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EXPERIENCE

- 2023-** **Berkeley Law School**
Visiting Professor of Law
Co-Director, Berkeley Center for Law and Technology
- 2007-2023**
(on leave
2013-2015) **Santa Clara University School of Law**
Professor of Law
Co-Director, High Tech Law Institute; Faculty Scholar, Markkula Center for Applied Ethics
- Fall 2022-Present** **United States Patent and Trademark Office**
(Part-Time) Edison Fellow and Expert Advisor
- 2021- Fall 2022** **United States Department of Commerce, Office of General Counsel**
(Part-Time) Senior Counselor
- Winter 2020** **Biden-Harris Transition Team**
Member of the Department of Commerce Agency Review and Tech, Strategy, and Delivery Teams, with Primary Responsibility for the United States Patent and Trademark Office
- Fall 2019** **University of Chicago Law School**
Visiting Professor of Law
- Winter 2019** **Columbia Law School**
Justin D'Atri Visiting Professor of Law, Business, and Society
- 2018** **Stanford Computational Policy Lab**
Fellow
- Winter 2015** **Berkeley Law School**
Visiting Senior Scholar

2013-2015 **White House Office of Science and Technology Policy**
*Senior Advisor to the Chief Technology Officer, then Senior Consultant,
Intellectual Property and Innovation*

2006 **Stanford Law School, Center for Law and the Biosciences**
Fellow

2002-2013 **Fenwick & West LLP**
Associate, then Part-Time Special Counsel

1998-1999 **Dean & Company Strategy Consulting (1998–99)**
Analyst

1997 **Fulbright Scholar, Philippine Center for Investigative Journalism**
Journalist

**Summer 1992 &
1993, Fall 1993** **NASA/Jet Propulsion Lab**
Analyst, Microwave Limb Sounder, Spacecraft Engineer, SURFSAT

EDUCATION

1999-2002 **Berkeley Law School**
JD
Founding Board Member, Boalt.org; Board Member, Asian Pacific American Law Student Association (APALSA). Volunteer, Asian Law Caucus, East Bay Law Clinic; Member, Berkeley Technology Law Journal

1991-1996 **Stanford University**
*B.S. Energy Systems Engineering, Goldman Honors, Institute for Int'l Studies
B.A.Science, Technology and Society, with Distinction
Marshall Scholar Finalist
Society of Women Engineers, Society of Chemical Engineers Scholarships*

SCHOLARLY PUBLICATIONS

Faster, Cheaper and Better Patents (draft), with Christopher Cotropia

Molecular Diagnostic Patenting after Mayo v. Prometheus: An Empirical Analysis (draft), with Arti Rai.

Redefining Patent Progress and the Case for Diversity in Innovation, __ UCLA Law. Rev. __ (2024) (forthcoming)
Conference series, co-organized with the USPTO and Margo Bagley, on Innovator Diversity Pilots (supported by internal grants); kick-off conference on November 18, 2022 at Santa Clara University. Companion Project: Innovator Diversity Pilots Initiative (www.diversitypilots.org). [Article Media Coverage](#); [Diversity Conference Media Coverage](#);

[Blog Posts 1 2.](#)

Proving Racial Disparity Under the Racial Justice Act of California (draft), with Bill Sundstrom and David Ball, ___ UC College of Law (formerly Hastings) SF Law Journal ___ (2023), forthcoming) March 2023 Invited [testimony](#) before the California Committee on Revision of the Penal Code ([blog post](#))

Distinguishing and Predicting Drug Patents, Nature Biotech (March 2023), with Jeffrey Kuhn and Nick Halkowski. Cited in Congressional inquiry of Senator Elizabeth Warren and Congresswoman Pramila Jayapal: [letter](#), [press release](#), [reporting](#)

Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License, 64 Ariz. L. Rev. 675 (2022), with Robert Apel and student co-authors. Basis for invited grant proposal of the Arnold Foundation.

The Inequalities of Innovation, 72 Emory L.J. 1 (2022)
[Mervis Lecture summary](#); companion [PatentlyO blog post](#), *Advancing Inclusive Innovation and Entrepreneurship Through the Patent System*; Cited in 2 congressional inquiry letters, one by Senator Elizabeth Warren and Congresswoman Sheila Jackson-Lee: [letter](#), [press release](#), [reporting](#); and another by Senator Elizabeth Warren and Congresswoman Pramila Jayapal: [letter](#), [press release](#), [reporting](#)

The AIA at Ten - How Much does the Pre-AIA Prior Art Regime Still Matter?, 2021 PatentlyO L. J. 34 (2021), with student co-authors

America's Paper Prisons: The Second Chance Gap, 119 Mich. L. Rev. 519 (2020)
Companion project/website: [The Paper Prisons / Second Chance Gap Initiative](#) (sponsored by the Chan Zuckerberg Initiative and the Clean Slate Initiative) | [paperprisons.org](#)
Selected podcasts: [Off Kilter](#), [Ipse Dixit](#), [ABA](#); opeds: [LATimes](#), [The Stranger](#). [Hackathons: press](#) (about [FirstStep.id](#)); Companion essays (with collaborators): [The Washington Second Chance Expungement Gap](#), and second chance expungement reports for CT, NY, CO, OR, DE, MN, MO, NC, SC and others (available at <https://www.paperprisons.org/states.html>).
Grant supported Second Chances and Empathy Hackathons (2018-present)

Parsing the Impact of Alice and the PEG, 2020 PatentlyO L. J. 20 (2020), with co-authors

Rigorous Policy Pilots: Experimentation in the Administration of Patent Law, 104 Iowa L. Rev. 2313 (2019)

Companion [testimony](#) before the Senate Judiciary Committee; Co-organized, curated and convened companion [Regulatory Review blog series](#) and [workshop](#): *Rigorous Policy Pilots*, held in May 2019 and co-sponsored by the Penn Program on Regulation, Columbia Law School Center on Constitutional Governance; Shorter pieces: [A Proposal for a PolicyPilots.gov](#) (with Neel Sukhatme), [Policy for Evidence](#) (with Miguel de Figuerido)

Rigorous Policy Pilots the USPTO Could Try, 104 Iowa L. Rev. 1 Online (2019)

Piloting Applicant-Initiated 101 Deferral Through A Randomized Controlled Trial, 2019 PatentlyO L.

J. 1 (2019)

[Senators Letter recommending a 101 Deferral Pilot; Announcement of PTO Pilot for Sequenced Examination](#)

Inter Partes Review and the Design of Post-Grant Patent Reviews, Berkeley Tech. L.J. 817 (2019), with Christian Helmers & Alfred Spigarelli

Patent Enhanced Damages, Litigation Cost Recovery, and Interest, in Patent Remedies and Complex Products: Toward A Global Consensus (Cambridge Press 2019), with co-authors

Decoding Patentable Subject Matter, 2018 PatentlyO L. J. 1 (Oct 2018), with Jiun Ying Wu

Harmony and Disharmony in International Patent Law, East-West Center Working Paper Series and Book Chapter (2018)

Comparative Patent Quality, 50 Ariz. St. L.J. 71 (2018)

Companion [testimony](#) before the Senate Judiciary Committee; Companion [PatentlyO blog post](#), *Comparative Patent Quality and the Prior Art Gap*.

Patent Semi-Comparables, 25 Tex. Intell. Prop. L.J. 215 (2018), with Eric Schulman

Software Patents as a Currency, Not Tax, on Innovation, 31 Berkeley Tech. L.J. (2018)

Recalibrating Patent Venue, 77 Maryland L. Rev. 47 (2017), with Michael Risch

Companion [testimony](#) before the House Judiciary Committee, companion oped, [A Patent Reform We Can Agree On](#) (co-authored with Michael Risch), the Washington Post

Patent Litigation at the International Trade Commission, in *Research Handbook On The Law & Economics Of Intellectual Property* (Peter S. Menell & David L. Schwartz, eds., Edgar Elgar Publishing) (2017), with David Schwartz

Contextualizing Patent Disclosure, 69 Vand. L. Rev. 1849 (2016)

Companion blog post in PatentlyO: [Spurring and Clearing the Path for Open COVID Innovation Through Contextual Patent Disclosure](#) (2020)

Opening the Patent System Diffusionary Levers in Patent Law, 89 S. Cal. L. Rev. 4 (2016)

Companion oped: [Why It's Time to Open our Patent System](#), the Washington Post

Beyond Eureka: What Creators Want and How Intellectual Property Can Help, Mich. L. Rev. (2016)

Holding Up and Holding Out, 21 Mich. Tel. & Tech. L. Rev. 1 (2014)

The Santa Clara Patent Litigation Survey, 42 AIPLA Law Quarterly (2014), with co-authors

Why Companies and Consumers Are Being Sued for Using Technology and What Can Be Done, 49 Wake Forest L. Rev. 235 (2014), with Edward Reines

Startups and Patent Trolls, 17 Stan. Tech. L. Rev. 461 (2014)

Reforming Software Patents, 50 Houston L. Rev. 2 (2012)

Companion [testimony](#) before the House Judiciary Committee; companion oped: [Make Patent Trolls Pay in Court](#), the New York Times, with co-authors.

Patents, Holdup, and the Public Interest, 98 Cornell L. Rev. 1 (2012), with Mark Lemley

Companion oped: *Smartphones, Patents and the Public Interest*, the New York Times, with Mark Lemley

Predicting Patent Litigation, 90 Texas L. Rev. 283 (2011) (reprinted in 44 Intellectual Property Law Review 77 (2012)) (Anthology of the Annual Best Intellectual Property Law Review Articles)

Protecting Domestic Industries, 28 Santa Clara Comput. & High Tech. L.J. 169 (2011)

Companion [testimony](#) before the House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet.

Patent Amicus Briefs: What the Courts' Friends Can Teach Us About the Patent System, 1 UC Irvine L. Rev. 395 (2011)

From Arms Race to Marketplace: The New Complex Patent Environment and Its Implications, 62 Hastings L.J. 297 (2010)

Of Trolls, Davids, Goliaths, and Kings: Narratives and Evidence in the Litigation of High-Tech Patents, 87 North Carolina L. Rev. 1571 (2009)

Patently Protectionist? An Empirical Analysis of Patent Cases at the International Trade Commission, 50 Wm. & Mary L. Rev. 63 (2008) (reprinted in Patent Law Review (West 2009)) (Anthology of the Annual Best Patent Law Review Articles)

Companion [testimony](#) before the House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet.

HIV/AIDS Drugs for Sub-Saharan Africa: How Do Brand and Generic Supply Compare?, PLOS ONE 2(3): e278 (2007) (peer-reviewed article) (reprinted in HIV/AIDS – HEALTH CARE AND HUMAN RIGHTS (ICFAI Press 2007), and in PUBLIC PROCUREMENT AND THE LAW (ICFAI Press 2009))

Managing Innovation: University Industry Partnerships and the Licensing of the Harvard Mouse, 22 Nature Biotechnology 761 (2004), with Sasha Blaug & Michael Shuster

Are the U.S. Patent Priority Rules Really Necessary?, 54 Hastings L.J. 1299 (2003) (reprinted in 36 Intellectual Property Law Review 3 (2004)) (Anthology of the Annual Best Intellectual Property Law Review Articles), with Mark Lemley

Cheap Drugs at What Price to Innovation: Does the Compulsory Licensing of Pharmaceuticals Hurt Innovation? 18 Berkeley Tech. L.J. 853 (2003)

AWARDS/HONORS

Top 20 Most Cited Intellectual Property and Technology Law Professors (2013-present)

Early Career Award Winner and Member, American Law Institute (2017-present)

Stanley H. Mervis Memorial Lecture, William & Mary Law School (2022)

Santa Clara University Recent Scholarship Award (2022)

Public Interest and Social Justice Law Recognition Award (2021)

California Law and Technology Trailblazer (2019)

National Law Journal Law Technology Trailblazer (2019)

American Law Institute Early Career Medal (2017)

Intellectual Property Vanguard Award (2017)

Tech Women Leaders in Law (2017)

Intellectual Asset Magazine Top 300 Most Influential People in Intellectual Property (2016-)

Managing IP Top 50 Most Influential People in Intellectual Property (2013)

Eric Yamamoto Emerging Scholar Award (2013)

Featured Academic, Technology|Academics|Policy (TAP) (2013 -)

Silicon Valley “Woman of Influence” Award (2012)

Faculty Member of the Year (2012) (chosen by LLM students)

Intellectual Property/Patent Law Review (anthology of the best Intellectual Property law review articles) (2004, 2009, 2012)

SELECTED EXECUTIVE, CONGRESSIONAL, AND AGENCY-RELATED TESTIMONY, SUBMISSION, CITATION, AND SERVICE

Data and the Racial Justice Act, Invited Testimony to the California Committee on Revision of the Penal Code (2023)

Member, Administrative Conference of the United States Consultative Group on Patent Small Claims Court Study (2022-2023)

Director Vidal Silicon Valley Listening Session Invited Testimony to the USPTO (2022)

Expanding American Innovation (Coordinated Group Submission) Testimony to the USPTO (2021)

Promoting the Progress and Ensuring Patent Quality Through Rigorous Policy Evaluation and Piloting, Testimony to the US Senate Judiciary Committee, Subcommittee on Intellectual Property (2019)

SUCCESS Act Testimony (Written and Oral) Testimony to the USPTO (2019)

Flight to Quality? A Differences in Differences Analysis of Patent Reform, Testimony before the Federal Trade Commission Hearings on Competition and Innovation Policy (2018)

The Supreme Court's TC Heartland Decision, Testimony to the US House of Representatives House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet (2017)

Precision Medicine in a Post-Bilski and Mayo World, Testimony to the USPTO Roundtable on Subject Matter (2016)

PTAB and EPO Patent Quality Case Studies, with Brian Love, comment to the U.S. Patent and Trademark Office's Request for Comments regarding Patent Quality Case Studies (2016)

PATENT ASSERTION AND U.S. INNOVATION, Executive Office of the President (June 2013) (citing to numerous publications)

Reducing Litigation Abuse by Reducing the Government's Role in the Patent System, Testimony to the US House of Representatives House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet (2013)

Holding Up and Holding Out, provided in support of Federal Trade Commission and Department of Justice Request for Comments regarding Patent Assertion Entities (2013)

Contemplating a Patent Small Claims Court, with Michael Guo, comment to the U.S. Patent and Trademark Office's Request for Comments regarding A Patent Small Claims Proceeding in the United States (2013)

Functional Claiming and Software Patents, with Aashish Karkhanis, comment submitted in support of U.S. Patent and Trademark Office's Roundtable on Partnership for Enhancement of Quality of Software-Related Patents (2013)

10 Things the PTO Can Do to Enhance Context-Based Patent Disclosure, comment submitted in support of testimony at U.S. Patent and Trademark Office's Roundtable, Real Party in Interest Information (2013)

Patent Assertion Entities, Opening Keynote Presentation to the DOJ-FTC Workshop on Patent Assertion Entities (2012)

Declaration in Support of Reuters in Apple v. Samsung, with Michael Risch and others, lead author on declaration in support of Reuters' motion for the unsealing of records in *Apple v. Samsung* (2012)

The International Trade Commission and Patent Disputes, Testimony to the US House of Representatives House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet (2012)

RAND Patents and Exclusion Orders, with Carl Shapiro and others, lead author on comment submitted in response to International Trade Commission's Request For Comments in Case TA-337-745 (2012)

The Who Owns What Problem in Patent Law, comment submitted in response to U.S. Patent and Trademark Office's Request For Comments, A Proposal to Elicit More Complete Patent Assignment Information from Patent Applicants and Patentees (2012)

Protecting Domestic Industries, comment submitted in response to International Trade Commission's Request For Comments in Case TA-337-694 (2011)

Testimony on Permanent Injunctions in the District Court and ITC: Effects of Competition and Innovation, USPTO/USDOJ/FTC Roundtable on The Intersection of Competition Policy and Patent Policy: Implications for Promoting Innovation, PTO (2010)

SELECTED BLOGS/OP-EDS/ADAPTED WORKS

How Much Do the Pre-AIA Prior Art Rules Still Matter?, PatentlyO.com (2021)

Advancing Inclusive Innovation and Entrepreneurship Through the Patent System, PatentlyO.com (2020)

Patent Prosecution Trends Following the Patent Eligibility (101) and 112 Guidelines, PatentlyO.com (2020)

Comparative Patent Law and the Prior Art Gap PatentlyO.com (2019)

How California can Use Technology to Wipe the Slate Clean for Millions with Criminal Records, LATimes (published alongside full Editorial Board Oped) (2019)

Deferring 101 PatentlyO.com (2019)

The Impact of 101 on Patent Prosecution PatentlyO.com (2018)

Make the First Step Act a Smarter Step by Opening the Risk Assessment Black Box, with Clarence Wardell III, The Hill (2018)

Better Data and Smarter Data Policy for a Smarter Criminal Justice System, with Jason Tashea Shorenstein-New America, the Ethical AI Machine (2018)

The Right Tool for Trade Relations with China, San Francisco Daily Journal (2018)

The Best Way to Fight A Patent Demand May Be To Do Nothing, The Wall Street Journal (invited) (2015)

A Patent Reform We Can Agree On (co-authored with Michael Risch) The Washington Post (2015)

The Scariest Number in the Patent Debate is Also Wrong, POLITICO (2015)

Why It's Time to Open Up Our Patent System, The Washington Post (Innovations) (2015)

Everything You Need to Know About Trolls (The Patent Kind), WIRED.com (2013)

Make Patent Trolls Pay in Court, with Hon. Randall Rader and David Hricik, The New York Times (2013)

Holding Up or Holding Out: Thoughts on an FTC 6(B) Submission, Antitrust and Competition Blog (2013)

Patent Trolls by the Numbers, PatentlyO.com blog (2013)

Tailoring the Patent System To Work for Software and Technology Patents

In Its Rush to Fix Patent Reform, Congress Didn't Fix its Biggest Error, with Eric Goldman, FORBES.COM (2013)

10 Tips for Startups Dealing With Patent Troll Demands, with Stefani Shanberg, TECHCRUNCH.COM (2012)

Race to the Bottom, Intellectual Asset Management (IAM) Magazine (2012)

Patents and the Public Interest, with Mark Lemley, The New York Times (online) (2011)

Turn the Tables on Patent Trolls, Forbes.com (2011)

SELECTED RECENT PRESENTATIONS & CONFERENCES

Redefining Progress: the Case for Diversity in Innovation and Inventorship (2018-2023) presented to audiences at USC IP Law Conference, Diversity in Invention and Innovation Conference, Santa Clara University Law School, MOSAIC conference, Race+IP, University of Illinois at Chicago, Works in Progress in IP. Subject of 2022 Conference, *Innovator Diversity Pilots Conference*, co-organized with the USPTO and Emory Law School.

The Inequalities of Innovation (2017-2022) presented to audiences at William and Mary (Honorary Mervis Lecture), Suffolk (Keynote), Works in Progress in IP (Keynote), New York University, Hastings, St. Johns, Arizona, Colorado, San Diego, and Santa Clara Law Schools, Federal Circuit Bar Association Meeting, IP Scholars, MOSAIC conference, NSF Data Workshop.

America's Paper Prisons: The Second Chance Gap (2018-2021) presented to audiences at University of Michigan, Columbia, University of Chicago, and UCLA Law Schools, and law, practitioner, and advocate conferences. Co-organized and participated in workshops with the Center for American Progress, University of Michigan, Clean Slate Initiative and others.

Rigorous Policy Pilots (May 2019), co-organizer of workshop co-sponsored by the Administrative Conference of the US, Penn Program on Regulation, Columbia Center for Constitutional Governance, Partnership for Public Service, and Santa Clara University High Tech Law Institute building on presentations at Iowa Law School, Columbia Law School, Unified Patents, and others Conference.

SERVICE

Santa Clara University

University Grievance Committee (AY19-2022)
Mentor to LEAD Scholars (First-Gen College) (AY20-2022)
Second Chances and Empathy Hackathon (AY18-2022)
Marshall and Fulbright Scholarship Committees (by request)

Santa Clara University Law School

Faculty Enrichment Committee Co-Chair (AY16-2022)
Co-Director, High Tech Law Institute (AY12-2022)
High Tech Advisory Board (AY07-2022)
Equity, Justice, and Engagement Committee (AY20-2022)
Katherine and George Alexander Prize Reading Committee (AY20-2022)
Tech Edge JD Mentor (AY18-2022)
Junior Faculty Mentoring Committee (AY21-2022)
Wellness Committee (AY19)
Founding Faculty Advisor, SCU Law AI Club, SCU Law ChIPs Chapter (AY18-19)
Curriculum Committee (AY12, AY15)
Appointments Committee (AY11-12)
Dean Search Committee (AY12)
Admissions Committee (AY10)
Shanghai Summer Program Coordinator (AY10-11)
ASP Committee (AY08-09)
Faculty Secretary (AY07-08)

Academic Community

Conference Co-organizer

Innovator Diversity Pilots Conference, *High Tech Law Institute, Santa Clara University Law School and Emory Law School* (AY22-25)

2nd Annual Workshop for Asian American and Pacific Islander (AAPI) and Middle Eastern

and North African (MENA) Women in the Legal Academy (AY22-23)

Increasing Diversity in Innovation Conference, *with the US Intellectual Property Alliance and others* (AY20)

Research Convening on Clean Slate Initiatives, *University of Michigan* (AY19)

Works-in-Progress-in-IP Conference, *Santa Clara University School of Law* (AY19)

Policy Pilots Workshop, co-convened with *the Columbia University Law School Center for Constitutional Governance, University of Pennsylvania Law School Program on Regulation, and the High Tech Law Institute* (AY18)

Harnessing Technology to Close the Second Chance Records Clearing Gap, Center for American Progress (AY18)

Patent Quality Conferences Co-Organizer, with Arti Rai, *Santa Clara University School of Law, Duke Law School, and USPTO Headquarters* (AY17)

Bay Area Works-in-Progress Co-Organizer, *Santa Clara University School of Law* (AY16)

Patent Defense 2.0 Conference Organizer, *Santa Clara University School of Law* (AY12)

Editor/Curator

Artificial Intelligence for Equity Series (with students), in *Medium* (AY19-present)

2020-present Policy Proposals on Equity and Innovation (multiple proposals) in *Day One Project* (AY20-present)

Policy Pilots (13-part series) in the *Regulatory Review* (AY19)

Patent Quality (multi-part series) in *Law360* (AY16)

The Patent Fix (multi-part series) in *WIRED* (AY12)