Law and Technology at Penn
2017 – 2018

Center for Technology, Innovation and Competition
The mission of the University of Pennsylvania Law School’s Center for Technology, Innovation and Competition (CTIC) is to create the nation’s foremost program in law and technology through pathbreaking scholarship and innovative educational programs.

Our faculty is generating foundational research that is helping to influence the way that policymakers think about technology-related issues. This scholarship often taps into the vast interdisciplinary expertise both within the Law School and other parts of Penn, including The Wharton School, the Annenberg School for Communication, and the School of Engineering and Applied Science.

CTIC delivers scholarly programming that explores the full range of scholarly perspectives and engages with technology policy and practice. It also organizes student events designed to create the next generation of technology law scholars, policymakers, and practitioners.

For more information and a schedule of current and upcoming events at CTIC, visit our website at www.law.upenn.edu/ctic and follow us on Twitter @pennlawctic.
# Table of Contents

1  A Message from the Directors

2  **CTIC Faculty**

   4  Core Faculty

   25  Secondary Faculty

   30  Affiliated Faculty

   36  Adjunct Faculty

   38  Fellows and Managing Director

40  **Ten-Year Anniversary**

46  **Major Conferences**

   48  Inaugural Junior Faculty Forum on Law and STEM

   52  Sixth Annual Global Patent Law Conference

   54  After the Digital Tornado

   58  Robo Advisors at the Regulatory Crossroads

   62  Sixth Annual Computer Science and the Law Roundtable

   66  Third Annual Copyright Scholarship Roundtable

   70  Due Process, Transparency, and Fairness in Antitrust Enforcement: China, Europe, and the U.S.

74  **Events and Programs**

   76  The Future of Standard Essential Patents: Learning from Microsoft v. Motorola’s Legacy

   78  New Perspectives on Spectrum Policy

   80  The Right to Privacy in the Supreme Court of India

   80  The Role of the U.S. in the International Intellectual Property System

   81  Current Issues in Law and Technology

   84  Law and Technology Scholarship Workshop Series

   85  Career Speaker Series

86  **News**

   88  Launch of the *New Journal of Law & Innovation*

   89  NSF Grant on Securing the Routing Infrastructure

   90  Comparative Study of Chinese, European, and U.S. Competition Enforcement

   91  1 World Connected

   92  NSF Grant on Secure and Privacy-Aware Cyber-Physical Systems

   93  Tsinghua Global Forum

   94  FCC’s Broadband Deployment Advisory Committee

   95  CTIC Faculty and the American Law Institute (ALI)

   96  Detkin Intellectual Property and Technology Legal Clinic

   97  Cutting-Edge Joint Degree Programs in Law and Engineering

   98  CTIC Summer Public Interest Fellowships

   99  Clerkships in Patent Law

  100  Penn Intellectual Property Group (PIPG)

  101  Students for Technological Progress (STP)

  101  Partnership for Entrepreneurial Engineering and Penn Law (PEEPL)
A Message from the Founding Director and Co-Director

This report commemorates a special year for the Center for Technology, Innovation and Competition as we celebrated our 10th anniversary. This milestone allowed us to take stock of how much we have accomplished in the past ten years and provided us with the opportunity to think about how we want the next ten years to take shape. We are proud of what we achieved and remain committed to being at the cutting edge of law and technology—in our research, innovative educational programs, and curricula as we push out the boundaries of scholarly knowledge and help students have the most enriching and rewarding academic experience.

Finally, CTIC is thankful to all of its friends and supporters for bringing their perspectives, experiences, participation, and expertise to our programs. With their support, we have been able to continue serving as a leading academic center in technology and innovation policy.
The Center for Technology, Innovation and Competition is privileged to draw on cross-disciplinary expertise from across the University of Pennsylvania. In addition to the Law School, CTIC brings together faculty from the top-ranked Wharton School, the University’s School of Engineering and Applied Science, the Cinema Studies Program, and the Annenberg School for Communication.

Research is a core function of the Center for Technology, Innovation and Competition. By providing a forum where faculty can engage with one another across multiple disciplines, the Center seeks to encourage informed, high-quality research that will advance the understanding of technology and innovation policy.
DAVID ABRAMS

“The most common proxy for patent value used by policymakers and economic scholars is the number of times a patent is cited by subsequent patents. However, there is surprisingly little direct evidence that more highly cited patents are more valuable ones, and existing validation studies have not considered differences between private and social value. One key part of my current research examines the relationship between the number of citations to a drug patent and the private and social value of that drug. This new dataset also sheds new light on the share of social welfare gains appropriated by firms, an important issue in patent law and innovation policy on which there is also little evidence.”
David Abrams is one of the leading young economists working in empirical law and economics. His work covers a range of topics, tied together by goal of understanding and measuring how individuals respond to incentives in various legal contexts. Criminal justice is one of his major areas of expertise, where Abrams has investigated a variety of questions, including whether longer sentences deter crime, how defendant race impact judicial decisions, to what extent attorney skill affects case outcomes, and how much individuals value freedom.

Intellectual property is Abrams’s other major area of expertise, where he has investigated the expected impact of the America Invents Act, examined the effect of patent duration on innovation, and is using natural language processing to establish more reliable measures of patent value. He has additional interests in law and health economics, labor economics, and corporate finance. His work has appeared in a number of top peer-reviewed journals and law reviews including the Stanford Law Review, University of Chicago Law Review, University of Pennsylvania Law Review, American Economic Journal: Applied Economics, and Journal of Legal Studies.

Expertise
Law and Economics, Intellectual Property, Criminal Law, Patent Law

Secondary Appointments
Business Economics and Public Policy, Wharton School

Education
PhD 2006 Massachusetts Institute of Technology
MS 2001 Stanford University
AB 1998 Harvard University

Courses Taught
• Introduction to Intellectual Property Law and Policy
• Advanced Topics in Intellectual Property
• Law and Economics
• Analytical Methods in Law

Representative Publications


Recent Publications
The NPE: Benevolent Middleman or Stick-Up Artist? (working paper) (with Ufuk Akcigit & Gokhan Oz).


SHYAMKRISHNA BALGANESH

“My work explores the analytical complexity of the copyright system and its ability to foster a culture of creativity. My emphasis is on showing that the system works best when it incorporates insights from other areas of the law and enables multiple institutional actors to participate in law- and policy-making. Copyright law has traditionally relied on a one-size-fits-all approach to creativity, which has failed to keep up with the multitude of technological and cultural changes that we see in society. The system would be far better served by a more robust and pluralist approach to the subject.”
Shyam Balganesh
Professor of Law; Co-Director of CTIC

Shyam Balganesh is a Professor of Law and Co-Director of the Center for Technology, Innovation and Competition (CTIC) at the Law School. His scholarship focuses on understanding how intellectual property and innovation policy can benefit from the use of ideas, concepts, and structures from different areas of the common law, especially private law. His most recent work examines the evolution of American copyright law from a predominantly private law regime to a public law-based regulatory system under the influence of Legal Process thinking. While at Yale Law School, he was an Articles & Essays Editor of the *Yale Law Journal* and a Student Fellow at the Information Society Project (ISP). Prior to that, he spent two years as a Rhodes Scholar at Balliol College, Oxford.

Expertise
Copyright, Property Law, Intellectual Property, Patent Law, Law and Technology, Legal Philosophy

Education
JD 2007 Yale Law School
MPhil 2005, BCL 2004 University of Oxford
BA, LLB 2003 National Law School of India University

Courses Taught
- Copyright Law
- Property Law
- Copyright Theory
- Property Theory

Representative Publications

*Copyright Infringement Markets*, 113 Colum. L. Rev. 2277 (2013).


Recent Publications


CYNTHIA LAURY DAHL

“I enjoy guiding students to become more holistic practitioners, which I think comes from being able to adopt the mindset of the client. My scholarship suggests ways to teach students to do that. I examine how to introduce interdisciplinary study into a clinical seminar class and discuss whether that has been helpful to new graduates in a technology practice. In addition, since IP and technology clinics are a relatively new phenomenon, I have been studying their innovations and best practices, gathering survey data and comparing such clinics to the rest of the clinical community. I am particularly interested in the ways that a technology practice and lawyers’ use of new technology can challenge traditional legal ethics rules.”
Cynthia Dahl directs the Detkin Intellectual Property and Technology Legal Clinic, specializing in counseling clients on creating business value out of intellectual property and technological innovation. Before coming to Penn Law, she practiced for ten years as Senior IP Counsel for TruePosition, Inc., a Liberty Media-owned international wireless location company, where she managed the patent portfolio for the parent company as well as three start-up entities, and drafted and executed all IP agreements as well as oversaw standards-setting activities. Before practicing in house, she worked as an IP litigation associate at Holland and Hart LLP and Pennie and Edmonds LLP. Prior to working in the law, she also counseled artists for Volunteer Lawyers for the Art, and held several jobs in policy and the press, including working for Senator Bill Bradley (D-NJ) and Nina Totenberg of National Public Radio. Her scholarly work suggests new designs for teaching students practicing at the intersection of law, business and technology, particularly concerning how best to introduce law students to the mindsets and more of non-legal professionals. She is also interested in applying traditional rules of legal ethics to a technologically savvy practice, including how clinics can best work with university technology transfer offices.

**Expertise**

Intellectual Property, Law and Technology

**Education**

JD 1998 Stanford Law School  
BA 1991 Yale University

**Courses Taught**

- Detkin Intellectual Property and Technology Legal Clinic

**Representative Publications**


**Recent Publications**


ALLISON K. HOFFMAN

“The most recent era of health law and policy has built on a foundation of economic theory, rooted in ideas of well-functioning markets, competition, and consumers. This theory supported the proliferation of market-based policies in various forms with promises of efficiency and minimal bureaucracy. Neither of these promises has played out. My current work draws from a mounting body of empirical research to make clear that these policies have failed to capture what people want. Even more, attempts to revive these failing policies—with regulation that seeks to improve markets or consumers—have produced a massive market-based bureaucracy, the exact opposite result from what markets are supposed to produce.”
Allison Hoffman is an expert in health care law and policy. Hoffman's work examines some of the most important legal and social issues of our time, including the Affordable Care Act, Medicare and retiree healthcare expenses, and long-term care. She currently teaches Health Care Law and Policy, Torts, and a seminar on Health Insurance and Reform.

Hoffman has extensive experience working as a lawyer and business consultant in the health care industry. She practiced law at Ropes & Gray, where she counseled clients on health care regulatory matters. She has also provided strategic business advice to health care companies as a consultant at The Boston Consulting Group and The Bridgespan Group. From 2010-2017, Hoffman was a member of the UCLA School of Law faculty and prior to that, was a fellow at Harvard’s Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics. Hoffman graduated summa cum laude from Dartmouth College and from Yale Law School, where she was Submissions Editor for the Yale Journal of Health Policy, Law, and Ethics.

Expertise

Education
JD 2004 Yale Law School
AB 1998 Dartmouth College

Courses Taught
• Health Law and Policy
• Torts
• Health Insurance and Reform
• Ad Hoc Externship

Representative Publications
Reimagining the Risk of Long-Term Care, 16 Yale J. Health Pol’y L. & Ethics 239 (2016).
Health Care Spending and Financial Security After the Affordable Care Act, 92 N.C. L. Rev. 1481 (2014).

Recent Publications
DAVID HOFFMAN

“Contracting over the web has both exposed and exacerbated long-standing tensions in contract doctrine about the nature of assent and the limits of private ordering. My work illuminates these cracks in contract law’s foundation by exploring the lay psychology of contracting, with a particular emphasis on individual differences in behavior. I use case studies, experimental, and observational methods, as well as traditional case-law close-reading, to advance a more realistic theory of contract practice.”
David Hoffman
Professor of Law

David Hoffman’s scholarship uses observational and experimental data to explore individuals’ behavior relating to legal rules and practices. In contract law, Hoffman’s recent papers have investigated whether millennials have developed a distinctive set of views about promising that relate to their experiences with online commercial transactions, and how firms use form contracts as brands to better engage users with digital platforms. In law and psychology, he has explored the “replication crisis” by recreating classic legal experimental work. His current projects focus on whether (and how) to regulate nondisclosure agreements about sexual harassment, and the contractual documents governing Initial Coin Offerings. Before joining the legal academy, Hoffman was a litigation associate at Cravath, Swaine & Moore LLP in New York City and a law clerk for Judge Norma L. Shapiro of the U.S. District Court for the Eastern District of Pennsylvania. Hoffman won the Harvey Levin Award for Teaching Excellence in 2018.

Expertise
Contracts, Social Science and the Law, Law and Economics, Behavioral Economics, Corporate and Financial Law, Legal Process and Dispute Resolution

Education
JD 2001 Harvard Law School
BA 1998 Yale University

Courses Taught
• Contracts
• Advanced Topics in Contracts
• Corporations

Representative Publications

Recent Publications
HERBERT HOVENKAMP

“It’s all about consumers.”
Herbert Hovenkamp
James G. Dinan University Professor

Herbert Hovenkamp is a recognized expert and prolific author in the areas of antitrust law and American legal history. He holds a joint appointment between Penn Law and the Wharton School. Prior to that, Hovenkamp was a Professor of Law at the University of Iowa, and before that at the University of California, Hastings College of the Law. He is a fellow of the American Academy of Arts and Sciences.

Hovenkamp has been the Rockefeller Foundation Fellow, Harvard Law School; Fellow of the American Council of Learned Societies, Harvard Law School; Faculty Scholar, University of Iowa; Presidential Lecturer, University of Iowa; and the recipient of the University of Iowa Collegiate Teaching Award.

Expertise
Antitrust, Intellectual Property, and American Legal History

Secondary Appointments
Legal Studies and Business Ethics, Wharton School

Education
JD 1978 University of Texas School of Law
PhD 1976, MA 1971 University of Texas
BA 1969 Calvin College

Courses Taught
• Antitrust
• Law and Commerce in American History
• The Constitution and Free Enterprise

Representative Publications


Antitrust and Information Technologies, 68 Fla. L. Rev. 419 (2016).

Recent Publications
Progressive Antitrust, 2018 U. Ill. L. Rev. 71.
Appraising the Progressive State, 102 Iowa L. Rev. 1063 (2017).
GIDEON PARCHOMOVSKY

“Together with a coauthor, I am working on a series of articles in which we explore the scope of the public domain in intellectual property and real property, in particular mechanisms for expanding the public domain and legal situations in which it is not possible to maintain a public domain.”
Gideon Parchomovsky specializes in intellectual property, property law, and cyber law. Parchomovsky has already made significant contributions to the field through his wide-ranging scholarship, having written numerous articles for major law reviews on property and liability rules, insider trading, trademarks, domain names, and patents. Most recently, he has been advocating the need for a comprehensive property theory and the need to introduce a value-oriented theory. Parchomovsky has received the A. Leo Levin Award presented to the best teacher of a first-year course.

Expertise
Intellectual Property, Property Law, Information Law

Education
JSD 1998 Yale Law School
LLM 1995 University of California, Berkeley
LLB 1993 Hebrew University of Jerusalem

Courses Taught
- Property Law
- Copyright Law
- Impact of the Internet on Copyright and Patent Law

Representative Publications
Intellectual Property Defenses, 113 Colum. L. Rev. 1483 (2013) (with Alex Stein).

Recent Publications
R. POLK WAGNER

“The past year has been full of high-stakes litigation in the patent realm, including cases such as TC Heartland, Waymo v. Uber, and the final saga of Apple v. Samsung. These cases will have long term implications on venue, claim construction, damages, and other broad strokes themes in patent law for years to come. In addition to monitoring the constant flux in patent law, my research focuses on continuing to explore the Federal Circuit’s claim construction jurisprudence, as well as novel approaches to measuring patent value.”
R. Polk Wagner
Professor of Law; Deputy Dean

Polk Wagner focuses his research and teaching on property law and policy, with a special interest in patent law. He has written over twenty articles on topics ranging from an empirical analysis of judicial decision making in patent law to the First Amendment status of software programs. He is a frequent lecturer on intellectual property topics worldwide.

Prior to joining the Penn Law faculty in 2000, Wagner served as a clerk to Judge Raymond C. Clevenger III of the U.S. Court of Appeals for the Federal Circuit. He was the 1994-95 Roger M. Jones Fellow at the London School of Economics.

Expertise

Education
JD 1998 Stanford Law School
BSE 1993 University of Michigan
BS 1993 College of Charleston

Courses Taught
• Patent Law
• Introduction to Intellectual Property Law and Policy
• Patent Law Appellate Advocacy
• Property Law

Representative Publications


Recent Publications
TESS WILKINSON-RYAN

“When courts consider online contracts, they often take pains to insist that technology is not disrupting contract law. ‘Promises become binding when there is a meeting of the minds and consideration is exchanged. So it was at King’s Bench in common law England; so it was under the common law in the American colonies; so it was through more than two centuries of jurisprudence in this country; and so it is today,’ declares the court in Specht vs. Netscape. ‘Assent may be registered by a signature, a handshake, or a click of a computer mouse transmitted across the invisible ether of the Internet.

‘Protestations like these overlook the role of social and moral cognition in legal change. One way to think about my role as a moral psychologist on a law faculty is that I am interested in how technology affects the way that humans interact with or understand the legal system. To me the most important feature of online contracting is not the technology per se, but rather the extraordinary ubiquity of fine print in the digital world—a place that most of us spend most of our time. I’d contend that all those unread terms and conditions are teaching users implicit lessons about contract law, lessons that have immediate consequences for individual decision-making and, ultimately, real implications for the doctrine of assent.’

CTIC Core Faculty
Tess Wilkinson-Ryan
Professor of Law and Psychology; Deputy Dean

Tess Wilkinson-Ryan studies the psychology of legal decision-making. Her research addresses the role of moral judgment in legal decision-making, with a particular focus on private contracts and negotiations. She uses experimental methods from psychology and behavioral economics to ask how people draw on their moral intuitions to motivate or inform legal choices. Recent research topics include statutory damages in copyright law, online contracting, and retirement investing. In 2012, Wilkinson-Ryan was awarded the A. Leo Levin Award for Excellence in an Introductory Course, and in 2014 the graduating class chose her as the recipient of the Harvey Levin Memorial Award for Teaching Excellence.

Expertise
Contracts, Behavioral Economics, Law and Social Sciences

Education
PhD 2008, MA 2006, JD 2005 University of Pennsylvania
BA 1999 Harvard University

Courses Taught
• Contracts
• Psychological Analysis of Legal-Decision Making
• Gender, Psychology, and Law

Representative Publications
Judging Similarity, 100 Iowa L. Rev. 267 (2014) (with Shyamkrishna Balganesh & Irina Manta).

Recent Publications
CHRISTOPHER YOO

“One aspect of my favorite current research projects is the comparative analysis of due process that colleagues at other universities and I are conducting in antitrust enforcement in China, Europe, and the U.S. I have been particular gratified by the interest this project has generated among enforcement officials in the U.S. and abroad and in international organizations such as the International Competition Network and the OECD.”
Christopher Yoo has emerged as one of the nation's leading authorities on law and technology. Recognized as one of the most cited scholars in administrative and regulatory law as well as intellectual property, his major research projects include studying innovative ways to connect more people to the Internet; using technological principles to inform how the law can promote optimal interoperability; protecting privacy and security for autonomous vehicles, medical devices, and the Internet's routing architecture; comparing antitrust enforcement practices in China, Europe, and the U.S.; copyright theory; and network neutrality. The author of more than 100 scholarly works, Yoo testifies frequently before Congress, the Federal Communications Commission, the Federal Trade Commission, the U.S. Department of Justice, and foreign governments. Prior to joining the academy, Yoo served as a clerk to Justice Anthony M. Kennedy of the Supreme Court of the United States and Judge A. Raymond Randolph L'69 of the U.S. Court of Appeals for the D.C. Circuit.

Expertise

Secondary Appointments
Annenberg School for Communication
Computer and Information Science Department, School of Engineering and Applied Science

Education
JD 1995 Northwestern University Pritzker School of Law
MBA 1991 Anderson School at the University of California, Los Angeles
AB 1986 Harvard University

Courses Taught
- Internet Law
- Telecommunications Law
- Privacy
- Antitrust
- Technology and Policy
- Introduction to Intellectual Property
- Copyright Theory

Representative Publications
The Dynamic Internet: How Technology, Users, and Business Are Transforming the Network (AEI 2012).

Recent Publications
The Transformation of Transformative Use, 1 J.L. & Innovation (forthcoming 2019).

Self-Actualization and the Need to Create as a Limit on Copyright, in Comparative Aspects of Limitations and Exceptions in Copyright Law (Shyamkrishna Balganesh, Wee Loon Ng-Loy, & Haochen Sun eds., Cambridge forthcoming 2019).


Evidence-Based Research on Internet Connectivity: A Prerequisite for Effective Policymaking, IEEE Internet Pol’y Letter, April 2017 (with Sharada Srinivasan).

The Fate of the FCC’s Privacy Rule: A Chat with Law Professor Christopher Yoo, Forbes.com, February 8, 2017.
David Aaron Wishnick

Academic Fellow

David Wishnick’s scholarship focuses on the interactions between law and technology in shaping commercial transactions and business forms. Before joining the University of Pennsylvania Law School, Wishnick practiced at Jenner & Block LLP in Washington, D.C., where he advised clients in the finance and communications industries and, in a multi-year engagement, participated in the monitorship of a large bank after its settlement with tax and securities regulators. Prior to joining Jenner, Wishnick clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and Judge Thomas B. Griffith of the U.S. Court of Appeals for the D.C. Circuit.

Expertise
Law and Technology, Banking, Commercial Law, Contracts, Corporate and Financial Law

Education
JD 2012 Yale Law School
AB 2007 Brown University

Courses Taught
• The Fintech Challenge

Representative Publications

Recent Publications
Innovation in Payment Forms: Between Law, Technology, and Politics (working paper)
Anita Allen is an expert on privacy law, the philosophy of privacy, bioethics, and contemporary values, and is recognized for scholarship about legal philosophy, women's rights, and race relations. She was the first African American woman to hold both a PhD in philosophy and a law degree. She was an Associate Attorney with Cravath, Swaine and Moore. She was elected to the National Academy of Medicine in 2016. In 2010 she was appointed by President Obama to the Presidential Commission for the Study of Bioethical Issues. Allen, who has published more than a hundred scholarly articles, book chapters and essays, has also contributed to popular magazines, newspapers and blogs, and has frequently appeared on nationally broadcast television and radio programs. Allen is active as a member of editorial, advisory, and charity boards, and in professional organizations relating to her expertise in law, philosophy and health care. She is a member of the NIH Precision Medicine IRB and the Board of Directors of the WCG Foundation.

Anita Allen
Henry R. Silverman Professor of Law and Professor of Philosophy; Vice Provost for Faculty

Education
JD 1984 Harvard Law School
PhD, MA 1980 University of Michigan
BA 1974 New College of Florida

Courses Taught
• Privacy Law
• Torts
• Introduction to Ethics
• Bioethics and the Law of Mental Health
• African American Philosophy Since 1960
• Bioethics of Reproduction
• Mental Health and Moral Life

Representative Publications


Protecting One’s Own Privacy in a Big Data Economy, 130 HARV. L. REV. F. 71 (2016).


Tom Baker, a preeminent scholar in insurance law, explores insurance, risk, and responsibility using methods and perspectives drawn from economics, sociology, psychology, and history. His research on health insurance exchanges is informing the development of decision tools to improve consumer choice. His recent article, “Regulating Robo Advice Across the Financial Services Industry,” urges insurance, banking, and securities industry regulators to cooperate in developing a regulatory trajectory for automated financial advice.

He is the Reporter for the American Law Institute’s Restatement of the Law Liability Insurance, Director of the Health Insurance Exchange Research Group of Penn’s Leonard Davis Institute of Health Economics, and a co-founder of Picwell, a data analytics company that builds tools to match people to insurance plans. In August 2013, he received the Robert B. McKay Award, a lifetime scholarly achievement award given by the Tort Trial and Insurance Practice Section of the American Bar Association.

**Expertise**
- Insurance Law and Policy
- Torts
- Health Care Policy
- Health Economics
- Law and Technology
- Financial Regulation
- Behavioral Economics
- Law and Economics
- Litigation
- Entrepreneurship
- Law and Society
- Contracts

**Secondary Appointments**
- Business Economics and Public Policy Department, Wharton School

**Education**
- JD 1986, AB 1982 Harvard University

**Courses Taught**
- Torts
- Fintech Challenge
- Insurance Law and Policy
- Financial Regulation Law and Policy
- Regulation of Health Insurance Markets
- Risk Management
- Insurance Insolvency
- Liability and Insurance

**Representative Publications**
Cary Coglianese specializes in the study of regulation and regulatory processes, with an emphasis on the empirical evaluation of alternative regulatory strategies and the role of public participation, negotiation, and business-government relations in policymaking. He is a co-chair of the American Bar Association’s administrative law section committee on e-government, past co-chair of the section’s committee on rulemaking, and a past member of the section’s Council. He currently serves as a member of a committee of the National Academies of Sciences, Engineering, and Medicine studying performance-based safety regulation and of an Aspen Institute dialogue on energy policy governance. He has served as a consultant to the Administrative Conference of the United States, Environment Canada, the Organization for Economic Cooperation and Development, the U.S. Department of Commerce, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency.

Education
AB 1985 College of Idaho

Courses Taught
- Administrative Law
- Environmental Law
- Policy Analysis
- Regulatory Law and Policy
- Advanced Regulatory Law and Policy

Representative Publications
Does Regulation Kill Jobs? (Cary Coglianese, Adam Finkel, & Chris Carrigan eds., Univ. of Pennsylvania 2013)
Jonathan Klick’s work focuses on identifying the causal effects of laws and regulations on individual behavior using cutting-edge econometric tools. Specific topics addressed by Klick’s work include the relationship between abortion access and risky sex, the health behaviors of diabetics, the effect of police on crime, addiction as rational choice, how liability exposure affects the labor market for physicians, as well as a host of other issues. His scholarship has been published in numerous peer-reviewed economics journals, including the *Journal of Economic Perspectives*, *Journal of Law & Economics*, *Journal of Law, Economics, and Organization*, and *Journal of Legal Studies*. He has also published papers in the *Stanford Law Review*, *Columbia Law Review*, and *University of Chicago Law Review*. He also contributes to CTIC’s work on comparative competition law.

**Expertise**

Law and Economics, Health Care Policy and Regulation, Criminal Law, Labor Economics, Mental Health Law, Product Liability Litigation, Regulated Industries

**Education**

JD 2003, PhD 2002 George Mason University  
MS 1999 University of Maryland  
BS 1997 Villanova University

**Courses Taught**

- Antitrust  
- Torts  
- Statistics for Lawyers  
- Empirical Law and Economics

**Representative Publications**


Seth Kreimer’s first article, “Allocational Sanctions: The Problem of Negative Rights in a Positive State,” set the terms for a generation of discussion of unconstitutional conditions on public benefits. His subsequent work has shaped analysis of privacy, abortion regulation, assisted suicide, and same sex marriage. He has explored the implications of DNA testing in criminal justice, free speech on the Internet, the Freedom of Information Act, and the abuses of the “war on terror.” Kreimer has also represented plaintiffs in an array of constitutional litigation.

Expertise
Constitutional Law, Civil Rights Law, Constitutional Litigation

Education
JD 1977, BA 1974 Yale University

Courses Taught
- Constitutional Law
- Constitutional Litigation
- Complex Litigation
- First Amendment
- Individual Rights and Health Care
- Privacy and Disclosure

Representative Publications


Peter Decherney's research focuses primarily on the law’s impact on film and media, having authored or edited six books on the history of copyright and Hollywood. He is the Faculty Director of Penn’s Online Learning Initiative and the Director of Penn’s Cinema and Media Studies Program. Decherney is also the co-editor of the journal Critical Studies in Media Communication and has testified before the Copyright Office of the United States and filed amicus briefs in several cases, including the Supreme Court Case of Golan v. Holder. Decherney has been an Academy of Motion Picture Arts and Sciences Scholar, a fellow of the American Council of Learned Societies, and a U.S. State Department Arts Envoy to Myanmar. He has won multiple teaching awards and is a Forbes.com contributor.

**Expertise**
Cinema and Media Studies

**Education**
PhD 2000 New York University
BA 1993 Vassar College

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Matthew Blaze's research focuses on cryptography and its applications, trust management, human scale security, secure systems design, and networking and distributed computing. He is particularly interested in security technology with bearing on public policy issues, including cryptography policy (key escrow), wiretapping and surveillance, and the security of electronic voting systems.

**Expertise**
Computer Security, Distributed Systems

**Education**
PhD 1993, MA 1989 Princeton University
MS 1988 Columbia University
BS 1986 City University of New York (Hunter College)
Gerald R. Faulhaber served as Chief Economist of the Federal Communications Commission in 2000-01. His research focuses on the microeconomics, management, and public policy aspects of technology and telecommunications firms. Faulhaber’s current research is wireless telecommunications, cybersecurity and the Internet of Things, public policy and the Internet, and the political economy of regulation. He has also written on file sharing and music copyright, public safety radio, and network neutrality.

**Expertise**
Applied Microeconomics, Industrial Organization, Network Neutrality for the Internet, File Sharing and Fair Use Copyright, Regulation, Spectrum Policy for Wireless Telecommunications, Telecommunications

**Education**
- PhD 1975, MA 1974 Princeton University
- MS 1964 New York University
- AB 1962 Haverford College

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Joseph Harrington has published more than 90 articles and his research has appeared in many leading journals including the *American Economic Review, Journal of Political Economy, Econometrica, Management Science*, and *American Journal of Sociology*. His research focuses on collusion and cartels, with the objectives of understanding observed collusive practices, developing observable markers of collusion, and designing competition law and policy to detect and deter collusion. This work is often at the interface of theory and practice and has been presented before competition authorities throughout the world including those of Chile, European Union, Japan, South Africa, and the United States. He has also published two textbooks, *Economics of Regulation and Antitrust* (5th edition, MIT Press 2018) (with David Sappington) and *Games, Strategies, and Decision Making* (2d ed., Worth Publishers 2015), and a monograph, *The Theory of Collusion and Competition Policy* (MIT Press, 2017).

**Expertise**
Industrial Organization, Microeconomic Theory

**Education**
- PhD 1984 Duke University
- BA 1979 University of Virginia
Aviv Nevo draws from his experience across academic, governmental, and corporate sectors to address pressing real-world issues, opening pathways for a broader understanding of national and global economies. His past research includes topics in the areas of health economics, health care, telecommunications, and real estate brokerages, as well as questions involving the demand for packaged goods and its implications for mergers and market power. Nevo served as Chief Economist in the Antitrust Division of the Department of Justice, advising attorneys on merger, civil, and criminal investigations in addition to leading the division’s Economic Analysis Group.

Expertise
Industrial Organization, Econometrics, Marketing, Antitrust

Secondary Appointments
Economics Department, School of Arts and Sciences
Statistics Department; Operations, Information and Decisions Department, The Wharton School

Education
PhD 1997, AM 1994 Harvard University
BSc 1991 Tel Aviv University

Michael Kearns
National Center Professor of Management and Technology, Computer and Information Science, School of Engineering and Applied Science

Michael Kearns’s primary research interests are in machine learning, probabilistic artificial intelligence, algorithmic game theory, and computational finance. He integrates problems from these areas with methods from theoretical computer science and related disciplines. While the majority of his work is mathematical in nature, he has also participated in a variety of systems and experimental work, including spoken dialogue systems, software agents, and most recently, human-subject experiments in strategic and economic interaction.

Expertise
Machine Learning, Algorithms and Complexity

Secondary Appointments
Economics Department, School of Arts and Sciences
Statistics Department; Operations, Information and Decisions Department, The Wharton School

Education
PhD 1989 Harvard University
BS 1985 University of California, Berkeley

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Economics Department, School of Arts and Sciences
Statistics Department; Operations, Information and Decisions Department, The Wharton School

Education
PhD 1989 Harvard University
BS 1985 University of California, Berkeley

Aviv Nevo
George A. Weiss and Lydia Bravo Weiss University Professor, Professor of Marketing, Wharton School; Professor of Economics, School of Arts and Sciences

Aviv Nevo draws from his experience across academic, governmental, and corporate sectors to address pressing real-world issues, opening pathways for a broader understanding of national and global economies. His past research includes topics in the areas of health economics, health care, telecommunications, and real estate brokerages, as well as questions involving the demand for packaged goods and its implications for mergers and market power. Nevo served as Chief Economist in the Antitrust Division of the Department of Justice, advising attorneys on merger, civil, and criminal investigations in addition to leading the division’s Economic Analysis Group.

Expertise
Industrial Organization, Econometrics, Marketing, Antitrust

Secondary Appointments
Economics Department, School of Arts and Sciences
Statistics Department; Operations, Information and Decisions Department, The Wharton School

Education
PhD 1997, AM 1994 Harvard University
BSc 1991 Tel Aviv University
Katja Seim specializes in applied microeconomics and industrial organization. Her research focuses on two areas. She studies how firms make product introduction and entry decisions, how they assess the competitive implications of different market entry strategies, and how public policies and regulatory interventions shape their choices. A second focus of her research is nonlinear pricing, primarily in the context of communications and information industries. Seim spent the 2016-17 academic year as the Chief Economist of the Federal Communications Commission.

**Expertise**
- Applied Microeconomics, Industrial Organization, Entry, Information Goods, Nonlinear Pricing

**Education**
- PhD 2001 Yale University
- BA 1995 Franklin & Marshall College

Joseph Turow's research focuses on digital cultural industries, especially at the intersection of the Internet, marketing, and society, as well as database marketing, media and privacy, digital out-of-home media, the process of innovation in the mass media, and the relationship between media and the medical system. His most recent privacy report was covered by the New York Times. Turow is an elected Fellow of the International Communication Association and was presented with a Distinguished Scholar Award by the National Communication Association. His most recent book is titled *The Aisles Have Eyes: How Retailers Track Your Shopping, Strip Your Privacy, and Define Your Power* (Yale University Press 2017).

**Expertise**
- Mass Media Policy, Social Impact of Digital Marketing on Society and Media, Sociological Theory

**Education**
- PhD 1976, MA 1973, BA 1971 University of Pennsylvania
Kevin Werbach

Professor of Legal Studies and Business Ethics, Wharton School

Kevin Werbach’s research focuses on the future of telecommunications policy in a converged digital broadband world; the legal and ethical implications of big data and business analytics; blockchain and distributed ledger technologies; and gamification (applying digital game design techniques to business). He co-led the review of the Federal Communications Commission (FCC) for the Obama transition team, served as Counsel for New Technology Policy at the FCC during the Clinton Administration, and created the Supernova executive technology conference. Over 400,000 students worldwide have registered for his pioneering Coursera massively open online course (MOOC).

Expertise
Internet Policy, Telecommunications Regulation, Law and Ethics of Big Data, Gamification, Blockchain

Education
JD 1994 Harvard Law School
BA 1991 University of California, Berkeley
Thomas Fetzer holds a Chair of Public Law, Regulation and Taxation at the University of Mannheim Law School, Germany. He is Academic Director of both the Mannheim Centre for Competition and Innovation (MaCCI) and the Leibniz ScienceCampus Mannheim Taxation (MaTax). He is also an Adjunct Professor at the Mannheim Business School.

**Education**
Habilitation 2009, PhD 2000 University of Mannheim
LLM 2003 Vanderbilt Law School

Osagie Imasogie is the co-founder of PIPV Capital, an IP-based merchant bank. He has over thirty years of experience in law, finance, business management, healthcare, and the pharmaceutical industry. He currently teaches a course entitled Intellectual Property and National Economy Value Creation as an adjunct professor at the University of Pennsylvania Law School, where he is a member of the Board of Overseers. He is also a member of the Board of Trustees of the University of Pennsylvania.

**Education**
LLM 1985 University of Pennsylvania
LLM 1984 London School of Economics and Political Science
BL 1981 Nigeria Law School
LLB 1980 University of Ife, Nigeria
The Honorable Kent Jordan
U.S. Court of Appeals for the Third Circuit

In 2006, Kent Jordan was appointed by President George W. Bush to serve as United States Circuit Judge for the Third Circuit. Prior to that appointment, Judge Jordan served as a United States District Judge for the District of Delaware from 2002 to 2006. He was a law clerk for Judge James L. Latchum, United States District Court for the District of Delaware, and an Assistant United States Attorney for the District of Delaware, serving as Civil Chief of that office in 1991 and 1992. Prior to taking the bench, Judge Jordan served as an officer and as a member of the Boards of Directors of privately held businesses and was a partner in a Wilmington, Delaware law firm, with a practice focused on intellectual property, corporate law and commercial litigation.

Education
JD 1984 Georgetown University Law Center
BA 1981 Brigham Young University

Matthew Pearson
Partner, Akin Gump Strauss Hauer & Feld LLP

Matthew Pearson’s area of expertise is in patent litigation in life sciences, including antibody therapies, pharmaceuticals, and biochemistry. Prior to entering private practice, Pearson clerked for two years for Judge Kent Jordan of the U.S. District Court for the District of Delaware and the U.S. Court of Appeals for the Third Circuit.

Education
JD 2005 University of Pennsylvania Law School
PhD 1999 Cornell University
BS 1993 Michigan State University
Sangyong Han’s primary research interests focus on the impact of technological changes on telecommunications industries, policy makers and society focusing on public interest and democracy. His research usually involves analyzing a large volume of industry and social media data, but it also includes qualitative and historical insights on the industries and government policies. He is also working on an FCC Broadband Deployment Advisory Committee project for Christopher Yoo.

While completing his Ph.D. in Mass Communications from Pennsylvania State University, he participated in various research projects including the National Science Foundation Project: A National Research Agenda for Broadband at the Institute for Information Policy. Before he came to the U.S. for his graduate studies, Han worked as a marketing director in the mobile Internet business field in Korea for six years.

**Education**
PhD 2016 Pennsylvania State University  
MA 2009 Indiana University Bloomington

Müge Haseki’s research concentrates on the multi-year 1 World Connected project, which focuses on the evaluation and assessment of connectivity initiatives around the world. Her research interests include information and communication technology (ICT) adoption and use of disadvantaged and underserved communities. She has conducted research on the mobile health application use of pregnant women in Nepal, mobile phone use of newly connected communities in Rwanda, ICT practices of immigrant women entrepreneurs in New York City, broadband adoption by low-socioeconomic communities in the U.S., and social media use by media organizations in Afghanistan. She was a USAID Research and Innovation fellow at the University of Cape Town in South Africa, where she worked on an ICT for a development project. Recently, as a USAID Youlead! Fellow, she worked on the entrepreneurship development program for youth in Sri Lanka.

**Education**
PhD 2016 Rutgers University  
MA 2008 University of Wisconsin  
BA 2006 Boğaziçi University
Sharada Srinivasan works on the multi-year 1 World Connected project. As part of her research, she collects empirical data from grassroots-level connectivity deployments around the world to synthesize insights from them in order to drive decision making. She uses both qualitative and quantitative methods to understand the effects of Internet connectivity in underserved communities. She has conducted fieldwork in Vanuatu, Rwanda, and India. She moderates the Dynamic Coalition on Innovative Approaches to Connecting the Unconnected and led the production of the output report for the UN Internet Governance Forum’s intercessional work on Connecting and Enabling the Next Billions – Phase III in 2017. Srinivasan serves on the editorial committee of the EQUALS research group on the gender digital divide, is one of the leads for the Institute of Electrical and Electronics Engineers Internet Inclusion Initiative’s Evidence-based Research Working Group, and contributes to the World Economic Forum’s Internet for All’s data working group.

In the past, she has engaged with regulatory challenges to Internet deployment in the developing world, cybersecurity, encryption policy and network neutrality while working as an intern at the Global Public Policy Institute, Berlin and the Centre for Internet and Society, Bangalore. Srinivasan was a non-resident associate fellow at the R Street Institute, an Amazon fellow at the 10th UN Internet Governance Forum, and a Global Internet Governance Fellow at the European Summer School of Internet Governance 2015.

**Education**

MPP 2016 National Law School of India, Bangalore  
BE 2014 Ramiah Institute of Technology, Bangalore

Caroline Olson

Managing Director

As Managing Director, Olson oversees the daily operations of the Center and has been an important part of its growth and success. She has played a key leadership role in expanding all of CTIC’s programs, including our student and practitioner-oriented events, social media strategy, and providing innovative approaches to the growth and development of our staff.

Olson brings a wealth of experience in law firm administration, organizational development, talent management, and public service to her position. She served as the Director of Attorney Recruitment at Dechert LLP for seven years where she oversaw lateral and law school hiring as well as the attorney evaluation and compensation program. Before joining Dechert, Olson spent fifteen years at Morgan, Lewis & Bockius LLP where she ran global attorney integration, evaluation and compensation, and lateral and law student recruitment and worked in human resources. Prior to her joining Penn, Philadelphia Mayor Michael Nutter appointed her Deputy Managing Director to lead strategic talent management and organizational development for the City of Philadelphia.

**Education**

BA University of Missouri, Columbia
Ten-Year Anniversary
Ten-Year Anniversary

April 11, 2018

On April 11, 2018, CTIC celebrated its 10th Anniversary. Alumni, faculty, students, and staff gathered together to reflect proudly on what we have accomplished and to look forward with anticipation to the possibilities that the future will bring.

The festivities opened with a commemorative lunch, where current students and former students shared highlights from their time as part of Penn’s law and technology program.

The celebration was capped by two panels of distinguished alumni who looked back at the last ten years of law and technology and ahead at the next ten years.

We were honored to have David Cohen L’81 give remarks at the reception following the substantive program.
Lisa Sotto '87, Thomas Penn '82, Barbara McClung '87, William Ferullo '01, Christopher Yoo
Welcome Remarks
Dean Theodore Ruger

Lunchtime Speakers
Teddi Josephson L’19 MCIT’19
Steven DeSalvo L’17
Law Clerk to the Honorable Kent Jordan, U.S. Court of Appeals for the Third Circuit

Moderator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Alumni Panel 1: Looking Back at the Last Ten Years of Law and Technology
William Ferullo L’01
Vice President, Assistant General Counsel & Lead IP Counsel, Informa
Barbara McClung L’87
Chief Legal Officer & Corporate Secretary, Caribou Biosciences, Inc.
Thomas Penn L’82
Partner, MVP Capital Partners
Lisa Sotto L’87
Partner, Hunton & Williams LLP

Moderator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania
Alumni Panel 2: Predicting the Next Ten Years of Law and Technology

Emilio Cividanes L’83
Partner, Venable LLP

Osagie Imasogie GL’85
Senior Managing Partner & Founder, Phoenix IP Ventures

Gary Sangha L’03
Founder, LexCheck

Moderator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Reception
Remarks by David Cohen L’81
Senior Executive Vice President & Chief Diversity Officer, Comcast Corporation
Major Conferences

Inaugural Junior Faculty Forum on Law and STEM
Sixth Annual Global Patent Law Conference
After the Digital Tornado
Robo Advisors at the Regulatory Crossroads
Sixth Annual Computer Science and the Law Roundtable
Third Annual Copyright Scholarship Roundtable
Due Process, Transparency, and Fairness in Antitrust Enforcement: China, Europe, and the U.S.
Penn Law, in partnership with Northwestern Pritzker School of Law and Stanford Law Schools, came together this year and organized a new Junior Faculty Forum dedicated to scholarship focusing on the intersection of Law and Science-Technology-Engineering-Mathematics (STEM).

The goal of the Forum is to promote interdisciplinary research exploring how developments in STEM are affecting law and vice versa. The Forum will be held each fall, rotating among the three law schools. The inaugural Forum featured presentations from ten young scholars selected on a blind basis for their excellence. Each paper featured two commentaries by senior scholars in both law and STEM.
Conference participants at the Inaugural Junior Faculty Forum on Law and STEM
October 6, 2017

Opening Remarks
Theodore Ruger  
Dean and Bernard G. Segal Professor of Law, University of Pennsylvania Law School

Mark Lemley  
William H. Neukom Professor of Law, Stanford Law School

David Schwartz  
Stanford Clinton Sr. and Zylpha Kilbride Clinton Research Professor of Law, Northwestern Pritzker School of Law

Christopher Yoo  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Protecting Autonomy in the Era of Neural Control

John Medaglia  
Assistant Professor of Psychology, Drexel University

Commentators
Deborah Denno PhD’82 L’89  
Arthur A. McGivney Professor of Law, Fordham University School of Law
Geoff Aguirre PhD’00 MD’01  
Associate Professor of Medicine, University of Pennsylvania Perelman School of Medicine

Dynamic Rationality

Stephanie Bair  
Associate Professor of Law, J. Reuben Clark Law School, Brigham Young University

Commentators
Jonathan Masur  
John P. Wilson Professor of Law, David and Celia Hilliard Research Scholar, University of Chicago Law School
Martha Farah  
Professor of Psychology, University of Pennsylvania

Subversive Science

Dov Fox  
Professor of Law, University of San Diego School of Law

Commentators
Tess Wilkinson-Ryan L’05 MA’06 PhD’08  
Professor of Law and Psychology, University of Pennsylvania
Kenworthey Bilz  
Professor of Law, University of Illinois College of Law

Hands on the Wheel: A Call for Greater Regulation of Semi-Autonomous Cars

Tracy Pearl  
Associate Professor of Law, Texas Tech University School of Law

Commentators
Christopher Yoo  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania
Rahul Mangharam  
Associate Professor of Electrical and Systems Engineering, University of Pennsylvania

Algorithms as Prosecutors: Lowering Rearrest Rates Without Disparate Impacts and Identifying Defendant Characteristics “Noisy” to Human Decision-Makers

Daniel Chen  
Professor, Toulouse School of Economics, University Toulouse Capitole

Commentators
Michael Heise  
Professor of Law, Cornell Law School
Richard Berk  
Professor of Criminology and Statistics, University of Pennsylvania

Progressive Genetic Ownership

Jessica Roberts  
George Butler Research Professor of Law, University of Houston Law Center

Commentators
Rebecca Eisenberg  
Robert and Barbara Luciano Professor of Law, University of Michigan Law School
Shyamkrishna Balganesh  
Professor of Law, University of Pennsylvania Law School
October 7, 2017

**The Unpatentable Microbiome**

Rachel Sachs  
Associate Professor of Law, Washington University School of Law

**Commentators**  
Mark Lemley  
William H. Neukom Professor of Law, Stanford Law School  
Gary Wu  
Ferdinand G. Weisbrod Professor in Gastroenterology,  
University of Pennsylvania Perelman School of Medicine

**Cancer’s IP**

Jacob Sherkow  
Professor of Law, New York Law School

**Commentators**  
Arti Rai  
Elvin R. Latty Professor of Law, Duke Law School  
David Schwartz  
Stanford Clinton Sr. and Zylpha Kilbride Clinton Research  
Professor of Law, Northwestern Pritzker School of Law

**Designing Without Privacy**

Ari Waldman  
Professor of Law, New York Law School

**Commentators**  
Deirdre Mulligan  
Associate Professor, UC Berkeley School of Information  
Travis Breaux  
Associate Professor of Computer Science, Carnegie Mellon  
University, Institute for Software Research

**Does Technology Drive Law? The Dilemma of Technological Exceptionalism in Cyberlaw**

Meg Leta Jones  
Assistant Professor of Communication, Culture & Technology,  
Georgetown University

**Commentators**  
John McGinnis  
George C. Dix Professor in Constitutional Law, Northwestern  
Pritzker School of Law  
Richard John  
Professor of History and Communication, Columbia Journalism  
School
The Sixth Annual Global Patent Law Conference, hosted by Waseda University’s Research Center for the Legal System of Intellectual Property and cosponsored by CTIC, Waseda University School of Law, and Nagoya University, provided a forum to review and discuss current topics in international patent law. The Conference this year focused on two important issues in patent law—indirect infringement and patent damages—and brought together members of the judiciary from Japan, Germany, and the U.S., scholars from Japan and the U.S., and several representatives from the private sector.
**Opening Remarks**

**Yoshimi Kikuchi**  
Dean, Professor of Law, Waseda University Graduate School of Law

**Christopher Yoo**  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

**Indirect Patent Infringement**

**Kathleen O’Malley**  
Circuit Judge, U.S. Court of Appeals for the Federal Circuit

**Misao Shimizu**  
Chief Judge, Intellectual Property High Court of Japan

**R. Polk Wagner**  
Professor of Law, University of Pennsylvania Law School

**Carsten Haase**  
Judge, Regional Court of Düsseldorf

**Ryoichi Mimura**  
Attorney, Nagashima Ohno & Tsunematsu  
Former Judge, Intellectual Property High Court of Japan

**Ryu Takabayashi**  
Professor, Waseda University School of Law  
Former Judge, Tokyo District Court and Matsuyama District Court

**Moderator**

**Ichiro Nakayama**  
Professor, Kokugakuin University Law School

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**Patent Damages and Monetizing Patents**

**Leonard Stark**  
Chief Judge, U.S. District Court for the District of Delaware

**Yoshiaki Shibata**  
Presiding Judge, Tokyo District Court Intellectual Property Division

**Masabumi Suzuki**  
Professor, Nagoya University Graduate School of Law

**Cynthia Dahl**  
Practice Professor of Law, University of Pennsylvania Law School

**Brett Bachtell**  
Senior Legal Counsel, Qualcomm

**Motoyuki Koike**  
Deputy Senior General Manager, Sony IPD

**Moderator**

**Christoph Rademacher**  
Associate Professor, Waseda University Graduate School of Law
Many of the contemporary technology trends with the greatest significance for the economy and for public policy—Internet of Things, Big Data, Platform Economy, Blockchain, and Algorithmic Society—can be seen as manifestations of the increasing importance of networks powered by algorithms. Algorithmic control means that increasingly dynamic software will manage not just transactions and communication, but also human systems. The algorithmic networked world thus poses deep questions about power, freedom, fairness, and human agency.

Our cultures and institutions are not well-adapted to this new environment. Equally important, systems engineered for a distinct and limited digital world can be ill-suited for the complexities of the “real” world. Already, a number of controversies have arisen, many of which are difficult to address under established legal rules.

CTIC Affiliated Faculty member Kevin Werbach brought together experts in Internet law to consider fundamental unresolved questions of digital connectivity in the areas of networks, algorithms, and humanity. An edited volume of essays based on the presentations will be published by Cambridge University Press.
Herbert Hovenkamp at After the Digital Tornado
November 17, 2018

Introduction
Kevin Werbach
Associate Professor of Legal Studies and Business Ethics, Wharton School

Panel: 20 Years of Internet Policy
Christopher Marsden
Professor of Internet Law, University of Sussex
Gigi Sohn L'86
Distinguished Fellow, Institute for Technology Law & Policy, Georgetown University Law Center
Sally Wentworth
Vice President, Global Policy Development, The Internet Society

Theme I: Networks
Networks 1
Viktor Mayer-Schönberger
Professor of Internet Governance and Regulation, Oxford Internet Institute, University of Oxford
Tim Wu
Julius Silver Professor of Law, Science and Technology, Columbia Law School
Herbert Hovenkamp
James G. Dinan University Professor, University of Pennsylvania
Kenworthey Bilz
Professor of Law, University of Illinois College of Law

Networks 2
Yochai Benkler
Jack N. and Lillian R. Berkman Professor for Entrepreneurial Legal Studies, Harvard Law School
Julie Cohen
Mark Claster Mamolen Professor of Law and Technology, Georgetown University Law Center
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

November 18, 2018

Theme II: Algorithms
Technical Talk: Machine Learning and Algorithms
Michael Kearns
National Center Professor of Management & Technology, Computer and Information Science, University of Pennsylvania

Algorithms 1
Kartik Hosanagar
John C. Hower Professor, Wharton School
Kevin Werbach
Associate Professor of Legal Studies and Business Ethics, Wharton School

Discussant
Katherine Strandburg
Alfred B. Engelberg Professor of Law, New York University School of Law

Algorithms 2
Deirdre Mulligan
Associate Professor, School of Information, University of California, Berkeley
Christian Sandvig
Professor of Information, Professor of Communication Studies, University of Michigan

Discussant
Ellen Goodman
Professor of Law, Rutgers Law School

Theme III: Humanity
Technical Talk: Security and Privacy
Bruce Schneier
Adjunct Lecturer in Public Policy, John F. Kennedy School of Government, Harvard University

Humanity 1
Helen Nissenbaum
Professor of Information Science, Cornell Tech, Cornell University
Siva Vaidhyanathan
Robertson Professor of Modern Media Studies, University of Virginia

Discussant
Joel Reidenberg
Stanley D. and Nikki Waxberg Chair and Professor of Law, Fordham University School of Law
Humanity 2
Brett Frischmann
Charles Widger Endowed University Professor in Law, Business and Economics, Villanova University

Shoshana Zuboff
Charles Edward Wilson Professor of Business Administration, Harvard Business School

Discussant
Joseph Turow BA’71 MA’73 PhD’76
Robert Lewis Shayon Professor of Communication, Annenberg School for Communication, University of Pennsylvania

Panel: Looking to the Future
Karen Levy
Assistant Professor of Information Science, Cornell University

Julia Powles
Research Fellow, New York University School of Law; Research Fellow, Cornell Tech, Cornell University

Lauren Henry Scholz
Assistant Professor of Law, Florida State University College of Law
Robo Advisors at the Regulatory Crossroads

April 13, 2018

CTIC Secondary Faculty member Professor Tom Baker hosted a conference on automated financial advisors, cosponsored by CTIC, the Penn Wharton Public Policy Initiative, Penn’s Warren Center for Network & Data Sciences, and Georgetown University’s Institute of International Economic Law.

Robo advisors—automated services that rank or match consumers to financial products—present opportunities and challenges to financial services markets and regulators that have yet to be systematically addressed. The opportunities include lower cost, higher quality financial advice, and a digital feedback loop that increases the efficiency of financial markets and consumer financial security. The challenges include possible manipulation and misunderstanding of automated advice, the potential for further consolidation of the financial sector, and threats to privacy and security that accompany digitalization more broadly.

The workshop brought together academic and industry experts from diverse backgrounds, including IT practice, financial services, regulatory oversight, behavioral sciences, computer and data sciences, and law, to discuss the state of the art of robo advising, examine regulatory strategies, and think about future trends.
Amias Gerety at Robo Advisors at the Regulatory Crossroads
Roboadvising: Operational Forms and Strategies

Dan Egan  
Director of Behavioral Finance and Investments, Betterment

Sam Kina  
Senior Vice President of Economics and Data Science, Picwell

Justin Williams  
Vice President, BlackRock  
Legal & Compliance Counsel, FutureAdvisor

Moderator
Christopher Yoo  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

The State of Play in Artificial Intelligence

Michael Kearns  
National Center Professor of Management & Technology, Computer and Information Science, University of Pennsylvania

Solon Barocas  
Assistant Professor of Information Science, Cornell University

Moderator
Tom Baker  
William Maul Measey Professor of Law and Health Sciences, University of Pennsylvania Law School

Roboadvising and the Consumer

Berkeley Dietvorst BS’11 PhD’16  
Assistant Professor of Marketing, Chicago Booth School of Business

Benedict Dellaert  
Professor of Marketing, Erasmus School of Economics, Erasmus University

Mary Steffel  
Assistant Professor of Marketing, Northeastern University

Sunita Sah  
Balen Sesquicentennial Fellow, Assistant Professor of Management and Organizations, Cornell University

Moderator
Tom Baker  
William Maul Measey Professor of Law and Health Sciences, University of Pennsylvania Law School

Keynote
Amias Gerety  
Partner, QED Investors  
Former Acting Assistant Secretary for Financial Institutions, U.S. Department of the Treasury
Regulators and Roboadvising: Strategies, Agreement and Dissensus

Steve Polansky MBA'98
Senior Director, Shared Services Department, Financial Industries Regulatory Authority

Wei Zhang
Program Manager, Cards Division, Consumer Financial Protection Bureau

Rochelle Kauffmann Plesset
Senior Counsel, Division of Investment Management, Securities and Exchange Commission

Barbara Richardson
Nevada Insurance Commissioner
Chair, Producer Licensing Working Group, National Association of Insurance Commissioners

Moderator
Chris Brummer
Professor of Law, Agnes N. Williams Research Professor, Georgetown University Law Center

The Future of Roboadvising: Trends, Risks and Opportunities

Sevin Yeltekin
Professor of Economics and Senior Associate Dean of Education, Carnegie Mellon University

Chris Brummer
Professor of Law, Agnes N. Williams Research Professor, Georgetown University

Tom Baker
William Maul Measey Professor of Law and Health Sciences, University of Pennsylvania Law School

Moderator
David Wishnick
Research Fellow, University of Pennsylvania Law School
Sixth Annual Computer Science and the Law Roundtable

May 9-10, 2018

As part of the broader effort to promote interdisciplinary work bridging law and engineering, CTIC held its Sixth Annual Roundtable on Computer Science and Law on May 9-10. As in past years, the event brought together leading legal scholars and computer scientists pursuing interdisciplinary research at the intersection of law and computer science. The ongoing goal continues to be to promote interdisciplinary work spanning law and computer science and to provide an institutional home to encourage the future generations of scholars.
Jeanne Fromer at Sixth Annual Computer Science and the Law Roundtable
May 9, 2018

Legal Tutorial and Welcome
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Are Zero-Rating Practices in the Public Interest? A Set of Case Studies
Scott Jordan
Professor of Electrical Engineering and Computer Science, Samueli School of Engineering, University of California, Irvine

5G Analysis for the Netherlands
Zoraida Frias
Assistant Professor, Universidad Politécnica de Madrid

Moderator
kc claffy
Founder and Director, Center for Applied Interned Data Analysis (CAIDA), University of California, San Diego

Field Experiments to Test Programmed Stimulus-Response Behavior on Social Media Platforms
Brett Frischmann
Charles Widger Endowed University Professor in Law, Business and Economics, Villanova University

Preventing Fairness Gerrymandering in Machine Learning
Aaron Roth
Class of 1940 Bicentennial Term Associate Professor of Computer and Information Science, University of Pennsylvania

Moderator
David Clark
Senior Research Scientist, Computer Science and Artificial Intelligence Laboratory, Massachusetts Institute of Technology

Crashworthy Code
Bryan Choi
Assistant Professor of Law and Computer Science & Engineering, Ohio State University

Gus Hurwitz
Assistant Professor of Law, University of Nebraska College of Law

Moderator
Konstantinos Stylianou SJD’15
Lecturer in Competition Law and Regulation, University of Leeds
May 10, 2018

Evidence of Decreasing Internet Entropy: The Lack of Redundancy in DNS Resolution by Major Websites and Services
Shane Greenstein
Martin Marshall Professor of Business Administration, Harvard Business School

Securing the Routing Infrastructure: Legal Barriers to RPKI Adoption
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Oblivious DNS: Practical Privacy for DNS Queries
Nick Feamster
Professor of Computer Science, Princeton University

Moderator
Steven Bellovin
Professor of Computer Science, Columbia University

Sometimes Three Rights Really Do Make a Wrong: Measuring Cybersecurity and Simpson’s Paradox
Eric Jardine
Assistant Professor of Political Science, Virginia Tech

Trade Secrecy, the Cloud, Data, and Automation
Jeanne Fromer
Professor of Law, New York University School of Law

Moderator
William Lehr
Research Associate, Computer Science and Artificial Intelligence Laboratory, Massachusetts Institute of Technology

Lunch and Discussion about Future Directions for the Conference
Moderator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania
The Third Annual Copyright Scholarship Roundtable brought together the country’s leading scholars who work in the area of copyright law for a two-day discussion of their ongoing research in the field. Nine papers were chosen for inclusion in the event, representing a range of methodologies, perspectives, and issues within the field.
Conference participants at Third Annual Copyright Scholarship Roundtable
June 8, 2018

**The Irrelevance of Copyright in Customized Creativity**
Kevin Collins
Professor of Law, Washington University in St. Louis School of Law
Lead Commentator
Zahr Said
Associate Professor of Law, University of Washington School of Law

**Copyright in Sharp Focus: An Empirical Study of Professional Photographers**
Eva Subotnik
Associate Professor of Law, St. John’s University School of Law
Lead Commentator
David Hoffman
Professor of Law, University of Pennsylvania Law School

**The Case for Staggered Copyright Liability**
Gideon Parchomovsky
Robert G. Fuller, Jr. Professor of Law, University of Pennsylvania Law School
Abraham Bell
Professor of Law, University of San Diego School of Law
Lead Commentator
Matthew Sag
Professor of Law, Loyola University Chicago School of Law

**The Versificator: Algorithms and Authorship in the Adult Entertainment Industry**
Christopher Sprigman
Professor of Law, New York University School of Law
Lead Commentator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Copyright as “Legal Process”: The Transformation of American Copyright Law
Shyamkrishna Balgneshe
Professor of Law, University of Pennsylvania Law School
Lead Commentator
Robert Brauneis
Professor of Law, George Washington University Law School

In Lieu of Moral Rights for IP-Wronged Music Vocalists: Personhood Theory, Moral Rights, and the WPPT Revisited
Tuneen Chisolm L’99
Assistant Professor of Law, Norman Adrian Wiggins School of Law, Campbell University
Lead Commentator
Guy Rub
Associate Professor of Law, Ohio State University Moritz College of Law

68
June 9, 2018

Copyright Arbitrage
Kristelia Garcia
Associate Professor of Law, University of Colorado Law School
Lead Commentator
Matthew Sag
Professor of Law, Loyola University Chicago School of Law

Copyright Law's Overlooked and Overloaded Jury
Zahr Said
Associate Professor of Law, University of Washington School of Law
Lead Commentator
Shyamkrishna Balganesh
Professor of Law, University of Pennsylvania Law School

Taking Intellectual Property into their Own Hands
Amy Adler
Emily Kempin Professor of Law, New York University School of Law
Jeanne Fromer
Professor of Law, New York University School of Law
Lead Commentator
Laura Heymann
Professor of Law, William & Mary Law School
Due Process, Transparency, and Fairness in Antitrust Enforcement: China, Europe, and the U.S.

June 30, 2018
Beijing, China

As a part of a three-year project, CTIC, the University of International Business & Economics Director of the Competition Law Centre, and the Mannheim Centre on Competition and Innovation (MaCCI) at the University of Mannheim cohosted a conference at the Penn Wharton China Center to present preliminary research on due process in competition law enforcement procedures in China, Europe and the U.S. The research team also discussed their findings with Chinese judges, regulators, academics, and private sector representatives.
Yong Huang at Due Process, Transparency, and Fairness in Antitrust Enforcement: China, Europe, and the U.S.
Opening Remarks and Presentation by the Team

Yong Huang
Professor, University of International Business & Economics
School of Law

Christopher Yoo
John H. Chestnut Professor of Law, Communication, and
Computer & Information Science, University of Pennsylvania

Thomas Fetzer
Professor of Law, University of Mannheim Law School

Commentators

Li Zhu
Presiding Judge, Intellectual Property Tribunal of the Supreme
People’s Court

Feng Xue
Chief Judge, Administrative Tribunal of the Beijing No. 1
Intermediate Court

Chair

Jiemin Sheng
Professor of Law, Peking University Law School

Keynote Address

Roger Alford
Deputy Assistant Attorney General, Antitrust Division, U.S.
Department of Justice

Chair

Christopher Yoo
John H. Chestnut Professor of Law, Communication, and
Computer & Information Science, University of Pennsylvania

Panel Discussion

Thomas Fetzer
Professor of Law, University of Mannheim Law School

Xueying Hu
Chief Judge, Intellectual Property Tribunal of the Hohhot
Intermediate People’s Court

Qing Li
Deputy Director General, Price Supervision and Anti-Monopoly
Bureau, State Administration for Market Regulation

Valeria Losco
Legal Consultant, Freshfields

Paul O’Brien
U.S. Federal Trade Commission

Feng Xue
Chief Judge, Administrative Tribunal of the Beijing No. 1
Intermediate Court

Xiaqiong Yang
Judge, Administrative Tribunal of the Beijing No. 1 Intermediate
Court

Hong Yu
Presiding Judge, Administrative Tribunal of the Supreme People’s
Court

Li Zhu
Presiding Judge, Administrative Tribunal of the Supreme People’s
Court

Chairs

Jiemin Sheng
Professor of Law, Peking University Law School

Christopher Yoo
John H. Chestnut Professor of Law, Communication, and
Computer & Information Science, University of Pennsylvania
**Introduction to Next Year’s Topic: Big Data**

**Wenlian Ding**  
Chief Judge, No. 1 Intellectual Property Tribunal of the Shanghai Intellectual Property Court

**Yanbei Meng**  
Professor, Renmin Law School

**Catherine Tucker**  
Distinguished Professor of Management Science and Marketing  
Professor, Sloan School of Management, Massachusetts Institute of Technology

**Christopher Yoo**  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania
Events and Programs

The Future of Standard Essential Patents: Learning from Microsoft v. Motorola’s Legacy

New Perspectives on Spectrum Policy

The Right to Privacy in the Supreme Court of India

The Role of the U.S. in the International Intellectual Property System

Current Issues in Law and Technology

Law and Technology Scholarship Workshop Series

Career Speaker Series
The Future of Standard Essential Patents: Learning from Microsoft v. Motorola’s Legacy
March 16, 2018

This timely program brought together top government officials and leading scholars, practitioners, and business leaders to re-examine the Microsoft v. Motorola framework and explore current and emerging developments in standard essential patents. The event opened with a keynote address by the judge who presided over the case, followed by a panel discussion by the trial counsels for both sides.

A subsequent panel discussion, which included leading academics, industry representatives, attorneys, and government leaders in standard setting, explored the new legal and business issues surrounding standard essential patents.

The event closed with a landmark keynote address by the Honorable Makan Delrahim, Assistant Attorney General for Antitrust at the U.S. Department of Justice, who used the occasion to set forth a groundbreaking “New Madisonian” approach to antitrust and intellectual property law. The address will be the lead article in the inaugural issue of the new Journal of Law and Innovation.
Welcoming Remarks
Cary Coglianese
Edward B. Shils Professor of Law, University of Pennsylvania Law School

Opening Keynote Address
The Honorable James Robart
U.S. District Court for the Western District of Washington
Presiding Judge in Microsoft v. Motorola

Panel Discussion: Microsoft v. Motorola’s Legacy in Today’s High-Tech Business World
T. Andrew Culbert
Partner, Perkins Coie (formerly with Microsoft)
Cynthia Laury Dahl
Practice Professor of Law, University of Pennsylvania Law School
Kirk Dailey
Senior Vice President Business Development, Marconi Group (formerly with Motorola)
Moderator
R. Polk Wagner
Professor of Law, University of Pennsylvania Law School

Panel Discussion: Emerging Legal and Business Issues in Standard Essential Patents
Kirti Gupta
Senior Director, Economic Strategy, Qualcomm Inc.
Aviv Nevo
George A. Weiss and Lydia Bravo Weiss University Professor, Department of Marketing, Wharton School, Department of Economics, University of Pennsylvania
Richard Taffet
Partner, Morgan, Lewis & Bockius LLP
Henry Wixon
Chief Counsel, National Institute for Standards and Technology
Moderator
Herbert Hovenkamp
James G. Dinan University Professor, University of Pennsylvania

Concluding Remarks and Introduction of Closing Keynote
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Closing Keynote Address
The Honorable Makan Delrahim
Assistant Attorney General for Antitrust
U.S. Department of Justice
New Perspectives on Spectrum Policy
April 23, 2018

CTIC and the Warren Center for Network & Data Sciences hosted a group of scholars, government officials, and industry representatives for a workshop on cutting edge issues in spectrum policy. Topics included retrospectives on the FCC’s incentive auction, the impact of transaction costs in unlicensed spectrum, the interaction between licensed and unlicensed spectrum, and the potential for blockchain to coordinate spectrum usage.
Welcome

Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Rakesh Vohra
George A. Weiss and Lydia Bravo Weiss University Professor, Professor of Economics, and Professor of Electrical and Systems Engineering, University of Pennsylvania

Using Two-Sided Auctions and Overlay Auctions to Facilitate Reallocation

Gregory Rosston
Professor of Economics; Stanford University

Market Design and the FCC Incentive Auction

Lawrence Ausubel
Professor of Economics, University of Maryland

Revisiting the Justifications for Unlicensed Spectrum

Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

Transaction Costs in Wireless: Bringing Coasean Symmetry to 5G Spectrum Allocation Policy

Thomas Hazlett
Hugh H. Macaulay Endowed Professor of Economics, Clemson University

The Value of Shared Spectrum

Michael Honig
Professor of Electrical Engineering and Computer Science, Northwestern University

On the Application of Blockchain Technology to Spectrum Sharing

Kevin Werbach
Associate Professor of Legal Studies & Business Ethics, Wharton School
The Right to Privacy in the Supreme Court of India
October 16, 2017

In a recent historic decision, the Supreme Court of India ruled that privacy was a fundamental right. This landmark case challenged the legality of the Indian government’s Biometric Databank Project, one of the first of its kind in the world. The Supreme Court’s decision has been hailed globally for its reliance on international norms, comparative jurisprudence, and academic research, including the scholarship of CTIC Secondary Faculty member Anita Allen.

Senior Advocate Sajan Poovayya, who argued the case before the Court, spoke about the decision and the ways in which it will shape the direction of privacy rights and big data regulation in India and around the world. Professor Allen offered comments about the Court’s reliance on insights from comparative privacy law for its reasoning.

Speakers
Sajan Poovayya
Senior Advocate, Supreme Court of India & High Court of Karnataka

Anita Allen
Henry R. Silverman Professor of Law, Professor of Philosophy, and Vice Provost for Faculty, University of Pennsylvania

The Role of the U.S. in the International Intellectual Property System
November 6, 2017

CTIC was honored to host Shira Perlmutter, a Visiting Policy Fellow for the Leo Model Foundation and Director for the International Affairs of the U.S. Patent and Trademark Office. She discussed the role of the U.S. in the international intellectual property system and shared her invaluable perspective into this ever-changing area of the law and intellectual property.

Speaker
Shira Perlmutter L’83
Chief Policy Officer and Director for International Affairs, U.S. Patent and Trademark Office; Penn Law Fall 2017 Visiting Policy Fellow for the Leo Model Foundation
Current Issues in Law and Technology

Preview of Patent Cases Before the Supreme Court, October 2017 Term

October 4, 2017

CTIC hosted an in-depth preview of the patent law cases scheduled to be heard by the Supreme Court during the October 2017 Term. The panel featured Penn Law faculty who applied their expertise and research perspective to the following cases:

*Oil States Energy Services, LLC v. Greene's Energy Group, LLC*
*SAS Institute v. Lee*
*SAS Institute v. Matal*

Panelists

R. Polk Wagner  
Professor of Law, University of Pennsylvania Law School

Cynthia Laury Dahl  
Practice Professor of Law, University of Pennsylvania Law School

Interpreting and Applying the Court’s Copyright Jurisprudence after Star Athletica

December 7, 2017

CTIC joined the University of Pennsylvania Law Review, the Penn Intellectual Property Group, and the Copyright Society of the USA in hosting a panel of copyright experts to discuss the current state of copyright law following the Star Athletica decision.

Speakers

Steven Crosby  
Attorney, Feldman Law Group

Shyamkrishna Balganesh  
Professor of Law, University of Pennsylvania Law School

Jeanne Fromer  
Professor of Law, New York University School of Law

Peter Menell  
Koret Professor of Law, University of California, Berkeley, School of Law

Mark McKenna  
John P. Murphy Foundation Professor of Law and Presidential Fellow, University of Notre Dame Law School

Tyler Ochoa  
Professor of Law, Santa Clara University School of Law

Moderator

David Nimmer  
Of Counsel, Irell & Manella LLP; Professor of Practice, University of California, Los Angeles, School of Law; Distinguished Scholar, Berkeley Center for Law and Technology
Running on Empty?: The Risk of Trademark Depletion and Possible Solutions
January 9, 2018
Recent empirical studies have raised the concern that the pool of available trademarks may be becoming depleted. A distinguished group of commentators presented papers demonstrating the empirical evidence and exploring possible solutions.

Speakers
Barton Beebe
John M. Desmarais Professor of Intellectual Property Law, New York University School of Law
Abraham Bell
Professor of Law, University of San Diego School of Law
Jeanne Fromer
Professor of Law, New York University School of Law
Mark McKenna
John P. Murphy Foundation Professor of Law and Presidential Fellow, University of Notre Dame Law School
Gideon Parchomovsky
Robert G. Fuller, Jr. Professor of Law, University of Pennsylvania Law School
Moderator
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

What’s Next With Net Neutrality?
February 7, 2018
The January 4 release of the Federal Communications Commission’s Restoring Internet Freedom Order marked the most recent turn of events in the longstanding and ever-changing debate over net neutrality. Two CTIC Scholars and leading experts in the field explored what the agency’s action means and what the future might hold for Internet policy.

Speakers
Christopher Yoo
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania
Kevin Werbach
Associate Professor of Legal Studies and Business Ethics, Wharton School
Current Developments in Blockchain Law and Policy
March 22, 2018
CTIC hosted a discussion of emerging legal issues in blockchain, with an emphasis on Initial Coin Offerings (ICO). These varied pieces of code have spawned a rapidly expanding market, and a wide variety of urgent legal questions. The panel discussed the applicable legal regimes (including securities, commercial and corporate law) touching ICO transactions and offered suggestions for the near-term future of ICO regulation.

Speakers
David Hoffman
Professor of Law, University of Pennsylvania Law School

Kevin Werbach
Associate Professor of Legal Studies and Business Ethics, Wharton School

Joshua Ashley Klayman
Of Counsel, Morrison & Foerster LLP

We’ve Been Wrong for 30 Years? TC Heartland and its Implications for Patent Law and Practice
April 4, 2018
In May 2017, the Supreme Court issued its opinion in the landmark case of TC Heartland LLC v. Kraft Foods Group Brands LLC. The decision overruled a 26-year-old precedent of the Federal Circuit and ended an era during which more than 40% of all patent infringement suits were being brought in a single judicial district (E.D. Tex.), to much public and scholarly outcry. CTIC hosted an in-depth discussion of TC Heartland to explore the question: just what had patent venue law actually been between 1990 and 2017?

Speakers
The Honorable Leonard Stark
Chief Judge, U.S. District Court for the District of Delaware
Presiding Judge in TC Heartland LLC v. Kraft Foods Group Brands LLC

James Dabney
Partner, Hughes Hubbard & Reed LLP; Adjunct Professor, Cornell Law School
Attorney for TC Heartland

R. Polk Wagner
Professor of Law, University of Pennsylvania Law School
Law and Technology Scholarship Workshop Series

Each year, CTIC invites scholars to campus to present new work in fields related to CTIC’s research in law and technology. We were delighted to welcome a great group of scholars this year.

Joseph Fishman  
Associate Professor of Law, Vanderbilt Law School  
*Music as a Matter of Law*

Luigi Alberto Franzoni  
Professor of Public Economics, University of Bologna  
*Legal Change in the Face of Uncertainty*

Janet Freilich  
Associate Professor of Law, Fordham University School of Law  
*False Prophets: The Problem of Fictional Data in Patents*

Sharona Hoffman  
Edgar A. Hahn Professor of Law, Case Western Reserve University School of Law  
*Big Data and the Americans with Disabilities Act*

Jeremy Sheff  
Professor of Law, St. John’s University School of Law  
*Valuing Progress*
Career Speaker Series

Every year, CTIC invites practitioners to campus to share with students their experiences and insights and discuss their respective careers in law and technology. The speakers also have the opportunity to engage in one-on-one discussions with interested students. This year we were pleased to have the following Penn Law alumni practitioners speak:

**Bruce R. Genderson L’77**  
Partner, Williams & Connolly LLP

**Bill Rock L’08**  
President, MLR Holdings; Executive Vice President, The 451 Group

**Susan M. Spaeth L’89**  
Managing Partner, Kilpatrick Townsend

**James Wiley L’13**  
Attorney Advisor, Attorney Advisor, Cybersecurity and Communications Reliability, Public Safety & Homeland Security Bureau, Federal Communications Commission
News

Launch of the New *Journal of Law & Innovation*
NSF Grant on Securing the Routing Infrastructure
Comparative Study of Chinese, European, and U.S. Competition Enforcement
1 World Connected
NSF Grant on Secure and Privacy-Aware Cyber-Physical Systems
Tsinghua Global Forum
FCC’s Broadband Deployment Advisory Committee
CTIC Faculty and the American Law Institute (ALI)
Detkin Intellectual Property and Technology Legal Clinic
Cutting-Edge Joint Degree Programs in Law and Engineering
CTIC Summer Public Interest Fellowships
Clerkships in Patent Law
Penn Intellectual Property Group (PIPG)
Students for Technological Progress (STP)
Partnership for Entrepreneurial Engineering and Penn Law (PEEPL)
This year, CTIC was excited to launch the *Journal of Law & Innovation*, a new faculty-run law journal in the area of law and technology. The *Journal* also functions as a year-long seminar at which students have the opportunity to work closely with CTIC faculty on the production and editing of the Journal.


**Introduction**  
Shyamkrishna Balganesh  
Professor of Law, University of Pennsylvania Law School

**The Utility Patent Supremacy Principle**  
Peter Menell  
Koret Professor of Law, UC Berkeley School of Law

**The Overlooked Reconceptualization of Transformative Fair Use: The Incorporation of Patent-Style Principles into Copyright**  
Christopher Yoo  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

**Abstraction, Filtration, and Comparison in Patentable Subject Matter**  
Michael Risch  
Associate Dean of Faculty Research & Development and Professor of Law, Charles Widger School of Law, Villanova University

**Explaining Criminal Sanctions**  
Irina Manta  
Professor of Law, Maurice A. Deane School of Law, Hofstra University

**The Curious Divergence of Patent and Copyright Law**  
John Duffy  
Samuel H. McCoy II Professor of Law and Elizabeth D. and Richard A. Merrill Professor of Law, University of Virginia School of Law

**Closing**  
Joshua Singh L’17  
Editor-in-Chief, Journal of Law & Innovation
NSF Grant on Securing the Routing Infrastructure

CTIC is proud to be the recipient of a National Science Foundation Early-Concept Grant for Exploratory Research (NSF EAGER) grant to study legal and policy issues surrounding Internet routing security. Across the Internet, mistaken and malicious routing announcements pose a significant threat to the security of the routing infrastructure. The risk of route hijack and misconfigurations imposes sizable, but avoidable costs on users and network operators.

To increase the reliability and security of routing announcements, governments and Internet governance bodies have encouraged network operators to deploy a technology known as Resource Public Key Infrastructure ("RPKI") to verify that route origins contained in route announcements are valid. But despite this encouragement, RPKI’s adoption rates remain low, particularly in North America.

Our research explores concerns raised by many members of the Internet community that legal barriers are hindering the adoption of RPKI. In particular, the organizations that play a central role in RPKI require users who wish to deploy the technology to sign contracts containing clauses that some private- and public-sector network operators find problematic.

CTIC’s efforts this year have involved independent analysis of the legal aspects of routing security and the relevant legal documents. We have also conducted dozens of interviews with network operators, policymakers, inside counsel, cybersecurity professionals, and computer scientists to understand their concerns. On the basis of this research and analysis, CTIC will present recommendations to the routing security community in a number of venues during the fall of 2018.

This research is supported by the NSF’s Secure and Trustworthy Cyberspace Program, EAGER Award #1748362.
Comparative Study of Chinese, European, and U.S. Competition Law

One of the distinctive aspects of technology is its tendency to transcend national borders, both because of the effects of standardization and because of increasing ease with which information can flow around the world. The recent Chinese anti-monopoly case against Qualcomm and the EU competition law cases against Google underscored the need for businesses around the world to gain a better understanding of how antitrust laws and competition policy are likely to be applied. At the same time, China’s most recent five-year plan, announced in December 2015, reflects a marked increase in emphasis on innovation, and the Chinese government has initiated a series of efforts to reform administrative enforcement.

To address this need, CTIC initiated a three-year research project to compare how key issues of antitrust law are handled in China, Europe and the U.S. “The response to the program has been overwhelming,” said Professor Christopher Yoo, CTIC’s Founding Director. “It has attracted interest from enforcement authorities and companies in all three jurisdictions, all of which recognize the need for this type of comparative research.”

Professor Yoo is joined in the project by Wharton Professor Joseph Harrington. Chinese partners include Professor Yong Huang, Director of the Competition Law Research Center at the University of International Business and Economics Law School, and Professor Guobin Cui of the International Intellectual Property Program at Tsinghua University. European expertise is provided by Professor Thomas Fetzer, Director of the Mannheim Center on Competition and Innovation and Dean Emeritus of the University of Mannheim Law School. The project also has the support of a China Research Engagement Fund provided by Penn Global and key corporate supporters.

The research team hosted a conference on November 4, 2017 at the Penn Wharton China Center in Beijing at which they discussed their preliminary research findings with Chinese judges and enforcement authorities. They are scheduled to reconvene on November 3, 2018 at the Penn Wharton China Center and in the EU on November 21, 2018. The project also co-organized events in Korea with the Seoul National University Center for Competition Law on April 26, 2018, and near Taipei at Chung Yuan Christian University on April 30, 2018. We plan to expand the project to include outreach to the International Competition Network, the Organization for Economic Cooperation and Development (OECD), and the U.S. Justice Department’s multilateral due process initiative, among others.
1 World Connected

1 World Connected is empirically assessing the effectiveness of projects to increase Internet connectivity around the world. During the 2017-18 academic year, this initiative has identified more than 700 potential case studies and conducted interviews to compile over one hundred of these efforts around the world. These efforts span not only projects in Latin America, Africa and Asia, but also explore innovative approaches in countries in the developed world, where the challenges and solutions are fundamentally different.

The case studies include both supply-side efforts to extend connectivity and reduce cost as well as demand-side efforts designed to encourage adoption, such as digital literacy training programs and programs to bring more women, youth, and disabled communities online. The studies provide meaningful information on last mile projects that use a myriad of funding sources, stakeholder groups, and technologies in every region across the world. They span efforts that use connectivity and connectivity-based tools to improve economic development, education, health, e-government, agriculture, and gender inclusion.

The project team is synthesizing information on project costs to understand the sustainability of last mile deployments informed by empirics, as well as creating actionable insights for decisionmakers on the design of successful digital development programs. The project is also partnering with key organizations in the field to conduct academic-quality studies of the impact of connectivity on key development outcomes in education, health, financial inclusion and gender empowerment in various parts of the world, including Rwanda, Vanuatu, and Nepal.

1 World Connected collaborates with organizations around the world, including the World Economic Forum’s Internet for All, the IEEE Internet Inclusion Initiative, the Digital Impact Alliance, the Internet Society, and EQUALS. It leads the Dynamic Coalition on Innovative Approaches to Connecting the Unconnected and led the work on Connecting and Enabling the Next Billions (Phase III) at the United Nations Internet Governance Forum. It convened and contributed to events at the Internet Governance Forum, WSIS Forum, UN Science Technology and Innovation Forum, as well as other national and international venues.
NSF Grant on Secure and Privacy-Aware Cyber-Physical Systems

CTIC is proud to continue its participation in the National Science Foundation (NSF) grant to conduct research into security and privacy for cyber-physical systems (CPS). CPS, such as autonomous vehicles and medical devices, combine network connectivity with sensors that collect information from the physical environment. These systems are performing increasingly critical functions subject to severe resource constraints. Moreover, CPS incorporate real-world data that make them less predictable and more vulnerable to attacks than pure cyber systems. Unfortunately, most CPS were not designed with a hostile environment in mind.

This project addresses this shortcoming by providing a novel design capable of providing CPS with quantifiable security and privacy protection against zero-day attacks. The design incorporates a layered approach that includes not only prevention, but also fast detection and recovery.

This year’s efforts expanded on previous work exploring the implications of products liability law for CPS security in considering the privacy-related aspects of the design. In particular, the work explored the implications of key legal regimes such as the Health Insurance Portability and Accountability Act (HIPAA), regulation of medical devices by the Food and Drug Administration (FDA), and current and proposed regulation by the National Highway Transportation Safety Administration (NHTSA).

This research is being conducted in partnership with faculty from Penn’s School of Engineering and Applied Science, Perelman School of Medicine, and School of Arts and Sciences, the University of Michigan, and Duke University. It is supported in part by NSF CNS-1505799 and the Intel-NSF Partnership for Cyber-Physical Systems Security and Privacy.
Tsinghua Global Forum

The 2017 Global Forum brought together faculty and students from four elite law schools to participate in an intensive two-day program on September 15-16, 2017, in Beijing to examine a broad array of Internet governance issues. This year’s Penn Law delegation was led by CTIC Primary Faculty member Christopher Yoo. The other participating universities included the host school, Tsinghua University, along with Japan’s Waseda University and Germany’s Goethe University.

This Forum provided students with unparalleled opportunities to examine issues in international and comparative law with top faculty and students. Topics included liability for online intermediaries, cybercrime, the right to be forgotten, the competition law implications of open source platforms, free speech and net neutrality, the role of artificial intelligence, personal jurisdiction in cyberspace, and the proper application of unfair competition law to the Internet, among others.

Forum participants
Amanda Simmons L’19, Christina Chen L’20 MCIT’20, Christopher Yoo, Christina Cheung L’19, Kelsey Matevish L’19 MCIT’19
Christopher Yoo

Christopher Yoo is one of 29 members appointed by Federal Communications Commission (FCC) Chairman Ajit Pai to serve on the newly created Broadband Deployment Advisory Committee (BDAC). The appointment will continue until early 2019.

The BDAC’s mission is to provide advice and make recommendations to the FCC on how to accelerate the deployment of high-speed Internet access by reducing and removing regulatory barriers to infrastructure investment.

Yoo is a leading authority in law and technology whose research focuses on how the principles of network engineering and the economics of imperfect competition can provide insights into the regulation of electronic communications. He also led the BDAC’s efforts to assess current deployment practices empirically.

“High-speed Internet access has economic, educational, and health benefits for users,” said Yoo. “The FCC has already incorporated important elements of the BDAC’s recommendations into its official work. We hope that our ongoing work can help identify additional ways to provide expand Internet access to citizens across the country.”
CTIC Faculty Service in American Law Institute (ALI) Projects

Founded in 1923, the American Law Institute (ALI) is an independent organization that produces scholarly work to clarify, modernize, and improve the law. It currently has 2,900 elected members, including eminent lawyers, judges, and academics. CTIC faculty are playing key roles in many ALI projects.

Anita Allen and Christopher Yoo both serve as Advisers for the Project on Principles of the Law, Data Privacy. The first two chapters of this project have already been adopted by the ALI Council and await approval by the ALI membership. Work on the third chapter will continue during the upcoming year.

Shyamkrishna Balganesh serves as an Advisor for the Project on Restatement of the Law, Copyright. The first three of eleven chapters have been drafted, but have not yet been submitted for approval. Balganesh was one of four key scholars who submitted a letter that has led the ALI to consider whether this project should use a format that differs from the typical Restatement format.

Tom Baker serves as one of the Reporters for the Project on Restatement of the Law, Liability Insurance. This project reached its successful completion this summer, when the ALI membership approved all four of its chapters at its 2018 Annual Meeting this past summer.

Yoo also serves on the newly formed Board of Advisers for the Project on Principles for a Data Economy. This project will hold its organizational meeting this fall.

David Hoffman has been an elected ALI member since 2011.

CTIC is proud of the contributions its faculty is making to the important work of the ALI.
In 2017-2018, Penn Law’s Detkin Intellectual Property and Technology Legal Clinic completed its fifth full academic year under the direction of CTIC’s Cynthia Dahl. Designed as a “teaching IP law firm,” the Detkin Clinic allows upper-level IP students to impact the Penn and Philadelphia innovation communities by assuming primary responsibility for helping clients commercialize their inventions.

The Detkin Clinic is unique among IP clinics nationwide in that it assumes a sizeable percentage of work from the University of Pennsylvania’s technology transfer office, known as the Penn Center for Innovation (PCI). Students counsel Penn start-up companies and Penn laboratories with early stage discoveries, helping them to analyze their legal and business options and choose their best path to commercialization.

The Detkin Clinic seminar also provides opportunities for law students to work with students from other schools at Penn that represent the types of professionals they will meet in practice, especially in business, technology, science and the arts.

Besides PCI, students represent Wharton-affiliated entrepreneurial ventures, community inventors, nonprofits, and individual artists and creators in a broad-based transactional practice. Students gain experience with drafting, negotiating, and counseling clients at the cutting edge of IP and technology law.
Cutting-Edge Degree Programs in Law and Engineering

At a time when debates over technology policy are as significant as they are complex, Penn Law has developed one of the most comprehensive educational programs aimed at preparing students for careers at the intersection of law and technology.

Together with the School of Engineering and Applied Science (SEAS), Penn Law offers two joint-degree programs in law and technology: the JD/Master of Computing and Information Technology (MCIT), which requires no prior engineering or computer science background, and the JD/Master of Science in Engineering (MSE), which is intended for students with strong undergraduate backgrounds in engineering or computer science.

In addition, Penn Law offers a technology track for its one-year Master in Law degree (ML) geared to students and technology professionals in a field increasingly defined by regulation and new technology. Graduates of the program will have developed key analytical and critical thinking skills as well as a base of knowledge that will prepare them for careers in technology as inventors, leaders of technology firms, and more.

Penn Law students have also successfully completed other interdisciplinary programs, such as the Graduate Certificate in Engineering Entrepreneurship offered by Penn’s Engineering School.

Whether a person is a graduate or an undergraduate student, or a future lawyer or technologist, Penn has a program tailored to fit their interests.
CTIC Summer Public Interest Fellowships

The CTIC Summer Public Interest Fellowships provide financial support for Penn Law 1Ls and 2Ls interested in internships with public interest or government organizations doing work relevant to CTIC’s focus in technology policy, intellectual property, cyber law, privacy, and related fields.

The 2018 Summer Public Interest Fellowships were awarded to Christina Chen L’20 and Vivek Kembaiyan L’20. They have been working this summer providing pro-bono legal services to clients on issues relating to the internet, new technology, and intellectual property at the Cyberlaw Clinic at Harvard Law School’s Berkman Klein Center for Internet & Society.

“I’m so thankful for the CTIC summer fellowship for helping make it possible for me to spend the summer immersed in this exciting public interest work,” said Kembaiyan. “It has re-affirmed my interest in building a public interest career around increasing digital privacy protections and made me more excited to dive into these topics further in my remaining time at Penn Law.”

Previous CTIC Summer Public Interest Fellows have worked at NASA, the Wistar Institute, the Berkman Klein Center for Internet and Society at Harvard University, the International Intellectual Property Institute, the White House Office of Science and Technology Policy, the American Antitrust Institute, and the Federal Communications Commission.

The Fellowships are just one of many ways that CTIC provides Penn Law students with opportunities to gain experience in law and technology that might not otherwise be available to them. Other possibilities include participation in research, conferences, academic workshops, technology-related student organizations, and career-oriented programming, just to name a few.
Clerkships in Patent Law

On February 28, 2017, CTIC, in partnership with the Penn Intellectual Property Group, hosted a panel discussion which focused on district court and Federal Circuit patent law clerkships and the clerkship application process. The participants included:

Panelists
- The Honorable Leonard Stark
  Chief Judge, U.S. District Court for the District of Delaware
- Julie Goldemberg, L’12
  Associate, Morgan, Lewis & Bockius LLP
  Former Clerk to Judge Sharon Prost, U.S. Court of Appeals for the Federal Circuit
- Christie Larochelle
  Associate, Ballard Spahr LLP
  Former Clerk to Judge Richard G. Andrews, U.S. District Court for the District of Delaware

Moderator
- R. Polk Wagner
  Professor of Law, University of Pennsylvania Law School

CTIC is proud of the recent Penn Law graduates who recently completed clerkships or are currently clerking for distinguished patent law judges:

Allie Berkson Drory L’12
Judge Richard Taranto, U.S. Court of Appeals for the Federal Circuit, 2017-18 Term

Nora Crawford L’17
Chief Judge Leonard Stark, U.S. District Court for the District of Delaware, 2017-18 Term
Judge Kent Jordan, U.S. Court of Appeals for the Third Circuit, 2018-19 Term

Stephen DeSalvo L’17
Judge Kent Jordan, U.S. Court of Appeals for the Third Circuit, 2017-18 Term
Judge Raymond Clevenger III, U.S. Court of Appeals for the Federal Circuit, 2018-19 Term

Andreas Kuersten L’14
Judge Evan Wallach, U.S. Court of Appeals for Federal Circuit, 2018-19 Term

Matt Lembo L’17
Judge Raymond Clevenger III, U.S. Court of Appeals for the Federal Circuit, 2017-18 Term

Eric Schlabs L’17
Judge Richard Andrews, U.S. District Court for the District of Delaware, 2017-18 Term

Kaiyi Xie L’16
Judge Raymond Clevenger III, U.S. Court of Appeals for the Federal Circuit, 2017-18 Term
CTIC is pleased to enjoy a highly collaborative relationship with the Penn Intellectual Property Group (PIPG), a student group at the Law School established during the fall of 2001. PIPG focuses on creating and supporting interest in intellectual property at Penn Law, Penn, and the broader Philadelphia community. PIPG continues to expand its efforts and programming, which include career panels, academic symposiums, and social events.

PIPG’s signature event is its annual symposium held every spring. This year’s symposium explored how the open source movement has embedded itself into today’s technology-driven world.

2018 Annual PIPG Symposium

Open Source’s Impact on Innovation
March 27, 2018

Keynote
Keith Bergelt
Chief Executive Officer, Open Invention Network

Open Source Licensing Panel
Joseph Guagliardo
Partner, Pepper Hamilton LLP

Jeffrey Gluck
Partner, Panitch Schwarze

Andrew Hall
Founder, Hall Law

Mindy Schwartz
Deputy General Counsel and Vice President, Comcast Cable

Data Security Panel
Abraham Rein
Co-Chair, Information Privacy & Security Practice, Post & Schell PC

Heather Meeker
Partner, O’Melveny & Myers

Kim Phan
Of Counsel, Ballard Spahr LLP

Open Source Considerations in Start-Ups Panel
Cynthia Dahl
Practice Professor of Law; Director of the Detkin Intellectual Property and Technology Legal Clinic, University of Pennsylvania Law School

Stephen Gillespie
Partner, Fenwick & West LLP

Van Lindberg
Member, Dykema Cox Smith

John Neclerio
Partner, Duane Morris LLP
Students for Technological Progress (STP)

Students for Technological Progress (STP) is a pro bono student project founded by Natalie Punchak L’15 and Ross Slutsky L’16 that works with a wide range of clients on a variety of legal issues at the intersection of law and policy.

STP focuses on privacy, telecommunications, open Internet issues, and intellectual property—not traditional pro bono areas for law school students. When STP was founded in 2014, the project had one community partner: the Media Mobilizing Project. Now, in addition to developing a deep and robust collaboration with the Media Mobilizing Project, STP has a number of organizational partners including the Center for Democracy and Technology, TechFreedom, and Public Knowledge.

Students have worked on an array of projects, including policy research on tort liability, research on the economics of broadband deployment, and support in drafting a brief for a D.C. Circuit case on administrative law and drones.

Partnership for Entrepreneurial Engineering and Penn Law (PEEPL)

The Partnership for Entrepreneurial Engineering and Penn Law (PEEPL) is a student-run legal counseling simulation supervised by CTIC Primary Faculty member Cynthia Dahl. PEEPL pairs law students with teams of engineering students enrolled in the Engineering Entrepreneurship class at Penn’s School of Engineering and Applied Sciences.

The teams research and develop a technology into a proposed simulated business, which they then pitch to a panel of venture capitalists as a course capstone. The law students counsel the engineering teams during the semester, answering questions about protectability, licensing, and infringement of their inventions.

The goal of the partnership is to equip both future engineers and future attorneys with the skills they need to communicate effectively in an increasingly interdisciplinary professional environment.

Cynthia Dahl
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