

## **TEJAS N. NARECHANIA**

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### **CURRENT APPOINTMENT**

#### **University of California, Berkeley, School of Law**

Robert and Nanci Corson Assistant Professor of Law, 2019–  
(Assistant Professor of Law 2016–2019)

Faculty Co-Director, Berkeley Center for Law & Technology, 2016–

### **EXPERIENCE**

#### **Hon. Stephen G. Breyer, Supreme Court of the United States**

Law Clerk, 2015–2016

#### **Columbia Law School**

Julius Silver Research Fellow in Law, Science, and Technology, 2013–2015

#### **Federal Communications Commission**

Special Counsel, 2012–2013

- responsible for matters arising under and relating to network neutrality regulations

#### **Hon. Diane P. Wood, U.S. Court of Appeals for the Seventh Circuit**

Law Clerk, 2011–2012

#### **Microsoft Corporation**

Product Manager, Unified Communications Group, 2005–2008

### **EDUCATION**

#### **Columbia Law School**

J.D., 2011

- Ruth Bader Ginsburg Prize (highest academic honors in all three years)
- E.B. Convers Prize (best essay)
- Executive Notes Editor, *Columbia Law Review*

#### **University of California, Berkeley**

B.S., Electrical Engineering and Computer Science, 2005

B.A., Political Science (with high honors), 2005

## PUBLICATIONS

### Law Review Articles

Defective Patent Deference  
95 *Washington Law Review* \_\_\_\_ (2020)

Certiorari, Universality, and a Patent Puzzle  
116 *Michigan Law Review* 1345 (2018)

- featured in Daniel Epps et al., *Amici No. 20: Patent Puzzle*, First Mondays (March 2018)

### Patent Conflicts

103 *Georgetown Law Journal* 1483 (2015)

- cited in *Return Mail, Inc. v. U.S. Postal Service*, 587 U.S. \_\_\_\_, \_\_\_\_ (2019) (Breyer, J., dissenting)
- reviewed in Lisa Larrimore Ouellette, *The PTO Is Not the Only Patent Agency*, JOTWELL (May 2015)

### Judicial Priorities

163 *University of Pennsylvania Law Review* 1719 (2015) (with Bert I. Huang)

Federal and State Authority for Broadband Regulation  
18 *Stanford Technology Law Review* 456 (2015)

Sender Side Transmission Rules for the Internet  
66 *Federal Communications Law Journal* 467 (2014) (with Tim Wu)

- cited in FCC, Protecting and Promoting the Open Internet, Notice of Proposed Rulemaking (2014)

### An Unsettling Development?:

Using Settlement-Related Evidence for Damages Determinations in Patent Litigation  
2012 *University of Illinois Journal of Law, Technology & Policy* 1 (with J. Taylor Kirklin)

- cited in *Carpenter Tech. Corp. v. Allegheny Techs., Inc.* (E.D. Pa. 2012)

### An Offensive Weapon?:

An Empirical Analysis of the Sword of State Sovereign Immunity in State Patents  
110 *Columbia Law Review* 1574 (2010) (student note)

- cited in *Regents of Univ. of Minn. v. LSI Corp.*, 926 F.3d 1327 (Fed. Cir. 2019) (Dyk, Wallach, and Hughes, JJ., additional views)
- republished in PATENT LAW REVIEW 2011 (Karen B. Tripp ed.)
- received the E.B. Convers Prize (Columbia Law School 2011)
- received the Burton Award for Distinguished Legal Writing (2011)

## **Shorter Works (including Symposium Contributions)**

Interbranch Information Sharing: Examining the Statutory Opinion Transmission Project  
108 *California Law Review* \_\_\_\_ (2020) (with Marin K. Levy) (invited symposium)

State Immunity and the Patent Trial and Appeal Board  
18 *Chicago-Kent Journal of Intellectual Property* 537 (2019) (invited symposium)

Agency Boundaries and Network Neutrality  
12 *Journal of Law & Policy for the Information Society* 59 (2015) (invited symposium)

Network Nepotism and the Market for Content Delivery  
67 *Stanford Law Review Online* 27 (2014)

Beyond *ResQNet*: Clarifying the Standard for the Use of Patent Settlements  
*Landslide Magazine* (January/February 2014) (with J. Taylor Kirklin)

## **Other**

Contributor, *Take Care*, <http://www.takecareblog.com>

## **CONFERENCES AND PRESENTATIONS (SELECTED)**

### **Conferences Organized**

Junior Intellectual Property Scholars Association Biannual Workshop, University of California, Berkeley, School of Law, Berkeley Center for Law & Technology (January 2021 [*tentative*])

Symposium on the Administrative Law of Intellectual Property, University of California, Berkeley, School of Law, Berkeley Center for Law & Technology (April 2018) (with Rob Merges and Pam Samuelson)

### **Paper Presentations**

Defective Patent Deference

- University of California, Los Angeles, School of Law (March 2020 [*scheduled*])
- University of Houston Law Center (February 2020 [*scheduled*])
- Santa Clara University School of Law, Works-in-Progress in Intellectual Property Colloquium (February 2020 [*scheduled*])
- DePaul University College of Law, IP Scholars' Conference (August 2019)
- George Washington University Law School, Junior IP Scholars Association Biannual Workshop (June 2019)
- University of California, Berkeley, School of Law (varied workshops) (2019)

## Certiorari, Universality, and a Patent Puzzle

- University of California, Irvine, School of Law (November 2017)
- Fordham Law School, Center for Law & Information Policy (November 2017)
- St. Louis University School of Law (October 2017)
- Columbia Law School (September 2017)
- Marquette University Law School, Junior Faculty Scholars Works-in-Progress Conference (September 2017)
- University of California, Berkeley, School of Law (varied workshops) (2017–2018)

## Judicial Priorities

- University of Chicago Law School, Workshop on Judicial Behavior (May 2015) (with Bert I. Huang)
- Cardozo Law School (February 2015) (with Bert I. Huang)
- Harvard Law School, Law & Economics Seminar (April 2014) (with Bert I. Huang)

## Patent Conflicts

- Stanford Law School, Symposium on the PTO and the Courts (April 2015)
- Columbia Law School (February 2015)
- University of California, Berkeley, School of Law (January 2015)
- Duke University Law School (January 2015)
- Cornell University Law School (November 2014)
- Texas A&M School of Law (November 2014)
- University of Washington School of Law (November 2014)

## Agency Boundaries and Network Neutrality

- The Ohio State University Moritz College of Law, Symposium on the Future of Internet Regulation (March 2015)

## Federal and State Authority for Broadband Regulation

- TPRC42: Research Conference on Communication, Information, and Internet Policy (September 2014) (*sub nom* Federal and State Authority for Network Neutrality and Broadband Regulation)

## Beyond *ResQNet*: Clarifying the Standard for the Use of Patent Settlements

- ABA Section of Intellectual Property Law (online) (February 2014) (with J. Taylor Kirklin) (*sub nom* Standards for Settlement-Related Discovery and Evidence for Patent Damages)

## Other Presentations

Discussant, Merritt McAlister, “Curating Unpublished Decision in the U.S. Courts of Appeals,” Duke Law School, Judicial Administration Roundtable (December 2019)

Panelist, IIT Chicago-Kent College of Law, Supreme Court Intellectual Property Review (September 2018)

Panelist, University of Iowa College of Law, Symposium on Administering Patent Law (September 2018)

Discussant, Robert D. Cooter & Uri Y. Hacothen, “Progress in the Useful Arts: Foundations of Patent Law in Growth Economics,” University of California, Berkeley, School of Law, Faculty Retreat (August 2018)

Plenary Panelist, “IP Scholarship, Then and Now—Honoring Rebecca Eisenberg,” University of California, Berkeley, School of Law, Intellectual Property Scholars Conference (August 2018)

Panelist, “Intellectual Property and Interagency Interactions,” University of California, Berkeley, School of Law, Symposium on the Administrative Law of Intellectual Property (April 2018)

Panelist, “Transfer of Title: The Future of Net Neutrality in the Wake of Internet Deregulation,” Media Law Resource Center, Legal Frontiers in Digital Media (May 2017)

Roundtable Discussant, “Trumpneurship,” University of California, Berkeley, School of Law, Law & Entrepreneurship Association Retreat (March 2017)

Discussant, Michael D. Frakes & Melissa F. Wasserman, “Patent Office Cohorts,” Duke Law School, Symposium on Intellectual Property Exceptionalism in Administrative Law (February 2016)

Discussant, Joel Reidenberg, et al., “Patents and Small Participants in the Smartphone Industry,” NYU School of Law, Tri-State Region Intellectual Property Workshop (January 2015)

Invited Participant, Joel Reidenberg, et al., “Patents and Small Participants in the Smartphone Industry,” World Intellectual Property Office and Fordham Law School, Center for Law & Information Policy Workshop (December 2014)

## **TEACHING**

### **Law School**

Property (Spring 2017, Spring 2018, Fall 2018, Fall 2019)

Regulated Digital Industries: Telecommunications Law and Policy for the Internet Era (Spring 2019, Spring 2020)

Courts and Judicial Process Colloquium (Spring 2020) (with Judge Jeremy Fogel (ret.))

California Law Review Writing Workshop (Spring 2018, Spring 2019) (with Karen Tani in Spring 2018, with Kenneth Ayotte in Spring 2019)

Law & Technology Writing Workshop (Fall 2016) (with Molly Shaffer Van Houweling)

### **Other**

Guest Instructor, Columbia University School of Engineering and Applied Sciences, “Internet Technology, Economics, and Policy” (Henning Schulzrinne, Professor) (Fall 2014)

Lecturer, “Over-the-Top Video on the Internet: Legal and Technical Issues,” World Intellectual Property Office Academy (July 2013)

### **POLICY ADVISING AND ADVOCACY (SELECTED)**

Hearing at FTC on “Competition and Consumer Protection Issues in U.S. Broadband Markets” (March 2019)

Brief of Amicus Curiae in Support of Respondents, *Return Mail, Inc. v. U.S. Postal Service, et al.* (No. 17-1594) (U.S. S. Ct. 2019)

— cited in *Return Mail, Inc. v. U.S. Postal Service*, 587 U.S. \_\_\_\_, \_\_\_\_ (2019) (Breyer, J., dissenting)

Brief for Amici Curiae Intellectual Property Professors in Support of Appellees, *Regents of the University of Minnesota v. LSI Corp.* (Nos. 2018-1559–2018-1565) (Fed. Cir. 2019) (with Mark Lemley)

Expert Advisor to the Office of the California Senate Pro Tempore on SB 460 and network neutrality (2018)

Roundtable at FCC on “Internet Openness and the Law” (October 2014)

Briefing for Congressional Staff on “Rewriting the Telecommunications Act” (September 2014)

Comment Letter to FCC on “Protecting and Promoting the Open Internet” (April 2014) (with Tim Wu)

— cited in FCC, Protecting and Promoting the Open Internet, Notice of Proposed Rulemaking (2014)

### **MEDIA (SELECTED)**

Mallory Moench, PG&E Outages: Cell, Internet Companies Explain System Outages, *San Francisco Chronicle*, November 19, 2019 (quoted)

Molly Wood, Why It's So Hard to Stop All Those Spam Calls, *Marketplace (NPR)*, November 5, 2018 (radio interview)

Terry Chea, Your Internet Use Could Change as 'Net Neutrality' Ends, *Associated Press*, June 11, 2018 (video wire interview)

April Glaser, New York and Montana Have a New Trick to Protect Network Neutrality, *Slate*, Jan. 24, 2018 (quoted)

Benny Evangelista, Net Neutrality Fight Heads to California Capital, *San Francisco Chronicle*, Jan. 3, 2018 (quoted)

Anthony Cave, SCOTUS Ruling Helps Resale Market, *KXTV* (ABC affiliate), June 8, 2017 (television interview)

Queena Sook Kim, New FCC Appointment Raises Concerns Over Future of Net Neutrality, *KQED* (NPR affiliate), Jan. 25, 2017 (radio interview)

Kimberly Robinson, Unbreaking: 7th Circuit Recalls 'Erroneously Issued' Decision, *U.S. Law Week Blog*, Jan. 6, 2017 (quoted)

Hogan Lovells, Blockchain and Patent Law, *YouTube*, Oct. 21, 2016 (with Justin McCrary) (video interview)

Kery Murakami, Changing Nature of Internet Access Central to FCC Arguments for Reclassification, *Communications Daily*, Mar. 16, 2015 (quoted)

Editorial, A Promising Approach to Internet Rules, *New York Times*, Nov. 8, 2014 (cited)

Brooks Boliek & Alex Byers, Net Neutrality Fight Hinges on FCC Flexibility, *Politico (Pro)*, Oct. 10, 2014 (quoted)

Brian Fung, The Decades-Old Idea That Could Break the Net Neutrality Logjam, *Washington Post* (The Switch Blog), Apr. 21, 2014 (cited)

## **SERVICE**

### **University**

Qualifying Exam Committee (Matthew Cannon, *Inventing Protest: Activism by American Inventor Groups*), Jurisprudence and Social Policy, University of California, Berkeley, School of Law (2019)

Committee on Undergraduate Scholarships, Honors, and Financial Aid (Regents' and Chancellors' Scholarship Interviewer, Fiat Lux Scholarship Interviewer) (2016–2017, 2017–2018, 2018–2019)

### **Law School**

Admissions Committee (2019–2020)

Clerkships Committee (2016–2017, 2017–2018, 2018–2019, 2019–2020)

Intellectual Property Reading Group (2019–2020)

Co-Organizer, Junior Scholars' Working Ideas Group (2018–2019, 2019–2020) (with Joy Milligan)

*Ad Hoc* Committee to Improve Accessibility for Students with Disabilities (2018–2019)

Search Committee, Director of Judicial Clerkships (2019)

Thelen Marrin Writing Prize Selection Committee (2018–2019)

Co-Organizer, Faculty Workshop (2017–2018) (with Joy Milligan)

Search Committee, Dean of Admissions and Financial Aid (2017–2018)

### **Other**

Executive Board, American Association of Law Schools, Section on Internet and Computer Law (2019, Chair-Elect 2020, Chair 2021 [*scheduled*])

Reviewer, *Berkeley Technology Law Journal* (2018)

Reviewer, *California Law Review* (2016, 2017, 2018)

Referee, *Stanford Technology Law Review* (2015)

### **BAR & COURT ADMISSIONS**

Illinois (2011)

U.S. Court of Appeals for the Seventh Circuit (2012)

Supreme Court of the United States (2016)