

# CHARLES DUAN

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## EXPERIENCE

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- 2013–Present*     **Director, Patent Reform Project, at Public Knowledge**, a public interest organization dedicated to promoting technological innovation, protecting the rights of all users of technology, and ensuring that emerging technology law serves the public interest.
- 2012–2013*     **Research Fellow with Colorado Law School**, for Professor Paul Ohm, funded by the National Science Foundation. Analyzed next-generation Internet technologies and reported on legal implications in the areas of intellectual property, privacy, federal investigative law, and communications law.
- 2008–2012*     **Attorney at Knobbe Martens Olson & Bear, LLP**, an intellectual property law firm. Specialized in patent litigation and computer patent prosecution.
- Drafted and prosecuted over 100 patent applications, many successfully to issuance, and conducted interviews with over 30 patent examiners.
  - Prepared patent non-infringement analysis opinions, and drafted reexamination requests.
- Representative litigation matters:
- *Autobytel Inc. v. Auto by Rent, Inc.* (T.T.A.B. 2011): Successfully opposed a competitor's trademark on the grounds of likelihood of confusion.
  - *Toshiba Corporation v. Wistron Corporation* (I.T.C. 2010): Successfully defended against summary judgment of invalidity and noninfringement, involving detailed analysis of patents and computer source code.
  - *Advanced Thermal Sciences v. Applied Materials, Inc.* (C.D. Cal. 2010): Trial counsel for plaintiff in patent inventorship dispute. Court ruled in favor of Advanced Thermal Sciences on all substantive issues.
- 2007–2008*     **Chief software developer at Labmeeting.com, Inc.**, a web technology startup. Developed online software for facilitating collaboration in biotechnology and biomedical research fields.
- Summer 2006*     **Electronic Frontier Foundation** legal intern. Prepared legal research and advocacy materials on technology and intellectual property issues.
- Summer 2006*     **National Consumer Law Center** legal intern. Drafted comments for FTC rule-making on identity theft. Analyzed legislation on bankruptcy and mobile home tenant laws.
- Summer 2005*     **Electronic Privacy Information Center** summer clerk. Prepared legal advocacy and educational materials on emerging privacy and technology issues, such as surveillance under the Fourth Amendment.
- 2004–2007*     **Berkman Center for Internet and Society at Harvard Law School** intern and research assistant to co-director, Prof. Jonathan Zittrain. Investigated international use of Internet filtering and censorship; studied substantive trends in spam e-mails and legal implications of such trends.
- 2003*     **Summer Quantitative Analyst** for Geode Capital Management, LLC. Designed statistical models for predicting the stock market, for a medium-sized hedge fund

corporation. Worked with major financial databases and non-linear mixed effects models.

## EDUCATION

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2004–2007 **Harvard Law School:** JD. Focused on intellectual property law, including patent law.

2000–2004 **Harvard University:** AB in Computer Science, *magna cum laude*. Thesis title: *A Theoretical Taxonomy of Anti-Spam Technologies*.

## SKILLS AND ABILITIES

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2008–  
*Present* **Intellectual property law.** Member of the California Bar. Registered U.S. patent attorney. Skilled in patent prosecution, pre-litigation patent risk analysis, and patent litigation.

**Computer programming** proficiency in numerous languages (e.g., C/C++, Java, Ruby, Perl, SQL). Also proficient in networking and web technologies (e.g., HTML, Javascript, HTTP, TCP/IP, SMTP).

### Bar admissions:

- District of Columbia Bar
- Northern District of California
- Court of Appeals for the Federal Circuit
- United States Patent & Trademark Office
- California State Bar
- Central District of California
- United States Supreme Court

## PUBLICATIONS

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Charles Duan, *First Rule of Patents: Do No Harm to Consumers*, THE HILL: CONGRESS BLOG, Oct. 24, 2013, <http://thehill.com/blogs/congress-blog/technology/330251-first-rule-of-patents-do-no-harm-to-consumers>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, *Nautilus, Inc. v. Biosig Instruments, Inc.*, No. 13-369 (U.S. Oct. 23, 2013), *available at* <http://www.publicknowledge.org/files/pk-nautilus-brief.pdf>.

Charles Duan, Julie Samuels & Daniel Nazer, *Comments of Public Knowledge and the Electronic Frontier Foundation on Strategies for Improving Claim Clarity: Glossary Use in Defining Claim Terms* (Oct. 24, 2013), *available at* <http://www.publicknowledge.org/files/comments-pto-roundtable.pdf>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Petitioner, *WildTangent, Inc. v. Ultramercial, LLC*, No. 13-255 (U.S. Sept. 23, 2013), *available at* <http://www.publicknowledge.org/files/wildtangent-v-ultracommercial-pk-amicus.pdf>.

Charles Duan, *Down with the Patent Trolls*, LOS ANGELES TIMES, Aug. 22, 2013, at A17, *available at* <http://articles.latimes.com/2013/aug/22/opinion/la-oe-duan-troll-patent-abuse-consumer-20130822>.

Lauren Katzenellenbogen, Charles Duan & James Skelley, *Alternative Software Protection in View of In re Bilski*, 7 NORTHWESTERN JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY 332 (2009), *available at* <http://scholarlycommons.law.northwestern.edu/njtip/vol7/iss3/5>.