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Professor of Law

Co-Director, Engelberg Center on Innovation Law & Policy

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COURSES TAUGHT

Intellectual Property Law, Copyright Law, Patent Law, Trade Secret Law, Advanced Intellectual Property Law, Advanced Copyright Law, Innovation Policy Colloquium, IP in HBO's *Silicon Valley*, Contracts

LEGAL AWARDS & HONORS

American Law Institute Young Scholars Medal (2011).

Articles selected for presentation at 10th and 12th Stanford/Yale Junior Faculty Forums (2009, 2011).

LEGAL PUBLICATIONS

[COPYRIGHT LAW: CASES AND MATERIALS v1.0](#) (2019) (free textbook with Christopher Sprigman).

[Minds, Machines, and the Law: The Case of Volition in Copyright Law](#), 119 COLUMBIA LAW REVIEW (forthcoming 2019) (with Mala Chatterjee) (Symposium on Common Law for the Age of AI).

[Machines as the New Oompa-Loompas: Trade Secrecy, the Cloud, Machine Learning, and Automation](#), 94 NYU LAW REVIEW (forthcoming 2019) (Symposium on Data Law).

[Taking Intellectual Property into Their Own Hands](#), 107 CALIFORNIA LAW REVIEW (forthcoming 2019) (with Amy Adler).

[Immoral or Scandalous Marks: An Empirical Analysis](#), 8 NYU JOURNAL OF INTELLECTUAL PROPERTY & ENTERTAINMENT LAW 169 (2019) (with Barton Beebe).

[Claiming Design](#), 167 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 123 (2018) (with Mark McKenna).

[Are We Running Out of Trademarks? An Empirical Study of Trademark Depletion and Congestion](#), 131 HARVARD LAW REVIEW 945 (2018) (with Barton Beebe).

[*Fashion's Function in Intellectual Property Law*](#), 93 NOTRE DAME LAW REVIEW 51 (2017) (with Christopher Buccafusco).

[*Forgetting Functionality*](#), 166 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 119 (2017) (with Christopher Buccafusco) (Symposium on *From Shovels to Jerseys: A Guide To Apply Star Athletica v. Varsity Brands*).

[*The Unregulated Certification Mark\(et\)*](#), 69 STANFORD LAW REVIEW 121 (2017).

- Selected for 2018 Antitrust Writing Awards (Steering Committee Vote in IP and Antitrust category)
- Abridged version in 2 THE CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW: FURTHER INTERSECTIONS OF PUBLIC AND PRIVATE LAW (Jorge Contreras ed., forthcoming 2019)

[*Dynamic Patent Disclosure*](#), 69 VANDERBILT LAW REVIEW 1715 (2016) (symposium on Disclosure Function of the Patent System).

[*Should the Law Care Why Intellectual Property Rights Have Been Asserted?*](#), 53 HOUSTON LAW REVIEW 549 (2015) (12th Annual Baker Botts Lecture).

[*Market Effects Bearing on Fair Use*](#), 90 WASHINGTON LAW REVIEW 615 (2015) (symposium on Fair Use in the Digital Age, and *Campbell v. Acuff-Rose* at 21).

[*The Audience in Intellectual Property Infringement*](#), 112 MICHIGAN LAW REVIEW 1251 (2014) (with Mark Lemley).

[*Experimental Tests of Intellectual Property Laws' Creativity Thresholds*](#), 93 TEXAS LAW REVIEW 1921 (2014) (with Christopher Buccafusco, Zachary Burns, and Christopher Sprigman) (symposium on Evidence-Based IP).

[*An Information Theory of Copyright Law*](#), 64 EMORY LAW JOURNAL 71 (2014).

[*A Legal Tangle of Secrets and Disclosures in Trade: Tabor v. Hoffman and Beyond*](#), in INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP 271 (Rochelle C. Dreyfuss & Jane C. Ginsburg eds., Cambridge University Press, 2014).

[*The Intellectual Property Clause's Preemptive Effect*](#), in INTELLECTUAL PROPERTY AND THE COMMON LAW 265 (Shyamkrishna Balganesh ed., Cambridge University Press, 2013).

[*Expressive Incentives in Intellectual Property*](#), 98 VIRGINIA LAW REVIEW 1745 (2012).

- Selected for presentation at the 2011 Stanford/Yale Junior Faculty Forum

[*The Intellectual Property Clause's External Limitations*](#), 61 DUKE LAW JOURNAL 1329 (2012).

[*Trade Secrecy in Willy Wonka's Chocolate Factory*](#), in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH 3 (Rochelle C. Dreyfuss & Katherine J. Strandburg eds., Edward Elgar Publishing, 2011).

[*The Role of Creativity in Trademark Law*](#), 86 NOTRE DAME LAW REVIEW 1885 (2011) (symposium on Creativity and the Law).

- Reprinted in INTELLECTUAL PROPERTY LAW REVIEW, 2012 (Thomson/West) (judging this article to be one of the best intellectual property law articles of 2011)

[*District Courts as Patent Laboratories*](#), 1 UNIVERSITY OF CALIFORNIA IRVINE LAW REVIEW 307 (2011) (review of DAN L. BURK & MARK A. LEMLEY, THE PATENT CRISIS AND HOW THE COURTS CAN SOLVE IT (2009)).

[*Patentography*](#), 85 NYU LAW REVIEW 1444 (2010).

[*A Psychology of Intellectual Property*](#), 104 NORTHWESTERN UNIVERSITY LAW REVIEW 1441 (2010).

- Selected for presentation at the plenary session of the 9th Annual Intellectual Property Scholars Conference

[*The Compatibility of Patent Law and the Internet*](#), 78 FORDHAM LAW REVIEW 2783 (2010) (review of DAVID G. POST, IN SEARCH OF JEFFERSON'S MOOSE: NOTES ON THE STATE OF CYBERSPACE (2009), and JONATHAN ZITTRAIN, THE FUTURE OF THE INTERNET – AND HOW TO STOP IT (2008)).

[*Claiming Intellectual Property*](#), 76 UNIVERSITY OF CHICAGO LAW REVIEW 719 (2009).

- Selected for presentation at the 2009 Stanford/Yale Junior Faculty Forum

[*Patent Disclosure*](#), 94 IOWA LAW REVIEW 539 (2009).

[*The Layers of Obviousness in Patent Law*](#), 22 HARVARD JOURNAL OF LAW & TECHNOLOGY 75 (2008).

- Reprinted in INTELLECTUAL PROPERTY LAW REVIEW, 2009 (Thomson/West) (judging this article to be one of the best intellectual property law articles of 2008)

[*An Exercise in Line-Drawing: Deriving and Measuring Fairness in Redistricting*](#), 93 GEORGETOWN LAW JOURNAL 1547 (2005).

Note, [*Looking to Statutory Intertext: Toward the Use of the Rabbinic Biblical Interpretive Stance in American Statutory Interpretation*](#), 115 HARVARD LAW REVIEW 1456 (2002).

[*The Supreme Court, 2000 Term – Leading Cases*](#), 115 HARVARD LAW REVIEW 528 (2001) (comment on *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 121 S. Ct. 675 (2001)).

[*Constitutional Law – Free Speech Clause – Sixth Circuit Classifies Computer Source Code as Protected Speech – Junger v. Daley*](#), 209 F.3d 481 (6th Cir. 2000), 114 HARVARD LAW REVIEW 1813 (2001) (case comment).

WORKS IN PROGRESS

Playful Innovation (with Mark Lemley).

A Theory of Legal Protection for Industrial Design (with Christopher Sprigman).

Overhauling Trademark Distinctiveness.
The State(s) of Copyright Law.

AUTHORED AMICUS BRIEFS

United States Supreme Court, [Brief of Professors Barton Beebe and Jeanne Fromer as Amici Curiae Supporting Respondent](#), in *Iancu v. Brunetti*, No. 18-302 (with Barton Beebe, Joshua Bone, and William Jay).

- Cited in *Iancu v. Brunetti*, 139 S. Ct. 2294, 2300 (2019) (majority opinion)

United States Supreme Court, [Brief of Professors Christopher Buccafusco and Jeanne Fromer as Amici Curiae in Support of Petitioner](#), in *Star Athletica, LL.C. v. Varsity Brands, Inc.*, No. 15-866 (with Christopher Buccafusco, Meir Feder, and Matthew J. Silveira).

EDUCATION

- 1999-2002 **Harvard Law School**, Cambridge, MA
J.D., *magna cum laude*
- *Harvard Law Review*, Articles & Commentaries Editor, (2001-02); Editor (2000-01)
 - *Harvard Journal of Law & Technology*, Editor & Symposium Articles Coordinator (1999-2000)
- 1996-1999 **Massachusetts Institute of Technology**, Cambridge, MA
S.M. in Electrical Engineering and Computer Science
Research Thesis: *Learning Optimal Discourse Strategies in Spoken Dialogue Systems*
- National Science Foundation Graduate Research Fellow
 - AT&T Laboratories Graduate Research Fellow
- 1992-1996 **Barnard College, Columbia University**, New York, NY
B.A. in Computer Science, *summa cum laude*
- Phi Beta Kappa
 - Columbia University Russell C. Mills Award in Computer Science
 - Mary E. Allison Prize for Excellence in Scholarship
 - Armed Forces Communications and Electronics Association Scholarship in Computer Science

EXPERIENCE

- 2012-present **New York University School of Law**, New York, NY
Professor of Law
Faculty Co-Director, Engelberg Center on Innovation Law & Policy
- Spring 2013 **Harvard Law School**, Cambridge, MA
Visiting Professor
- Spring 2012 **New York University School of Law**, New York, NY
Visiting Professor

- 2007-2012 **Fordham University School of Law**, New York, NY
Associate Professor
- 2006-2007 **New York University School of Law**, New York, NY
Alexander Fellow
- 2005-2006 **Justice David H. Souter**, United States Supreme Court, Washington, DC
Law Clerk
- 2004-2005 **Yale Law School Information Society Project**, New Haven, CT
Resident Fellow
- 2003-2004 **Judge Robert D. Sack**, U.S. Court of Appeals for the Second Circuit, NY, NY
Law Clerk
- 2002-2003 **Hale and Dorr LLP**, Boston, MA
Associate (Intellectual Property Department)
- 2001-2002 **Professor Daniel Meltzer**, Harvard Law School, Cambridge, MA
Teaching and Research Assistant
- 2001-2002 **Professor Laurence Tribe**, Harvard Law School, Cambridge, MA
Research Assistant
- 2000-2002 **Professor Arthur Miller**, Harvard Law School, Cambridge, MA
Research Assistant
- Summers 1999-01 **Wolf, Greenfield & Sacks, P.C.**, Boston, MA
Summer Associate (Patent and Trademark Departments)
- 1995-1997 **AT&T Laboratories**, Florham Park, NJ
Technical Associate in Artificial Intelligence Research
- 1994-1996 **Columbia University Department of Computer Science**, New York, NY
Teaching Assistant (Discrete Mathematics and Artificial Intelligence)

COMPUTER SCIENCE PUBLICATIONS

[*Learning Optimal Discourse Strategies: A Case Study for a Spoken Dialogue Agent for Email*](#), ASSOCIATION FOR COMPUTATIONAL LINGUISTICS 1998 (with Marilyn Walker and Shri Narayanan).

[*What Can I Say?: Evaluating a Spoken Language Interface to Email*](#), CONFERENCE ON HUMAN-COMPUTER INTERACTION 1998 (with Marilyn Walker, Giuseppe Di Fabbrizio, Craig Mestel, and Donald Hindle).

[*Evaluating Competing Agent Strategies for a Voice Email Agent*](#), EUROSPEECH 1997 (with Marilyn Walker, Donald Hindle, Giuseppe Di Fabbrizio, and Craig Mestel).

[*Negotiation for Automated Generation of Temporal Multimedia Presentations*](#), ASSOCIATION FOR COMPUTING MACHINERY MULTIMEDIA 1996 (with Mukesh Dalal, Steven Feiner, Kathleen McKeown, Shimei Pan, Michelle Zhou, Tobias Hollerer, James Shaw, and Yong Feng).

PROFESSIONAL SERVICE

Member, Academic Advisory Board of U.S. Supreme Court Fellows Program, October 2017 Term

Adviser, American Law Institute Restatement of the Law, Copyright

Co-organizer, Annual Tri-State Region Intellectual Property Workshop, NYU School of Law

Chair, AALS Section on Intellectual Property (2012-13)

Chair-Elect, AALS Section on Intellectual Property (2011-12)

Member, Executive Board of the AALS Section on Intellectual Property (2010-11)

PROFESSIONAL MEMBERSHIPS

Bar of the Supreme Court of the United States

American Law Institute

New York Bar

Massachusetts Bar