Plus: Fair Use and Adhesion Contracts in the Digital Age,” Work-in-Progress at the DU Sturm College of Law, November 2006

Presenter, “Fair Use and Standard Form Contracts in the Digital Age,” Stanford-Berkeley Intellectual Property Scholars Colloquium, Boalt Hall School of Law, University of California, Berkeley, August 2006.

Moderator: “Industry Perspectives on Digital Rights Management,” at the Cable Center Summit on Intellectual Property and Digital Media, *From Creator to Consumer: Working Together in the Digital World*, May 2006

Panelist: “Issues Faced by Women in Law: Relating to Clients and Colleagues, Navigating the System and Balancing it All,” DU College of Law, March 2005.

Presenter: “The Problem of Overlapping Intellectual Property Protection,” presented at the University of San Diego Law School Faculty Colloquia Series (October 25, 2004), the University of Denver Sturm College of Law (November 15, 2004), Seton Hall University School of Law (November 17, 2004), St. John’s University School of

Law (November 19, 2004), and the University of Cincinnati College of Law (November 30, 2004).

Commentator: “Heartbeat of a Nation: Intellectual and Cultural Property in Indian Country,” University of Denver College of Law, September 22, 2004.

Teaching:

Academic Year 2009-10: Contracts, Intro to IP

Academic Year 2008-09: Contracts, Intro to IP

Academic Year 2007-08: Contracts, Intro to IP, Copyright Law

Academic Year 2006-07: Intro to IP, Copyright in the Digital Age (seminar), Contracts, Trademarks & Unfair Competition

Academic Year 2005-2006: Contracts I, Contracts II, Copyright/Trademark

Academic Year 2004-2005 (visiting): Contracts I, Copyright/Trademark, Contracts II, American Legal History

Media Appearances

Interview regarding Shepard Fairey case and fair use, April 2009, Channel 9 News, Denver

Interview regarding intellectual property law practice in Denver, October 13, 2008, DENVER BUSINESS JOURNAL (copy available upon request)

Interview regarding the “Harry Potter Lexicon” case. April 14, 2008, Channel 9 News (video available upon request)

Memberships and Bar Admissions:

- Member, Executive Committee for the AALS Law & Computers Section
- Member, Colorado Bar Association IP Section Advisory Board
- Colorado and California (inactive) Bar Associations
- Admitted in the District of Colorado, the United States Court of Appeals for the Tenth Circuit, and the Northern District of California
- Raven Society (honor society at the University of Virginia)