

# CHARLES DUAN

2701 Calvert St. NW, Apt. 623  
Washington, DC 20008

(202) 713-5799  
cduan@cornell.edu

## Affiliations

- 2021–Present* CORNELL UNIVERSITY, Postdoctoral Fellow at Cornell Tech.  
*Advisor: Prof. James Grimmelmann*
- U.S. PATENT AND TRADEMARK OFFICE, Patent Public Advisory Committee.
- AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, Senior Policy Fellow, Program on Information Justice and Intellectual Property.
- 2018–Present* R STREET INSTITUTE, Senior Fellow, Technology and Innovation Policy.

## Education

- 2004–2007* HARVARD LAW SCHOOL: J.D.
- 2000–2004* HARVARD UNIVERSITY: A.B. Computer Science.

## Other Work Experience

- 2013–2018* PUBLIC KNOWLEDGE, Director, Patent Reform Project.
- 2012–2013* COLORADO LAW SCHOOL, Research Fellow.  
*Advisors: Profs. Paul Ohm and James Grimmelmann*
- 2008–2012* KNOBBE MARTENS OLSON & BEAR, LLP, patent attorney.
- 2007–2008* LABMEETING.COM, INC., software developer.

## Admissions to Practice

District of Columbia; California (inactive); Supreme Court; D.C., Federal, Fourth, Ninth, and Eleventh Circuits; U.S. Patent and Trademark Office.

## Law Review Articles

- 2023* *Mandatory Infringement*, 75 FLA. L. REV. (forthcoming 2023).
- 2021* *A Tale of Two Interoperabilities; Or, How Google v. Oracle Could Become Social Media Legislation*, 2021 CARDOZO L. REV. DE•NOVO 246 [↗](#).
- Hacking Antitrust: Competition Policy and the Computer Fraud and Abuse Act*, 19 COLO. TECH. L.J. 313 (2021) [↗](#).
- Gene Patents, Drug Prices, and Scientific Research: Unexpected Effects of Recently Proposed Patent Eligibility Legislation*, 24 MARQ. INTELL. PROP. L. REV. 139 (2021) [↗](#).

**Law Review Articles, continued**

- 2020 *Who's Afraid of Section 1498? A Case for Government Patent Use in Pandemics and Other National Crises*, 22 YALE J.L. & TECH. 1 (2020) (with Christopher Morten) [↗](#).
- Copyright in the Texts of the Law: Historical Perspectives*, 9 N.Y.U. J. INTELL. PROP. & ENT. L. 191 (2020) [↗](#).
- Of Monopolies and Monocultures: The Intersection of Patents and National Security*, 36 SANTA CLARA HIGH TECH. L.J. 369 (2020) [↗](#).
- 2019 *Internet of Infringing Things: The Effect of Computer Interface Copyrights on Technology Standards*, 45 RUTGERS COMPUTER & TECH. L.J. 1 (2019) [↗](#).
- 2016 *Internet Freedom with Teeth*, 67 FLA. L. REV. F. 243 (2016) [↗](#).
- 2014 *Apply It to the USPTO: Review of the Implementation of Alice v. CLS Bank in Patent Examination*, 2014 PATENTLY-O PAT. L.J. 1 [↗](#).
- 2009 *Alternative Software Protection in View of In re Bilski*, 7 NW. J. TECH. & INTELL. PROP. 332 (2009) (with Lauren Katzenellenbogen & James Skelley) [↗](#).

**Judicial Citations to Amicus Briefs**

- Supreme Court* *Google LLC v. Oracle Am., Inc.*, 141 S. Ct. 1183, 26–27 (2021) (quoting brief to define key technological terminology).
- Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 579 U.S. 93, 1936, 1938 (2016) (Breyer, J., concurring). Also discussed during oral argument.
- Appellate* *GlaxoSmithKline LLC v. Teva Pharm. USA*, Nos. 2018-1976, -2023, slip op. at 8 (Fed. Cir. Feb. 11, 2022) (Prost, J., dissenting).
- Am. Soc’y for Testing & Materials v. Pub.Res.Org, Inc.*, 896 F.3d 437, 453 (D.C. Cir. July 17, 2018); *id.* at 458 (Katsas, J., concurring) (using research cited in brief).
- Microsoft Corp. v. Motorola, Inc.*, 795 F.3d 1024, 1031, 1052 n.22 (9th Cir. 2015).
- McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1315 (Fed. Cir. 2016).
- District* *Intel Corp. v. Fortress Inv. Grp. LLC*, No. 3:19-cv-7651, at 17 n.12 (N.D. Cal. July 15, 2020).

**Invited Congressional Testimony**

- Senate* *The State of Patent Eligibility in America: Part I: Hearing Before the Subcomm. on Intellectual Property of the S. Comm. on the Judiciary*, 116th Cong. (2019) [↗](#). Discussed in:
- KEVIN J. HICKEY, REPORT NO. R45918, PATENT-ELIGIBLE SUBJECT MATTER REFORM IN THE 116TH CONGRESS (CRS Sept. 17, 2019) [↗](#).

**Invited Congressional Testimony, continued**

- Megan Molteni, *Congress Is Debating—Again—Whether Genes Can Be Patented*, WIRED (June 5, 2019) [↗](#).
- Kelly Servick, *Controversial U.S. Bill Would Lift Supreme Court Ban on Patenting Human Genes*, SCIENCE (June 4, 2019) [↗](#).

*House of Representatives*

*H.R. \_\_\_\_, the Targeting Rogue and Opaque Letters Act (TROL Act): Hearing Before the Subcomm. on Commerce, Manufacturing and Trade of the H. Comm. on Energy and Commerce, 114th Cong. (2015) [↗](#). Discussed in:*

- Joe Mullin, *Reform Groups: Bill to Stop Patent Demand Letters Falls Short*, ARS TECHNICA (Apr. 22, 2015) [↗](#).

*The Impact of Patent Assertion Entities on Innovation and the Economy: Hearing Before the Subcomm. on Oversight and Investigations of the H. Comm. on Energy and Commerce, 113th Cong. (2013) [↗](#).*

**Additional Research***Book Chapters*

*Toward a Legal Framework for Patient Access to At-Home Health Care Device Data (with Christopher Morten), in DIAGNOSING IN THE HOME: THE ETHICAL, LEGAL, AND REGULATORY CHALLENGES AND OPPORTUNITIES OF DIGITAL DIAGNOSTICS AND THERAPEUTICS OUTSIDE OF TRADITIONAL CLINICAL SETTINGS (forthcoming 2022).*

*A Failure to Interoperate: The Lost Mars Climate Orbiter, in “YOU ARE NOT EXPECTED TO UNDERSTAND THIS”: HOW 26 LINES OF CODE CHANGED THE WORLD (Torie Bosch ed., forthcoming 2022) [↗](#).*

*White Papers*

POLICY STUDY NO. 246, THE U.S. INTERNATIONAL TRADE COMMISSION: AN EMPIRICAL STUDY OF SECTION 337 INVESTIGATIONS (R St. Inst. Nov. 2021) [↗](#).

POLICY STUDY NO. 227, PRODUCT HOPPING: FEDERAL AND STATE APPROACHES (R St. Inst. Mar. 2021) [↗](#).

POLICY STUDY NO. 220, BIOLOGICS PATENT LITIGATION: REFORMS FOR LOWERING DRUG PRICES (R St. Inst. Feb. 2021) [↗](#).

SHORT STUDY NO. 67, U.S. PATENTS AND COMPETITIVENESS WITH CHINA (R St. Inst. Feb. 2019) [↗](#).

POLICY STUDY NO. 147, THE INTERNATIONAL TRADE COMMISSION’S AUTHORITY IN DOMESTIC PATENT DISPUTES (R St. Inst. June 2018) (with Bill Watson) [↗](#).

POLICY STUDY NO. 139, TELEMEDICINE: LESSONS FOR—AND FROM—EMERGING TECHNOLOGY POLICY (R St. Inst. Apr. 2018) (with Joe Kane & Caleb Watney) [↗](#).

POLICY STUDY NO. 133, POLICY APPROACHES TO THE ENCRYPTION DEBATE (R St. Inst. Mar. 2018) (with Arthur Rizer, Zach Graves & Mike Godwin) [↗](#).

**Additional Research**, *continued*

PROTECTING PRIVACY, PROMOTING COMPETITION: A FRAMEWORK FOR UPDATING THE FEDERAL COMMUNICATIONS COMMISSION PRIVACY RULES FOR THE DIGITAL WORLD (Pub. Knowledge 2016) (with Harold Feld, John Gasparini, Tennyson Holloway & Meredith Rose) [↗](#).

*A World on NDN: Affordances & Implications of the Named Data Networking Future Internet Architecture* (Named Data Networking, Technical Report No. NDN-0018, 2014) (with Katie Shilton, Jeff Burke, kc claffy & Lixia Zhang) [↗](#).

A FIVE PART PLAN FOR PATENT REFORM (Pub. Knowledge 2014) [↗](#).

*Law Blogs*

*Who's Afraid of Section 1498?: Government Patent Use as Versatile Policy Tool*, WRITTEN DESCRIPTION (Apr. 24, 2020) (with Christopher Morten) [↗](#).

*Do Patents Protect National Security?*, LAWFARE (July 12, 2019) [↗](#).

*A Patent Dispute Tests the Administration's National Security Resolve*, LAWFARE (Dec. 6, 2018) [↗](#).

*Copyright Law Could Stop 3-D Printed Guns. Should It?*, LAWFARE (Aug. 31, 2018) [↗](#).

*A New Framework for the Encryption Debate*, LAWFARE (Apr. 9, 2018) [↗](#).

*Questions Congress Should Ask Mark Zuckerberg*, LAWFARE (Apr. 5, 2018) [↗](#).

*Are Patents Monopolies? It Depends on the Relevant Century*, PATENTLY-O (Oct. 18, 2017) [↗](#).

*A Definite Problem of Patent Law: Nautilus v. Biosig Instruments*, JURIST PROF. COMMENT. (May 7, 2014) [↗](#).

*The Real Results of Stock-Touting Spam*, GTNEWS (Oct. 23, 2006) [↗](#).

*Essays*

*Patents and the Common Good*, 64 NEW ATLANTIS 75 (2021) [↗](#).

*The Internet Will Not Be Lowercased*, MEDIUM: PUB. KNOWLEDGE (June 2, 2016) [↗](#).

*Congressional Statements*

*5G: National Security Concerns, Intellectual Property Issues, and the Impact on Competition and Innovation: Hearing Before the S. Comm. on the Judiciary*, 116th Cong. (2019) [↗](#).

*The Internet of Things: Hearing Before the Subcomm. on Courts, Intellectual Property, and the Internet of the H. Comm. on the Judiciary*, 114th Cong. (2015) [↗](#).

*Examining Recent Supreme Court Cases in the Patent Arena: Hearing Before the Subcomm. on Courts, Intellectual Property, and the Internet of the H. Comm. on the Judiciary*, 114th Cong. (2015) [↗](#).

## Amicus Curiae Briefs

### Supreme Court

*United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021), for the Coalition Against Patent Abuse [↗](#).

*Van Buren v. United States*, 141 S. Ct. 1648 (2021), for the R Street Institute, Public Knowledge, Lincoln Network, Engine Advocacy, the Innovation Defense Foundation, and the American Antitrust Institute.

*Google LLC v. Oracle Am., Inc.*, 141 S. Ct. 1183 (2021), for the R Street Institute, Public Knowledge, and the Niskanen Center [↗](#).

*Georgia v. Pub.Res.Org, Inc.*, 140 S. Ct. 1498 (2020), for the R Street Institute, the Wikimedia Foundation, and Public Knowledge [↗](#). Discussed in:

- Dennis Crouch, *Georgia v. Public Resource: Twenty-Five Centuries of History Reject the Foundation of Petitioners' Case*, PATENTLY-O (Oct. 15, 2019) [↗](#).
- Mark Walsh, *Open Access: SCOTUS Will Consider Whether Publishers Can Copyright Annotated State Codes*, A.B.A. J. (Nov. 27, 2019) [↗](#).

*Peter v. NantKwest, Inc.*, 140 S. Ct. 365 (2019), for the R Street Institute [↗](#).

*Return Mail, Inc. v. U.S. Postal Serv.*, 139 S. Ct. 1853 (2019), for the R Street Institute [↗](#).

*Helsinn Healthcare S.A. v. Teva Pharm. USA, Inc.*, 139 S. Ct. 628 (2019), for the R Street Institute and Engine Advocacy [↗](#).

*Oil States Energy Servs., LLC v. Greene's Energy Grp., LLC*, 138 S. Ct. 1365 (2018), for Public Knowledge, the Electronic Frontier Foundation, Engine Advocacy, and the R Street Institute [↗](#). Discussed in:

- Dennis Crouch, *Oil States Amicus Briefs Seek to Stabilize IPR Constitutional Footing*, PATENTLY-O (Nov. 1, 2017) [↗](#).

*TC Heartland, LLC v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017), for the Electronic Frontier Foundation and Public Knowledge [↗](#). Discussed in:

- Joe Mullin, *Will the Supreme Court End the East Texas Patent Scam?*, ARS TECHNICA (Mar. 28, 2017) [↗](#).
- Chris Welch, *The US Supreme Court Just Made Life Much Harder for Patent Trolls*, THE VERGE (May 22, 2017) [↗](#).
- Dennis Crouch, *TC Heartland: Statutory Interpretation, Fairness, and E.D.Texas*, PATENTLY-O (Feb. 7, 2017) [↗](#).

*Impression Prods., Inc. v. Lexmark Int'l, Inc.*, 137 S. Ct. 1523 (2017), for Public Knowledge, the Electronic Frontier Foundation, AARP, AARP Foundation, Mozilla, and the R Street Institute [↗](#). Discussed in:

- Kyle Wiens, *How a Supreme Court Ruling on Printer Ink Bolsters Your Digital Rights*, WIRED (June 1, 2017) [↗](#).

*Amicus Curiae Briefs, continued*

- Joe Mullin, *Supreme Court Overturns Lexmark's Patent Win on Used Printer Cartridges*, ARS TECHNICA (May 31, 2017) [↗](#).
- Thomas Claburn, *How Lexmark's Patent Fight to Crush an Ink Reseller Will Affect Us All*, THE REGISTER (Jan. 24, 2017) [↗](#).

*SCA Hygiene Prods. Aktiebolag v. First Quality Baby Prods., LLC*, 137 S. Ct. 954 (2017), for the Electronic Frontier Foundation and Public Knowledge [↗](#).

Discussed in:

- Ronald Mann, *Stakes Are High as Justices Consider Laches as a Bar to Patent Damage Suits*, SCOTUSBLOG (Oct. 25, 2016) [↗](#).

*Star Athletica v. Varsity Brands, Inc.*, 137 S. Ct. 1002 (2017), for Public Knowledge, the International Costumers Guild, Shapeways, Inc., the Open Source Hardware Association, Formlabs Inc., Printrbot Inc., the Organization for Transformative Works, the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries [↗](#). Discussed in:

- Mike Masnick, *How a Supreme Court Case on Cheerleader Costumes & Copyright Could Impact Prosthetic Hands and Much, Much More*, TECHDIRT (July 26, 2016) [↗](#).
- Michael Weinberg, *Advocating for a Clear Test on Copyright and 3D Printed Objects*, SHAPEWAYS BLOG (July 26, 2016) [↗](#).
- Adam Longman, *Cheerleading in SCOTUS? The Uniforms Could Make It There*, GW INTELL. PROP. & ENT. L. BRIEF (Apr. 13, 2016) [↗](#).
- Michael Petch, *Intellectual Property & 3D Printing: A Changing Landscape*, 3D PRINTING INDUSTRY (July 19, 2016) [↗](#).
- *The Supreme Court Will Consider a Case About Cheerleading Uniforms*, MOTHERBOARD (July 29, 2016) [↗](#).
- Bill Donahue, *Amici Jump Into High Court's Apparel Copyright Case*, LAW360 (July 28, 2016) [↗](#).

*Samsung Elecs. Co. v. Apple Inc.*, 137 S. Ct. 429 (2016), for Public Knowledge, the Electronic Frontier Foundation, the R Street Institute, the American Antitrust Institute, and IP Justice [↗](#). Discussed in:

- Tony Dutra, *Gov't Tells High Court to Send Samsung, Apple Back to Court*, BLOOMBERG BNA (June 10, 2016) [↗](#).
- Kelly Knaub, *Feds Urge Justices to Ax \$400M Apple Win in Samsung Case*, LAW360 (June 9, 2016) [↗](#).

*Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261 (2016), for Public Knowledge [↗](#). Discussed in:

- Dennis Crouch, *Cuozzo v. Lee: The Problem of Standing*, PATENTLY-O (Mar. 30, 2016) [↗](#).
- Patrick Boyle, *Justices Pushed To Back PTAB's Broad Claim Construction*, LAW360 (Mar. 30, 2016) [↗](#).



*Amicus Curiae Briefs, continued*

*Kirtsaeng v. John Wiley & Sons, Inc.*, 579 U.S. 197 (2016), for Public Knowledge [↗](#).

*Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 579 U.S. 93 (2016), for Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy [↗](#). Discussed in:

- Ryan Davis, *Calls For Bigger Patent Awards “Disastrous,” Justices Told*, LAW360 (Dec. 16, 2015) [↗](#).
- Ronald Mann, *Argument Analysis: Justices Unsettled on Standard for Enhanced Damages in Patent Cases*, SCOTUSBLOG (Feb. 24, 2016) [↗](#).

*Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016), for Public Knowledge [↗](#). Discussed in:

- Adam Sneed, *Tech Watches as SCOTUS Hears Spokeo Case*, POLITICO MORNING TECH (Nov. 2, 2015) [↗](#).
- Alison Frankel, *Pension, Patent Rights at Stake in SCOTUS Spokeo Case: New Briefs*, REUTERS (Sept. 9, 2015) [↗](#).

*Kimble v. Marvel Entm’t, LLC*, 576 U.S. 446 (2015), for Public Knowledge [↗](#). Discussed in:

- Joe Mullin, *Supreme Court Mulls Lengthy Patent Deals in Spat over Spider-Man Toy*, ARS TECHNICA (Mar. 31, 2015) [↗](#).

*Commil USA, LLC v. Cisco Sys., Inc.*, 575 U.S. 632 (2015), for Public Knowledge, the R Street Institute, the American Library Association, the Association of Research Libraries, the Association of College and Research Libraries, and the Center for Democracy and Technology [↗](#). Discussed in:

- Joe Mullin, *If You Believe Enough, Can You Invalidate a Patent? Supreme Court to Decide*, ARS TECHNICA (Mar. 31, 2015) [↗](#).
- Jessica M. Karmasek, *Public Policy Groups Urge U.S. SC to Limit “Needless” Patent Infringement-Inducement Cases*, LEGAL NEWSLINE (Mar. 6, 2015) [↗](#).

*Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898 (2014), for the Electronic Frontier Foundation and Public Knowledge [↗](#).

*Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208 (2014), for Public Knowledge and the Application Developers Alliance [↗](#). Discussed in:

- Tim Cushing, *Public Knowledge Deflates Another Dubious Software Patent by Reducing It to Seven Lines of BASIC*, TECHDIRT (Mar. 3, 2014) [↗](#).
- Joe Mullin, *How Far Will the Supreme Court Go to Stop Patent Trolls?*, ARS TECHNICA (Mar. 31, 2014) [↗](#).

*Supreme Court:  
Petition Stage*

*Google LLC v. Oracle Am., Inc.*, 141 S. Ct. 1183 (2021), for the R Street Institute and Public Knowledge [↗](#).

*Amicus Curiae Briefs, continued*

*Comcast Corp. v. Int’l Trade Comm’n*, 141 S. Ct. 133 (2020), for the R Street Institute, the Innovation Defense Foundation, Lincoln Network, and the Electronic Frontier Foundation.

*Apple, Inc. v. VirnetX Inc.*, 140 S. Ct. 1122 (2020), for the R Street Institute, the Electronic Frontier Foundation, and Engine Advocacy [↗](#).

*Medtronic, Inc. v. Barry*, 140 S. Ct. 869 (2020), for the R Street Institute [↗](#).

*Georgia v. Pub.Res.Org, Inc.*, 140 S. Ct. 1498 (2020), for the R Street Institute et al. [↗](#). Discussed in:

- *C-Span, Others Push Justices to Limit Copyright of Laws*, LAW360 (May 7, 2019) [↗](#).

*Mylan Pharm., Inc. v. UCB, Inc.*, 139 S. Ct. 1172 (2019), for the R Street Institute and Public Knowledge [↗](#).

*Samsung Elecs. Co. v. Apple Inc.*, 138 S. Ct. 420 (2017), for Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy [↗](#). Discussed in:

- Giuseppe Macri, *Consumer Groups Ask Supreme Court to Hear Second Apple v. Samsung Patent Dispute*, INSIDESOURCES (Apr. 15, 2017) [↗](#).
- Mike Wuerthele, *Four Filings Exhort Supreme Court to Re-examine Apple vs. Samsung “Slide to Unlock” Patent Trial*, APPLEINSIDER (Apr. 13, 2017) [↗](#).

*Google Inc. v. Arendi SARL*, 137 S. Ct. 1329 (2017), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*TC Heartland, LLC v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017), for the Electronic Frontier Foundation and Public Knowledge [↗](#).

*Google, Inc. v. Cioffi*, 137 S. Ct. 620 (2017), for Public Knowledge and the Electronic Frontier Foundation.

*Impression Prods., Inc. v. Lexmark Int’l, Inc.*, 137 S. Ct. 1523 (2017), for Public Knowledge, the Electronic Frontier Foundation, and the R Street Institute [↗](#). Discussed in:

- Adam Liptak, *Supreme Court to Hear Lexmark Patent Case*, N.Y. TIMES, Dec. 2, 2016, at B5 [↗](#).
- Lorraine Bailey, *High Court to Decide Whether Patent Rights Extend Abroad*, COURTHOUSE NEWS SERV. (Dec. 5, 2016) [↗](#).
- Dani Meyer, *Nonprofits Urge High Court To Hear Patent Exhaustion Suit*, LAW360 (Apr. 21, 2016) [↗](#).
- Cory Doctorow, *Printer Ink Wars May Make Private Property the Exclusive Domain of Corporations*, BOING BOING (Apr. 21, 2016) [↗](#).

*Star Athletica v. Varsity Brands, Inc.*, 137 S. Ct. 1002 (2017), for Public Knowledge, the Royal Manticoran Navy, and the International Costumers Guild [↗](#).



*Amicus Curiae Briefs, continued*

*Vermont v. MPHJ Tech. Invs., LLC*, 136 S. Ct. 1658 (2016), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*Samsung Elecs. Co. v. Apple Inc.*, 137 S. Ct. 429 (2016), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*Nautilus, Inc. v. Biosig Instruments, Inc.*, 136 S. Ct. 569 (2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*K/S HIMPP v. Hear-Wear Techs., LLC*, 135 S. Ct. 1439 (2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*Google, Inc. v. Oracle Am., Inc.*, 135 S.Ct. 2887 (2015), for Public Knowledge [↗](#). Discussed in:

- Mike Masnick, *Computer Scientists, Legal Experts Explain to Supreme Court Why APIs Are Not Copyrightable*, TECHDIRT (Nov. 10, 2014) [↗](#).

*Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898 (2014), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*WildTangent, Inc. v. Ultramercial, LLC*, 573 U.S. 2870 (2013), for Public Knowledge [↗](#). Discussed in:

- Tim Cushing, *Amicus Brief from Public Knowledge Distills Ultramercial's "Complex" Patent to 16 Lines of Code*, TECHDIRT (Sept. 26, 2013) [↗](#).

*Appellate*

*GlaxoSmithKline LLC v. Teva Pharm. USA*, Nos. 2018-1976, -2023 (Fed. Cir. Feb. 11, 2022), for 14 Professors of Law.

*Trimble, Inc. v. PerDiemCo LLC*, 997 F.3d 1147 (Fed. Cir. 2021), for the R Street Institute et al. [↗](#).

*Fed. Trade Comm'n v. Qualcomm Inc.*, 969 F.3d 974 (9th Cir. 2020), for the R Street Institute [↗](#).

*Saint Regis Mohawk Tribe v. Mylan Pharm., Inc.*, 896 F.3d 1322 (Fed. Cir. 2018), for the R Street Institute and the Electronic Frontier Foundation [↗](#). Discussed in:

- Dani Kass, *DOJ, Microsoft Urge Fed. Circ. To Find Tribes Can Face IPRs*, LAW360 (May 16, 2018) [↗](#).

*Code Revision Comm'n ex rel. Gen. Assembly v. Pub.Res.Org, Inc.*, 906 F.3d 1229 (11th Cir. 2018), for Public Knowledge, the American Library Association, the Association of Research Libraries, the Association of College and Research Libraries, the Organization for Transformative Works, the Institute of Intellectual Property and Social Justice, and Forty-One Librarians and Professors of Law [↗](#).

*BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc.*, 881 F.3d 293 (4th Cir. 2018), for Public Knowledge, the Electronic Frontier Foundation, and the Center for Democracy and Technology. Discussed in:

*Amicus Curiae Briefs, continued*

- Wendy Davis, *Broadband Providers, Digital Rights Groups Back Cox in Copyright Battle*, MEDIAPOST (Nov. 17, 2016) [↗](#).
- Bill Donahue, *Telecom, Consumer Groups Back Cox On DMCA Safe Harbor*, LAW360 (Nov. 15, 2016) [↗](#).

*FTC v. AT&T Mobility LLC*, 883 F.3d 848 (9th Cir. 2018), for Public Knowledge [↗](#).

*Williams v. Gaye*, 895 F.3d 1106 (9th Cir. 2018), for Public Knowledge [↗](#).

Discussed in:

- Daniel Sanchez, *Public Knowledge to 9th Circuit Court in Defense of Blurred Lines Appeal: Borrowing is a Part of Music*, DIGITAL MUSIC NEWS (Aug. 31, 2016) [↗](#).
- Eriq Gardner, *Marvin Gaye Family Defends “Blurred Lines” Trial Outcome to Appeals Court*, HOLLYWOOD REP. (Dec. 22, 2016) [↗](#).

*Am. Soc’y for Testing & Materials v. Pub.Res.Org, Inc.*, 896 F.3d 437 (D.C. Cir. July 17, 2018), for Sixty-Six Library Associations, Nonprofit Organizations, Legal Technology Companies, Former Senior Government Officials, Librarians, Innovators and Professors of Law [↗](#).

*Xilinx, Inc. v. Papst Licensing GmbH & Co. KG*, 848 F.3d 1346 (Fed. Cir. 2017), for Public Knowledge and the Electronic Frontier Foundation [↗](#). Discussed in:

- Patrick Boyle, *Fed. Circ. Urged To Overturn Patent Jurisdiction Law*, LAW360 (Dec. 22, 2015) [↗](#).

*Cisco Sys., Inc. v. Arista Networks, Inc.*, No. 17-2145 (Fed. Cir. Dec. 23, 2017), for Public Knowledge [↗](#).

*McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016), for Public Knowledge and the Electronic Frontier Foundation [↗](#). Discussed in:

- Clinton Nguyen, *Alleged Patent Troll Thinks It Can Patent the Laws of Physics*, VICE: MOTHERBOARD (June 22, 2015) [↗](#).

*Lexmark Int’l, Inc. v. Impression Prods., Inc.*, 816 F.3d 721 (Fed. Cir. 2016), for Public Knowledge, the Electronic Frontier Foundation, the Open Source Hardware Association, the Digital Right to Repair Coalition, and Public Citizen, Inc. [↗](#). Discussed in:

- Lorelei Laird, *Can Patent Laws Halt the Reselling of Used Ink Cartridges? Federal Circuit to Consider*, A.B.A. J. (Feb. 1, 2016) [↗](#).
- Editorial Bd., *Patents Shouldn’t Block Sales of Used Products*, N.Y. TIMES, Sept. 7, 2015, at A16 [↗](#).

*In re Marten Transp., Ltd.*, No. 16-108 (Fed. Cir. Jan. 11, 2016), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*Amicus Curiae Briefs, continued*

*Apple Inc. v. Samsung Elecs. Co.*, 809 F.3d 633 (Fed. Cir. 2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#). Discussed in:

- Vin Gurrieri, *Ban On Samsung Phones Flouts High Court, Fed. Circ. Told*, LAW360 (Nov. 3, 2015) [↗](#).
- John Eggerton, *PK: Court Overvalues Patent Rights Injunctions*, BROADCASTING & CABLE (Nov. 2, 2015) [↗](#).

*In re TC Heartland, LLC*, 821 F.3d 1338 (Fed. Cir. 2015), for Electronic Frontier Foundation, Public Knowledge, and Engine Advocacy [↗](#). Discussed in:

- By Ryan Davis, *Fed. Circ. Urged To Close “Absurd” East Texas Patent Docket*, LAW360 (Oct. 30, 2015) [↗](#).
- Joe Mullin, *EFF Asks Appeals Court to “Shut Down the Eastern District of Texas”*, ARS TECHNICA (Oct. 30, 2015) [↗](#).
- Dennis Crouch, *Support for Mandamus Action to Limit Patent Forum Shopping*, PATENTLY-O (Nov. 6, 2015) [↗](#).

*Biosig Instruments, Inc. v. Nautilus, Inc.*, 783 F.3d 1374 (Fed. Cir. 2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

*DietGoal Innovations LLC v. Bravo Media LLC*, No. 599 Fed. Appx. 956 (Fed. Cir. 2015), for Application Developers Alliance, Computer and Communications Industry Association, Electronic Frontier Foundation, Engine Advocacy, National Restaurant Association, and Public Knowledge [↗](#).

*Microsoft Corp. v. Motorola, Inc.*, 795 F.3d 1024 (9th Cir. 2015), for Public Knowledge [↗](#). Discussed in:

- Aaron Vehling, *Apple, Intel Back Microsoft in Landmark RAND Ruling Row*, LAW360 (Nov. 24, 2014) [↗](#).
- Robert Burnson & Susan Decker, *Microsoft Beats Google as Patent Royalty Case May Aid Consumers*, BLOOMBERG BUS. (July 30, 2015) [↗](#).

*ClearCorrect Operating, LLC v. Int’l Trade Comm’n*, 810 F.3d 1283 (Fed. Cir. 2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#). Discussed in:

- Editorial Bd., *Keep the Internet Free of Borders*, N.Y. TIMES, Aug. 10, 2015, at A18 [↗](#).
- Brent Kendall, *U.S. Puts Teeth into Digital Dispute*, WALL ST. J., Aug. 3, 2015, at B1 [↗](#).
- Jeff John Roberts, *Agency’s Power Grab for Digital Goods Goes to Court, Tech Industry on Edge*, FORTUNE (Aug. 3, 2015) [↗](#).
- Glenn G. Lammi, *A Case With Teeth? Federal Circuit To Review ITC Jurisdiction Over Digital “Articles”*, FORBES (Aug. 3, 2015) [↗](#).
- Russell Brandom, *The MPAA Has a New Plan to Stop Copyright Violations at the Border*, THE VERGE (Jan. 2, 2015) [↗](#).

*Amicus Curiae Briefs, continued*

- Sarah Jeong, *An Undead SOPA Is Hiding Inside an Extremely Boring Case About Invisible Braces*, VICE: MOTHERBOARD (Aug. 5, 2015) [↗](#).
- Tim Cushing, *MPAA Wants Regulators to Force ISPs to Block Sites “at the Border”*, TECHDIRT (Jan. 5, 2015) [↗](#).
- Jessica Corso, *Advocates Urge Fed. Circ. to Curtail ITC Digital Data Ruling*, LAW360 (Oct. 16, 2014) [↗](#).
- Lisa Shuchman, *Tech Players Line Up Against ITC Power to Ban Digital Files*, LITIG. DAILY (Oct. 21, 2014) [↗](#).
- Kate Cox, *Trade Dispute About Dental Devices Could End Up Changing the Future of the Entire Internet*, CONSUMERIST (Aug. 3, 2015) [↗](#).

*Realtek Semiconductor Corp. v. LSI Corp.*, No. 14-16319 (9th Cir. Apr. 10, 2015), for Public Knowledge [↗](#).

*Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709 (Fed. Cir. 2014), for Public Knowledge [↗](#).

*District Court*

*Intel Corp. v. Fortress Inv. Grp. LLC*, No. 3:19-cv-7651 (N.D. Cal. July 15, 2020), for the R Street Institute, the Center for Democracy and Technology, Public Knowledge, Engine Advocacy, and the Electronic Frontier Foundation [↗](#).

*Am. Soc’y for Testing & Materials v. Pub.Res.Org*, 121 U.S.P.Q.2d 1513 (D.D.C. Feb. 2, 2017), for Public Knowledge [↗](#).

*BMG Rights Mgmt. (US) LLC v. Cox Enters., Inc.*, 149 F. Supp. 3d 634 (E.D. Va. 2015), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

Discussed in:

- Ernesto Van der Sar, *Piracy Claims Are No Basis to Terminate Internet Accounts*, COURT HEARS, TORRENTFREAK (Oct. 15, 2015) [↗](#).

*Administrative*

Comments of the R Street Institute et al., *Certain Mobile Electronic Devices and Radio Frequency and Processing Components Thereof*, 83 Fed. Reg. 64875 (USITC Feb. 6, 2019) [↗](#).

Comments of the R Street Institute et al., *Certain Mobile Electronic Devices and Radio Frequency and Processing Components Thereof*, 83 Fed. Reg. 54138 (USITC Nov. 8, 2018) [↗](#).

*Mylan Pharm. Inc. v. Saint Regis Mohawk Tribe*, Case IPR2016-01127 etc. (P.T.A.B. Nov. 30, 2017), for Public Knowledge and the Electronic Frontier Foundation [↗](#).

Comments of Public Knowledge and the Open Technology Institute at New America, *Certain Semiconductor Devices, Semiconductor Packages, and Products Containing Same*, 82 Fed. Reg. 46519 (USITC Oct. 13, 2017) [↗](#).

Comments of Public Knowledge and the Open Technology Institute at New America, *Certain Semiconductor Devices, Semiconductor Packages, and Products Containing Same*, 82 Fed. Reg. 32584 (USITC Aug. 7, 2017) [↗](#).

*Amicus Curiae Briefs, continued*

Comments of Public Knowledge, *Certain Consumer Electronics and Display Devices With Graphics Processing and Graphics Processing Units Therein*, 80 Fed. Reg. 66039 (USITC Nov. 13, 2015) [↗](#). Discussed in:

- Kelly Knaub, *Ban On Samsung Phones Could Harm Public Safety, ITC Told*, LAW360 (Nov. 16, 2015) [↗](#).

**Media Publications***National Media*

*How to Protect Taxpayers' Investments in COVID-19 Vaccines*, USA TODAY (Dec. 17, 2020) (with Rep. Lloyd Doggett) [↗](#).

*Oracle Copied Amazon's API—Was That Copyright Infringement?*, ARS TECHNICA (Jan. 3, 2020) [↗](#).

*How Could Facebook Have Been So Careless?*, WALL ST. J., Mar. 26, 2018 [↗](#).

*How You Can Use Gadgets May Hinge on a Printer Ink Case*, WIRED (Oct. 2, 2015) [↗](#).

*Down with the Patent Trolls*, L.A. TIMES, Aug. 22, 2013, at A17 [↗](#).

*Slate: Future Tense*

*A Century-Old Debate Over Science Patents Is Repeating Itself Today*, SLATE: FUTURE TENSE (Feb. 25, 2019) [↗](#).

*The Judge in the Latest 3D-Printed Gun Case Got 3D Printing Totally Wrong*, SLATE: FUTURE TENSE (Aug. 30, 2018) [↗](#).

*Embed with the Devil: A Tussle Over a Tom Brady Photo Could Cause Major Headaches for Web Publishers*, SLATE: FUTURE TENSE (Feb. 21, 2018) [↗](#).

*Disney's Patent Filing for a Huggable Robot Patent Is Actually Pretty Great*, SLATE: FUTURE TENSE (Apr. 12, 2017) [↗](#).

*Tech Companies Are Using Patent Strategies the Supreme Court Shot Down 100 Years Ago*, SLATE: FUTURE TENSE (Apr. 4, 2017) [↗](#).

*How a '90s Tech Company Redefined What Ownership Means Today*, SLATE: FUTURE TENSE (Oct. 21, 2016) [↗](#).

*The Right to Hack Is Under Attack*, SLATE: FUTURE TENSE (Oct. 11, 2016) [↗](#).

*What Google's April Fools' Day Snafu Says About Software Copyrights*, SLATE: FUTURE TENSE (Apr. 5, 2016) [↗](#).

*Ice Cream Patent Headache: What the History of Eskimo Pies Tells Us About Software Patents Today*, SLATE: FUTURE TENSE (Oct. 20, 2015) [↗](#).

*Can Copyright Protect a Language? What a Big Software Case Could Mean for Klingon Speakers*, SLATE: FUTURE TENSE (June 3, 2015) [↗](#).

*A Patent Case About Teeth Shouldn't Crush an Open Internet*, SLATE: FUTURE TENSE (Apr. 10, 2015) [↗](#).

**Media Publications, continued**

*Making the Supercookie a Little Sweeter: Nine Lines of Code Could Make Verizon's Controversial User-Tracking System a Bit Less Invasive*, SLATE: FUTURE TENSE (Jan. 30, 2015) [↗](#).

*Taking a Page from the Patent Troll Playbook*, SLATE: FUTURE TENSE (Dec. 17, 2014) [↗](#).

*Vice: Motherboard*

*"Internet" or "internet"? The Supreme Court Weighs In*, VICE: MOTHERBOARD (June 22, 2017) [↗](#).

*What Everyone Is Forgetting About the Samsung v. Apple Case*, VICE: MOTHERBOARD (Oct. 12, 2016) [↗](#).

*YouTube Is the Latest to Defend Users from Ridiculous Copyright Claims*, VICE: MOTHERBOARD (Nov. 20, 2015) [↗](#).

*JDDate's 22-Page Patent for Matchmaking Is Absurd*, VICE: MOTHERBOARD (Aug. 7, 2015) [↗](#).

*Works of Fiction*

*Stop the Music*, BOING BOING (July 28, 2015) [↗](#).

*How Amazon Got a Patent on White-Background Photography: Bad Laws, Not Bad Examiners, Create Obvious Patents*, ARS TECHNICA (June 10, 2014) [↗](#).