

Hearings on Competition and Consumer Protection in the 21st Century

An FTC Event | Constitution Center | October 23-24, 2018



SPEAKER BIOS

Tuesday, October 23, 2018

Panel 1: An Overview of Innovation and IP Policy

Thomas F. Cotter is the Briggs and Morgan Professor of Law at the University of Minnesota, where he has taught since 2006. He directed the Intellectual Property Law Program at the University of Florida from 1994-2005. He was recently appointed as an Intellectual Property Fellow by the Innovators Network Foundation, in partnership with the App Association.

William E. Kovacic is currently a Professor at George Washington University Law School, where he is also Director of the Competition Law Center. He is a Non-executive Director of the UK's Competition and Markets Authority. Before joining the GW Law School in 1999, he was an FTC Commissioner from 2006 to 2011 and served as Chairman from 2008 until 2009. Previously, Kovacic was the FTC's General Counsel from 2001 through 2004.

Arti Rai is the Elvin R. Latty Professor of Law and co-Director of The Center for Innovation Policy at Duke University School of Law. She has also taught at Harvard, Yale, and the University of Pennsylvania law schools. From 2009-2010 she served as the Administrator of the Office of External Affairs at the USPTO and previously served on President-Elect Obama's transition team reviewing the USPTO.

Pian Shu is an assistant professor in Strategy & Innovation at Scheller College of Business, Georgia Institute of Technology. She was an assistant professor at Harvard Business School from 2012-2017 and a visiting scholar at MIT Sloan School of Management from 2016-2017.

Panel 2: Understanding Innovation and IP in Business Decisions

Nicole Morris is the Director of the TI:GER program (Technological Innovation: Generating Economic Results) at Emory University School of Law, and is a professor in practice in the areas of patent law, litigation, and prosecution, and IP licensing & strategy. She is the former managing patent counsel at The Coca-Cola Company. She has over fifteen years of experience in private practice in patent law and over twenty-five years of experience with consumer products and technology commercialization.

Greg Raleigh joined NEA in 2017 where he focuses on investments in the technology sector. Greg has founded three successful companies, is the inventor of technology at the heart of today's wireless phone and service industries, and has over 25 years of executive experience in several technology sectors including networking, cloud software, consumer services, wireless and military systems.

Michal Rosenn is the General Counsel of Expa, a startup studio helping the world's best entrepreneurs bring their ideas to life. She previously served as General Counsel of Kickstarter, where she helped lead the company's conversion to Public Benefit Corporation status and led the company's public policy and government affairs initiatives. Prior to joining Kickstarter, Michal was a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York.

Talal Shamoon became Intertrust's CEO in 2003. He joined Intertrust in 1997, and held a series of executive positions, including VP for Business Development and Marketing, where he led the business and technology initiatives in the entertainment and media market. He is a member of the board of directors for Intertrust, whiteCryption and Kiora, and he chairs the board of Planet OS.

Panel 3: Competition Policy and Copyright Law

Eric Cady is Senior Counsel at the Independent Film & Television Alliance, where he has served in that role since 2013. He advises IFTA's 140+ member companies on rights management, content protection, and other topics to address the challenges presented by the evolving marketplace for audiovisual content.

Peter Jaszi is a Professor of Law Emeritus at American University Washington College of Law. He is a founder of the Glushko-Samuels Intellectual Property Clinic and its Program on Intellectual Property and Information Justice. He now serves as the Faculty Director of the Clinic. He is a member of the editorial board of the Copyright Society of the U.S.A., previously serving as a Trustee.

Keith Kupferschmid has served as the President and CEO of the Copyright Alliance since 2015. Before joining the Copyright Alliance, he was General Counsel and Senior VP for Intellectual Property for the Software & Information Industry Association. He has also worked as an IP attorney advisor at the USPTO, Director of IP at the U.S. Trade Representative, Policy Planning Advisor at the U.S. Copyright Office, as well as an IP attorney in private practice.

Peter Menell is the Koret Professor of Law at the University of California, Berkeley School of Law. In 1995, he co-founded the Berkeley Center for Law & Technology, where he served as the Executive Director from 1999-2005, and continues to serve as a Director. He has served as Vice-Chair of the National Academies of Sciences project on copyright and innovation. In 2018, the California Lawyers Association recognized his contributions to intellectual property with its IP Vanguard Award.

Tyler Ochoa is a Professor of Law at the Santa Clara University School of Law, joining the faculty in 2003, where he also served as the Academic Director of the High Tech Law Institute. Prior to joining Santa Clara Law, he served as a professor and co-director of the Center for Intellectual Property Law at Whittier Law School. In private practice, he specialized in copyright and trade secret litigation involving computer software.

Sean O'Connor is the Boeing International Professor at the University of Washington School of Law in Seattle, and Founder of the Entrepreneurial Law Clinic. He is a Director of the Center for Advanced

Study and Research on Innovation Policy (CASRIP) and has served as Assistant Dean for Law, Business, and Technology and as Chair of the UW IP Management Advisory Committee. O'Connor is Editor of the forthcoming Handbook on Music Law & Policy to be published by Oxford University Press. He would like to acknowledge the support of Microsoft and the Center for the Protection of IP (CPIP) at Antonin Scalia Law School, George Mason University.

Meredith Rose is Policy Counsel at Public Knowledge, focusing on copyright, technology, telecommunications, and IP policy. She serves as an adjunct Professorial Lecturer in Law at George Washington University. She has previously worked on consumer policy issues at the FCC, the Trans-Atlantic Consumer Dialogue, and Knowledge Ecology International and advocated for consumer-focused policies before the FTC, Copyright Office, members of Congress, and via amicus briefs.

Wednesday, October 24, 2018

Welcome and Introductory Remarks

Drew Hirshfeld is Commissioner for Patents for the U.S. Patent and Trademark Office. He was appointed to this position in July 2015. As Commissioner for Patents, Mr. Hirshfeld manages and leads the patent organization as its chief operating officer. He is responsible for managing and directing all aspects of this organization which affect administration of patent operations, examination policy, patent quality management, international patent cooperation, resources and planning, and budget administration.

Panel 1: Emerging Trends in Patent Quality

Hon. Scott R. Boalick is the Acting Chief Judge for the Patent Trial and Appeal Board. In this role, he leads the PTAB as it conducts post-grant trials, including inter partes reviews, post-grant reviews, covered business method patent reviews and derivation proceedings, and as it hears appeals from adverse examiner decisions in patent applications and reexamination proceedings. Acting Chief Judge Boalick was appointed to the Board in 2007. Prior to becoming the Acting Chief Judge, he served as an Administrative Patent Judge, Lead Judge, Vice Chief Judge, and Deputy Chief Judge.

Drew Hirshfeld is Commissioner for Patents for the U.S. Patent and Trademark Office. He was appointed to this position in July 2015. As Commissioner for Patents, Mr. Hirshfeld manages and leads the patent organization as its chief operating officer. He is responsible for managing and directing all aspects of this organization which affect administration of patent operations, examination policy, patent quality management, international patent cooperation, resources and planning, and budget administration.

Alan Marco is an Associate Professor at the School of Public Policy at Georgia Tech. Prior to joining Georgia Tech, he served as the Chief Economist at the USPTO, where he also co-created USPTO's PatentsView.org. He specializes in innovation and patent policy, science and technology policy, IP strategy and management, patent valuation, and other related areas. He has also taught at the Williams School of Commerce at Washington and Lee University and economics at Vassar College.

Greg Reilly is an Assistant Professor of Law at the Illinois Institute of Technology, Chicago-Kent College of Law, where he teaches Patent Law. He has previously taught at California Western School of Law and was a Harry A. Bigelow Teaching Fellow and Lecturer in Law at the University of Chicago Law School. In private practice, he had extensive experience litigating patent and trademark cases. He previously clerked for Judge Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit.

Saurabh Vishnubhakat is an Associate Professor of Law at the Texas A&M University, where he teaches patent law. He also holds a joint appointment as an Associate Professor in Texas A&M's Dwight Look College of Engineering, and is a Fellow of the Duke Law Center for Innovation Policy. He previously served as an advisor on patent policy to the USPTO's first two Chief Economists. He would like to acknowledge the support of the Center for the Study of the Administrative State and the Center for the Protection of Intellectual Property, both at George Mason University, as well as the Texas IP

Scholars (SSG-TIPS) program of the Institute for Intellectual Property & Information Law at the University of Houston Law Center.

Melissa Wasserman is the Charles Tilford McCormick Professor of Law at the University of Texas at Austin School of Law, where she teaches Patent Law and Innovation Law and Policy in the Biopharmaceutical Industry. Prior to joining the Texas faculty in 2016, she served as a professor at the University of Illinois College of Law, where she was awarded the Carroll P. Hurd Award for Excellence in Faculty Scholarship.

Panel 2: Emerging Trends in Patent Litigation

Colleen Chien is a Professor at Santa Clara University School of Law and a Fellow of the Stanford Computational Policy Lab. From 2013-2015 she served in the Obama White House as a Senior Advisor for Intellectual Property and Innovation. She has received several awards including the American Law Institute's Early Career Award and the Intellectual Property Vanguard Award and has been named a Silicon Valley "Women of Influence," and one of the 50 Most Influential People in Intellectual Property in the world.

John Golden is the Loomer Family Professor in Law at the University of Texas at Austin School of Law. Since 2011, he has served as faculty director of the Andrew Ben White Center in Law, Science and Social Policy. He previously clerked for Associate Justice Stephen Breyer of the U.S. Supreme Court and worked as an intellectual property associate in private practice.

Shawn Miller is an IP Research Fellow at Stanford Law School, where he is managing the creation of the *Stanford NPE Litigation Database*. He joined Stanford in 2013 as an Olin-Searle fellow, and then led the Stanford Law, Science and Technology LLM program from 2014-2017. He previously taught law and economics at the University of San Diego and practiced IP litigation and patent prosecution in private practice.

David Schwartz is the Stanford Clinton Sr. and Zylpha Kilbride Clinton Research Professor of Law at Northwestern University Pritzker School of Law, where he teaches Patent Law and Intellectual Property. He was previously a Professor of Law and co-Director of the Center for Empirical Studies of Intellectual Property at IIT, Chicago-Kent College of Law and an assistant professor at John Marshall Law School.

Neel Sukhatme is an Associate Professor of Law at Georgetown University Law Center. Neel clerked for the Hon. Vaughn R. Walker on the U.S. District Court for the Northern District of California and the Hon. Ann Claire Williams on the U.S. Court of Appeals for the Seventh Circuit. He has previously worked in private practice at Latham & Watkins LLP.

Panel 3: Industry Perspectives on Innovation and IP Policy

Tahir Amin is the co-founder and Director of Intellectual Property of I-MAK, a public interest team of attorneys and scientists who ensure that unmerited patents do not obstruct access to affordable medicines for patients globally, including in the U.S. Tahir has also practiced as a solicitor of the Senior Courts of England and Wales with two of the leading IP firms in the UK, and also served as an in-house global IP manager for a multinational company. I-MAK's work and research on U.S. patenting is funded by The Laura and John Arnold Foundation.

Patrick Kilbride is senior vice president of the Global Innovation Policy Center at the U.S. Chamber of Commerce. Previously, Kilbride was Executive Director, Americas Strategic Policy Initiatives, and Executive Vice President, Association of American Chambers of Commerce in Latin America, within the Chamber's International Division. Prior to joining the U.S. Chamber, Kilbride was appointed to serve in the Bush administration as deputy assistant U.S. Trade Representative for Intergovernmental Affairs & Public Liaison.

Barbara Fiacco is a Partner at Foley Hoag LLP in Boston. She handles patent, trade secret, and inventorship disputes for global pharmaceutical and biotechnology companies, medical device manufacturers and research institutions. Barbara is AIPLA's First Vice President and the Chair of AIPLA's Subject-Matter Eligibility Task Force. She has also served as Chair of AIPLA's Committee on Legislation.

Hans Sauer is Deputy General Counsel and Vice President for Intellectual Property for the Biotechnology Innovation Organization and an adjunct professor at Georgetown University Law Center. Prior to taking his current position at BIO in 2006, Sauer was Chief Patent Counsel for MGI Pharma, Inc., and Senior Patent Counsel for Guilford Pharmaceuticals Inc.

Matthew Schruers is Vice President for Law & Policy at the Computer & Communications Industry Association (CCIA). He is also an adjunct professor, teaching courses on intellectual property and Internet law at the Georgetown University Law Center, the Georgetown Graduate School Program on Communication, Culture, and Technology (CCT), and American University Washington College of Law.

Panel 4: Economic Perspectives on Innovation and IP Policy

James Bessen serves as Executive Director of the Technology & Policy Research Initiative and a Lecturer in Law at Boston University School of Law. He was previously a Fellow at Harvard University's Berkman Center for Internet & Society. He has also been a successful innovator and CEO of a software company.

Richard Gilbert is Emeritus Professor of Economics at the University of California at Berkeley and a Senior Consultant at Compass Lexecon. From 1993 to 1995, he was Deputy Assistant Attorney General in the Antitrust Division of the DOJ where he led the effort that developed joint Department of Justice and Federal Trade Commission Antitrust Guidelines for the Licensing of Intellectual Property. His current research is on competition policy for innovation and intellectual property.

Michael Frakes is Professor of Law and Economics at Duke University School of Law. Frakes also serves as a Research Associate at the National Bureau of Economic Research. He was previously a professor at Northwestern University's Pritzker School of Law and Cornell Law School.

Anne Layne-Farrar is a Vice President in the Antitrust & Competition Economics Practice of Charles River Associates and an Adjunct Professor at Northwestern University's Pritzker School of Law. She specializes in antitrust and intellectual property matters, especially where the two issues are combined. In 2018, she received Global Competition Review's Economist of the Year award.

FTC Moderators

Julie Carlson is an economist in the Antitrust I Division of the Bureau of Economics at the FTC. She supports the FTC's work on competition issues relating to intellectual property, especially with respect to standard-setting, and was a contributor to the FTC's report on patent assertion entity activity. Previously, Julie was an assistant professor of economics at Trinity University.

John Dubiansky is an Attorney Advisor in Intellectual Property in the FTC's Office of Policy Planning. He was a contributor to the Commission's 6(b) study of patent assertion entities and has focused on OPP's projects involving competition and intellectual property. Prior to joining the Commission, he focused on patent litigation at firms including Kirkland & Ellis and Howrey.

Jay Ezrielev is an Economic Advisor to FTC Chairman Joseph Simons. Prior to joining the Commission, he was an Executive Vice President at Compass Lexecon and an adjunct professor at John Hopkins University's Krieger School of Arts and Sciences.

Elizabeth Gillen is an Attorney Advisor for Intellectual Property within the FTC's Office of Policy Planning. Her work focuses on policy issues at the intersection of antitrust and intellectual property, particularly those relating to patent licensing. Before joining the FTC in 2016, she was a litigation associate at Simpson Thacher & Bartlett LLP in Palo Alto.

Suzanne Munck is Chief Counsel for Intellectual Property for the FTC and Deputy Director of its Office of Policy Planning. Suzanne was the lead author of the FTC's 2016 report on PAE activity, and led the FTC's 2017 modernization of the FTC/DOJ Antitrust Guidelines for the Licensing of Intellectual Property. Before joining the FTC, Munck was an antitrust and IP litigator in Los Angeles.

Closing Remarks

Rebecca Kelly Slaughter was sworn in as a Federal Trade Commissioner on May 2, 2018. Prior to joining the Commission, she served as Chief Counsel to Senator Charles Schumer of New York, the Democratic Leader. A native New Yorker, she advised Leader Schumer on legal, competition, telecom, privacy, consumer protection, and intellectual property matters, among other issues. Prior to joining Senator Schumer's office, Ms. Slaughter was an associate in the D.C. office of Sidley Austin LLP.