

# CHARLES DUAN

1818 N Street NW Suite 410  
Washington DC 20036

(202) 861-0020  
cduan@publicknowledge.org

## EXPERIENCE

---

**2013–Present**     **Director of the Patent Reform Project, at Public Knowledge**, a nonprofit public interest organization focused on consumer protection with regard to digital rights issues.

- Prepared and filed *amicus curiae* briefs before the Supreme Court, and federal courts of appeal, as well as administrative comments before agencies such as the USPTO, FTC, and Department of Justice.
- Testified before congressional committees on public concerns with patent demand letters.
- Wrote extensively in national publications and spoke regularly on patent reform and other current policy topics.
- Issue areas included patent law, copyright law, access to broadband Internet, and online privacy.

Representative matters:

- *Impression Products v. Lexmark International* (Sup. Ct. 2017): Lead counsel on three *amicus* briefs. Coordinated signatories and other *amici*, and wrote and spoke extensively on the case.
- *ClearCorrect v. International Trade Commission* (Fed. Cir. 2014): Filed *amicus* brief, organized advocacy among nonprofit policy groups, and managed press outreach with several national news publications. Successfully convinced court of major policy implications of the case.

**2012–2013**     **Research Fellow with Colorado Law School**, for Professor Paul Ohm, funded by the National Science Foundation.

- Analyzed next-generation Internet technologies for legal implications in the areas of intellectual property, privacy, federal investigative law, and communications law.
- Explained technology law to computer science researchers through research papers and discussion.

**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.
- Counseled clients on patent portfolio strategy, invention disclosures, design-arounds, and other intellectual property matters.

Representative litigation matters:

- *Autobytel Inc. v. Auto by Rent, Inc.* (Trademark Trial & Appeal Bd. 2011): Successfully opposed a competitor's trademark on the grounds of likelihood of confusion.
- *Toshiba Corp. v. Wistron Corp.* (Int'l Trade Comm'n 2010): Successfully opposed summary judgment on invalidity and noninfringement; analyzed 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 client on all substantive issues.

**EXPERIENCE**, *continued*

---

- 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 rulemaking 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**

---

- 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**

---

**Legal policy.** Conducted public interest advocacy on a wide range of issues before congressional offices, federal agencies, and courts. Also experienced in engaging with media and press on complex policy matters.

**Intellectual property law**, including patent litigation, patent policy, and copyright, trademark, and trade secret law.

**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).

Admitted to practice in California, the District of Columbia, the Supreme Court of the United States, many federal courts of appeal and district courts, and the U.S. Patent and Trademark Office.

**AMICUS CURIAE BRIEFS**

---

- 2017 Brief of 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 as *Amici Curiae* in Support of Public.Resource.Org, Inc., **Code Revision Comm'n ex rel. Gen. Assembly v. Pub.Res.Org, Inc.**, No. 17-11589 (11th Cir. May 23, 2017), available at <https://ia601502.us.archive.org/25/items/gov.uscourts.ca11.17-11589/gov.uscourts.ca11.17-11589.01109552152.1.pdf>.

*AMICUS CURIAE BRIEFS, continued*

Brief of Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy as *Amici Curiae* in Support of the Petition, **Samsung Elecs. Co. v. Apple Inc.**, No. 16-1102 (U.S. Apr. 10, 2017), available at <http://www.scotusblog.com/wp-content/uploads/2017/04/16-1102-cert-amicus-Public-Knowledge.pdf>. Discussed in:

- Giuseppe Macri, *Consumer Groups Ask Supreme Court to Hear Second Apple v. Samsung Patent Dispute*, **INSIDESOURCES** (Apr. 15, 2017), <http://www.insidesources.com/consumer-groups-ask-supreme-court-to-hear-second-apple-v-samsung-patent-dispute/>.
- Mike Wuerthele, *Four Filings Exhort Supreme Court to Re-examine Apple vs. Samsung 'Slide to Unlock' Patent Trial*, **APPLEINSIDER** (Apr. 13, 2017), <http://appleinsider.com/articles/17/04/13/four-filings-exhort-supreme-court-to-re-examine-apple-vs-samsung-slide-to-unlock-patent-trial>.

Brief of the Electronic Frontier Foundation and Public Knowledge as *Amici Curiae* in Support of Petitioner, **TC Heartland, LLC v. Kraft Foods Group Brands LLC**, 137 S. Ct. 1514 (Feb. 6, 2017) (No. 16-341), available at [http://www.scotusblog.com/wp-content/uploads/2017/02/16-341\\_amicus\\_pet\\_electronic\\_frontier\\_foundation.pdf](http://www.scotusblog.com/wp-content/uploads/2017/02/16-341_amicus_pet_electronic_frontier_foundation.pdf). Discussed in:

- Joe Mullin, *Will the Supreme Court End the East Texas Patent Scam?*, **ARS TECHNICA** (Mar. 28, 2017), <https://arstechnica.com/tech-policy/2017/03/will-the-supreme-court-end-the-east-texas-patent-scam/>.
- Chris Welch, *The US Supreme Court Just Made Life Much Harder for Patent Trolls*, **THE VERGE** (May 22, 2017), <https://www.theverge.com/2017/5/22/15676206/supreme-court-patent-venue-ruling>.
- Dennis Crouch, *TC Heartland: Statutory Interpretation, Fairness, and E.D.Texas*, **PATENTLY-O** (Feb. 7, 2017), <https://patentlyo.com/patent/2017/02/heartland-statutory-interpretation-fairness.html> (describing this brief as “one of the best briefs” in the case).

Brief of Public Knowledge, the Electronic Frontier Foundation, AARP, AARP Foundation, Mozilla, and the R Street Institute as *Amici Curiae* in Support of Petitioner, **Impression Prods., Inc. v. Lexmark Int’l, Inc.**, 137 S. Ct. 1523 (Jan. 23, 2017) (No. 15-1189), available at [http://www.scotusblog.com/wp-content/uploads/2017/01/15-1189\\_amicus\\_pet\\_public\\_knowledge.pdf](http://www.scotusblog.com/wp-content/uploads/2017/01/15-1189_amicus_pet_public_knowledge.pdf). Discussed in:

- Kyle Wiens, *How a Supreme Court Ruling on Printer Ink Bolsters Your Digital Rights*, **WIRED** (June 1, 2017), <https://www.wired.com/2017/06/impression-v-lexmark/>.
- Joe Mullin, *Supreme Court Overturns Lexmark’s Patent Win on Used Printer Cartridges*, **ARS TECHNICA** (May 31, 2017), <https://arstechnica.com/tech-policy/2017/05/supreme-court-strikes-down-federal-circuit-again-limits-lexmark-patent-rights/>.
- Thomas Claburn, *How Lexmark’s Patent Fight to Crush an Ink Reseller Will Affect Us All*, **THE REGISTER** (Jan. 24, 2017), [https://www.theregister.co.uk/2017/01/24/eff\\_mozilla\\_lexmark\\_patent\\_exhaustion/](https://www.theregister.co.uk/2017/01/24/eff_mozilla_lexmark_patent_exhaustion/).

2016

Amicus Curiae Brief of Electronic Frontier Foundation, Public Knowledge, and Center for Democracy & Technology in Support of Petitioner, **Packingham v. North Carolina**, 137 S. Ct. 1730 (Dec. 22, 2016) (No. 15-1194), available at [http://www.scotusblog.com/wp-content/uploads/2016/12/15-1194\\_amicus-petitioner-EFF.pdf](http://www.scotusblog.com/wp-content/uploads/2016/12/15-1194_amicus-petitioner-EFF.pdf). Discussed in:

- **Packingham v. North Carolina**, 137 S. Ct. 1730, 1735–36 (2017).

*AMICUS CURIAE BRIEFS, continued*

---

- Mike Masnick, *Supreme Court Says You Can't Ban People from the Internet, No Matter What They've Done*, **TECHDIRT** (June 20, 2017), <https://www.techdirt.com/articles/20170620/10455137631/supreme-court-says-you-cant-ban-people-internet-no-matter-what-theyve-done.shtml>.
- Jeff John Roberts, *Facebook Ban for Sex Offenders Goes Before Supreme Court*, **FORTUNE** (Feb. 27, 2017), <http://fortune.com/2017/02/27/supreme-court-social-media-facebook/>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, **Google Inc. v. Arendi SARL**, No. 16-626 (U.S. Dec. 1, 2016), available at <https://www.publicknowledge.org/documents/pk-eff-amicus-brief-in-google-v-arendi>.

Brief of *Amicus Curiae* Public Knowledge in Support of Neither Party, **Matal v. Tam**, 137 S. Ct. 1744 (Nov. 21, 2016) (No. 15-1293), available at <http://www.scotusblog.com/wp-content/uploads/2016/12/15-129320ac20Public20Knowledge.pdf>.

Brief of Public Knowledge, the Electronic Frontier Foundation, and the Center for Democracy and Technology as *Amici Curiae* in Support of Neither Party, **BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc.**, No. 16-1972 (4th Cir. Nov. 14, 2016). Discussed in:

- Wendy Davis, *Broadband Providers, Digital Rights Groups Back Cox in Copyright Battle*, **MEDIAPOST** (Nov. 17, 2016), <http://www.mediapost.com/publications/article/289331/broadband-providers-digital-rights-groups-back-co.html>.
- Bill Donahue, *Telecom, Consumer Groups Back Cox On DMCA Safe Harbor*, **LAW360** (Nov. 15, 2016), <http://www.law360.com/articles/862618/telecom-consumer-groups-back-cox-on-dmca-safe-harbor>.

Brief of Public Knowledge as *Amicus Curiae* in Support of the Petition for Rehearing *En Banc*, **FTC v. AT&T Mobility LLC**, No. 15-16585 (9th Cir. Oct. 24, 2016).

Brief of the Electronic Frontier Foundation and Public Knowledge as *Amici Curiae* in Support of the Petition, **TC Heartland, LLC v. Kraft Foods Group Brands LLC**, 137 S. Ct. 1514 (Oct. 12, 2016) (No. 16-341), available at <http://www.scotusblog.com/wp-content/uploads/2016/10/16-341-cert-amicus-EFF.pdf>.

Brief of the Electronic Frontier Foundation and Public Knowledge as *Amici Curiae* in Support of Respondents, **SCA Hygiene Prods. Aktiebolag v. First Quality Baby Prods., LLC**, No. 15-927 (U.S. Sept. 7, 2016). Discussed in:

- Ronald Mann, *Stakes Are High as Justices Consider Laches as a Bar to Patent Damage Suits*, **SCOTUSBLOG** (Oct. 25, 2016), <http://www.scotusblog.com/2016/10/argument-preview-stakes-are-high-as-justices-consider-laches-as-a-bar-to-patent-damage-suits/>.

Motion for Leave to File Brief, and Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of the Petition, **Google, Inc. v. Cioffi**, No. 16-200 (U.S. Sept. 7, 2016).

Brief of Public Knowledge as *Amicus Curiae* in Support of Plaintiffs-Counter-Defendants-Appellants, **Williams v. Gaye**, No. 15-56880 (9th Cir. Aug. 30, 2016), available at <https://www.publicknowledge.org/documents/amicus-brief-in-blurred-lines-case>. 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), <https://www.digitalmusicnews.com/2016/08/31/borrowing-a-part-of-music/>.

*AMICUS CURIAE BRIEFS, continued*

---

- Eriq Gardner, *Marvin Gaye Family Defends ‘Blurred Lines’ Trial Outcome to Appeals Court*, **HOLLYWOOD REP.** (Dec. 22, 2016), <http://www.hollywoodreporter.com/thr-esq/marvin-gaye-family-defends-blurred-lines-trial-outcome-appeals-court-958705>.

Brief of Public Knowledge, the International Costumers Guild, Shapeways, Inc., the Open Source Hardware Association, Formlabs Inc., Printbot Inc., the Organization for Transformative Works, the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries as *Amici Curiae* in Support of Petitioner, ***Star Athletica v. Varsity Brands, Inc.***, No. 15-866 (U.S. July 21, 2016), available at [http://www.scotusblog.com/wp-content/uploads/2016/07/15-866\\_amicus\\_pet\\_public\\_knowledge.pdf](http://www.scotusblog.com/wp-content/uploads/2016/07/15-866_amicus_pet_public_knowledge.pdf). Discussed in:

- Bill Donahue, *Amici Jump Into High Court’s Apparel Copyright Case*, **LAW360** (July 28, 2016), <http://www.law360.com/articles/822668/amicus-jump-into-high-court-s-apparel-copyright-case>.
- Mike Masnick, *How a Supreme Court Case on Cheerleader Costumes & Copyright Could Impact Prosthetic Hands and Much, Much More*, **TECHDIRT** (July 26, 2016), <https://www.techdirt.com/articles/20160723/15225535049/how-supreme-court-case-cheerleader-costumes-copyright-could-impact-prosthetic-hands-much-much-more.shtml>.
- Michael Weinberg, *Advocating for a Clear Test on Copyright and 3D Printed Objects*, **SHAPEWAYS BLOG** (July 26, 2016), <http://www.shapeways.com/blog/archives/26366-advocating-for-a-clear-test-on-copyright-and-3d-printed-objects.html>.
- Michael Petch, *Intellectual Property & 3D Printing: A Changing Landscape*, **3D PRINTING INDUSTRY** (July 19, 2016), <https://3dprintingindustry.com/news/intellectual-property-3d-printing-changing-landscape-87447/>.

Brief of Public Knowledge, the Electronic Frontier Foundation, the R Street Institute, the American Antitrust Institute, and IP Justice as *Amici Curiae* in Support of Petitioners, ***Samsung Elecs. Co. v. Apple Inc.***, No. 15-777 (U.S. June 7, 2016), available at <https://www.publicknowledge.org/documents/apple-v.-samsung-supreme-court-amicus-brief>. Discussed in:

- Tony Dutra, *Gov’t Tells High Court to Send Samsung, Apple Back to Court*, **BLOOMBERG BNA** (June 10, 2016), <http://www.bna.com/govt-tells-high-n57982073919/>.
- Kelly Knaub, *Feds Urge Justices to Ax \$400M Apple Win in Samsung Case*, **LAW360** (June 9, 2016), <http://www.law360.com/articles/805360/feds-urge-justices-to-ax-400m-apple-win-in-samsung-case>.

Brief of Public Knowledge, the Electronic Frontier Foundation, and the R Street Institute as *Amici Curiae* in Support of Petitioner, ***Impression Prods., Inc. v. Lexmark Int’l, Inc.***, 137 S. Ct. 1523 (Apr. 20, 2016) (No. 15-1189), available at <https://www.publicknowledge.org/documents/amicus-impression-v-lexmark-scotus-petition>. 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), <http://www2.courthousenews.com/high-court-to-decide-whether-patent-rights-extend-abroad/>.
- Cory Doctorow, *Printer Ink Wars May Make Private Property the Exclusive Domain of Corporations*, **BOING BOING** (Apr. 21, 2016), <https://boingboing.net/2016/04/20/printer-ink-wars-may-make-priv.html>.

*AMICUS CURIAE BRIEFS, continued*

- Dani Meyer, *Nonprofits Urge High Court To Hear Patent Exhaustion Suit*, **LAW360** (Apr. 21, 2016), <http://www.law360.com/articles/787388/nonprofits-urge-high-court-to-hear-patent-exhaustion-suit>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Respondent, **Cuozzo Speed Techs., LLC v. Lee**, No. 15-446 (U.S. Mar. 29, 2016), available at <https://www.publicknowledge.org/documents/amicus-cuozzo-v-lee>. Discussed in:

- Dennis Crouch, *Cuozzo v. Lee: The Problem of Standing*, **PATENTLY-O** (Mar. 30, 2016), <http://patentlyo.com/patent/2016/03/cuozzo-problem-standing.html>.
- Patrick Boyle, *Justices Pushed To Back PTAB's Broad Claim Construction*, **LAW360** (Mar. 30, 2016), <http://www.law360.com/articles/778070/justices-pushed-to-back-ptab-s-broad-claim-construction>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Petitioner, **Kirtsaeng v. John Wiley & Sons, Inc.**, No. 15-375 (U.S. Feb. 29, 2016), available at <https://www.publicknowledge.org/documents/pk-amicus-brief-in-kirtsaeng-v.-john-wiley>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Defendant/Counter-Plaintiff Public.Resource.Org, **Am. Educ. Research Ass'n, Inc. v. Pub.Res.Org**, No. 1:14-cv-857 (D.D.C. Feb. 11, 2016), available at <https://www.publicknowledge.org/documents/amicus-brief-aera-v-public-resource>.

Brief of Public Knowledge, the Royal Manticoran Navy, and the International Costumers Guild as *Amici Curiae* in Support of Petitioner, **Star Athletica v. Varsity Brands, Inc.**, No. 15-866 (U.S. Feb. 5, 2016), available at <https://www.publicknowledge.org/documents/public-knowledge-amicus-brief-for-star-athletica-v-varsity-brands>. Discussed in:

- Adam Longman, *Cheerleading in SCOTUS? The Uniforms Could Make It There*, **GW INTELL. PROP. & ENT. L. BRIEF** (Apr. 13, 2016), <http://gwipbrief.org/cheerleading-in-scotus-the-uniforms-could-make-it-there/>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, **Vermont v. MPHJ Tech. Invs., LLC**, No. 15-838 (U.S. Jan. 29, 2016), available at <https://www.publicknowledge.org/documents/pk-eff-brief-in-vermont-v-mphj>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioners, **Samsung Elecs. Co. v. Apple Inc.**, No. 15-777 (U.S. Jan. 14, 2016), available at <https://www.publicknowledge.org/documents/amicus-samsung-apple-design>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, *In re Marten Transp., Ltd.*, No. 16-108 (Fed. Cir. Jan. 11, 2016), available at <https://www.publicknowledge.org/documents/amicus-brief-marten-transport>.

2015

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Neither Party, **Altera Corp. v. Papst Licensing GmbH & Co. KG**, Nos. 15-1914, -1919 (Fed. Cir. Dec. 21, 2015), available at <https://www.eff.org/files/2015/12/21/brief-altera-v-papst.pdf>. Discussed in:

- Patrick Boyle, *Fed. Circ. Urged To Overturn Patent Jurisdiction Law*, **LAW360** (Dec. 22, 2015), <http://www.law360.com/articles/741081/fed-circ-urged-to-overturn-patent-jurisdiction-law>.

*AMICUS CURIAE BRIEFS, continued*

---

Brief of Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy as *Amici Curiae* in Support of Neither Party, **Halo Elecs., Inc. v. Pulse Elecs., Inc.**, 136 S. Ct. 1923 (Dec. 15, 2015) (Nos. 14–1513, 14–1520), available at <https://www.publicknowledge.org/documents/amicus-brief-halo>. Discussed in:

- **Halo Elecs., Inc. v. Pulse Elecs., Inc.**, 136 S. Ct. 1923, 1936, 1938 (2016) (Breyer, J., concurring).
- Ronald Mann, *Argument Analysis: Justices Unsettled on Standard for Enhanced Damages in Patent Cases*, **SCOTUSBLOG** (Feb. 24, 2016), <http://www.scotusblog.com/2016/02/argument-analysis-justices-unsettled-on-standard-for-enhanced-damages-in-patent-cases/>.
- Transcript of Oral Argument at 34 ll. 12–16, **Halo Elecs., Inc. v. Pulse Elecs., Inc.**, 136 S. Ct. 1923 (Feb. 23, 2016) (Nos. 14–1513, 14–1520) (colloquy of Mr. Carter Phillips and Breyer, J.).
- Ryan Davis, *Calls For Bigger Patent Awards ‘Disastrous,’ Justices Told*, **LAW360** (Dec. 16, 2015), <http://www.law360.com/ip/articles/738653>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, **Nautilus, Inc. v. Biosig Instruments, Inc.**, No. 15-561 (U.S. Nov. 16, 2015), available at <https://www.publicknowledge.org/documents/pk-eff-nautilus-ii-cert>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of the Petition, **Apple Inc. v. Samsung Elecs. Co.**, No. 14-1802 (Fed. Cir. Nov. 2, 2015), <https://www.publicknowledge.org/documents/amicus-apple-samsung-injunction>. Discussed in:

- Vin Gurrieri, *Ban On Samsung Phones Flouts High Court, Fed. Circ. Told*, **LAW360** (Nov. 3, 2015), <http://www.law360.com/articles/722533/ban-on-samsung-phones-flouts-high-court-fed-circ-told>.
- John Eggerton, *PK: Court Overvalues Patent Rights Injunctions*, **BROADCASTING & CABLE** (Nov. 2, 2015), <http://www.broadcastingcable.com/news/washington/pk-court-overvalues-patent-rights-injunctions/145498>.

Brief of Amici Curiae Electronic Frontier Foundation, Public Knowledge, and Engine Advocacy in Support of Petitioner, *In re TC Heartland, LLC*, 821 F.3d 1338 (Fed. Cir. Oct. 29, 2015) (No. 16-105), available at [https://www.eff.org/files/2015/10/29/16-105\\_heartland\\_eff\\_amicus\\_.pdf](https://www.eff.org/files/2015/10/29/16-105_heartland_eff_amicus_.pdf). Discussed in:

- Joe Mullin, *EFF Asks Appeals Court to “Shut Down the Eastern District of Texas”*, **ARS TECHNICA** (Oct. 30, 2015), <http://arstechnica.com/tech-policy/2015/10/eff-asks-appeals-court-to-shut-down-the-eastern-district-of-texas/>.
- By Ryan Davis, *Fed. Circ. Urged To Close “Absurd” East Texas Patent Docket*, **LAW360** (Oct. 30, 2015), <http://www.law360.com/articles/721246/fed-circ-urged-to-close-absurd-east-texas-patent-docket>.
- Dennis Crouch, *Support for Mandamus Action to Limit Patent Forum Shopping*, **PATENTLY-O** (Nov. 6, 2015), <http://patentlyo.com/patent/2015/11/support-mandamus-shopping.html>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Opposition to Plaintiffs’ Motion for Summary Judgment, **BMG Rights Mgmt. (US) LLC v. Cox Enters., Inc.**, No. 1:14-cv-1611 (E.D. Va. Oct. 14, 2015), available at <https://www.publicknowledge.org/documents/brief-bmg-v-cox>. Discussed in:

*AMICUS CURIAE BRIEFS, continued*

---

- Ernesto Van der Sar, *Piracy Claims Are No Basis to Terminate Internet Accounts*, *Court Hears*, **TORRENTFREAK** (Oct. 15, 2015), <https://torrentfreak.com/piracy-claims-are-no-basis-to-terminate-internet-accounts-court-hears-151015/>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Affirmance, ***Spokeo, Inc. v. Robins***, No. 13-1339 (U.S. Sept. 3, 2015), *available at* <https://www.publicknowledge.org/documents/amicus-brief-spokeo-v-robins>. Discussed in:

- Adam Sneed, *Tech Watches as SCOTUS Hears Spokeo Case*, **POLITICO MORNING TECH** (Nov. 2, 2015), <http://www.politico.com/tipsheets/morning-tech/2015/11/morning-tech-tech-watches-as-scotus-hears-spokeo-case-budget-deals-robocall-provision-in-the-crosshairs-ryan-rules-out-immigration-reform-211039>.
- Alison Frankel, *Pension, Patent Rights at Stake in SCOTUS Spokeo Case: New Briefs*, **REUTERS** (Sept. 9, 2015), <http://blogs.reuters.com/alison-frankel/2015/09/09/pension-patent-rights-at-stake-in-scotus-spokeo-case-new-briefs/>.

Brief of Public Knowledge, the Electronic Frontier Foundation, the Open Source Hardware Association, the Digital Right to Repair Coalition, and Public Citizen, Inc. as *Amici Curiae* in Support of Appellant Impression Products, ***Lexmark Int'l, Inc. v. Impression Prods., Inc.***, No. 14-1617 (Fed. Cir. June 19, 2015), *available at* <https://www.publicknowledge.org/documents/amicus-brief-lexmark>. Discussed in:

- Editorial Bd., *Patents Shouldn't Block Sales of Used Products*, **N.Y. TIMES**, Sept. 7, 2015, at A16, *available at* <http://www.nytimes.com/2015/09/07/opinion/patent-law-shouldnt-block-the-sale-of-used-tech-products.html>.
- Lorelei Laird, *Can Patent Laws Halt the Reselling of Used Ink Cartridges? Federal Circuit to Consider*, **A.B.A. J.** (Feb. 1, 2016), [http://www.abajournal.com/magazine/article/can\\_patent\\_laws\\_halt\\_the\\_reselling\\_of\\_used\\_ink\\_cartridges\\_federal\\_circuit\\_t](http://www.abajournal.com/magazine/article/can_patent_laws_halt_the_reselling_of_used_ink_cartridges_federal_circuit_t).

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Defendants-Appellees, ***McRO, Inc. v. Bandai Namco Games Am. Inc.***, No. 15-1080 (Fed. Cir. June 19, 2015), *available at* <https://www.publicknowledge.org/documents/amicus-brief-mcro-v-bandai>. Discussed in:

- Clinton Nguyen, *Alleged Patent Troll Thinks It Can Patent the Laws of Physics*, **VICE: MOTHERBOARD** (June 22, 2015), <http://motherboard.vice.com/read/alleged-patent-troll-thinks-it-can-patent-the-laws-of-physics>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of the Petition for Rehearing En Banc, ***Biosig Instruments, Inc. v. Nautilus, Inc.***, No. 12-1289 (Fed. Cir. May 27, 2015), *available at* <https://www.publicknowledge.org/documents/amicus-brief-nautilus-enbanc/>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Appellee, ***Realtek Semiconductor Corp. v. LSI Corp.***, No. 14-16319 (9th Cir. Apr. 10, 2015), *available at* <https://www.publicknowledge.org/documents/pk-brief-in-realtek-v-lsi>.

Brief of 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 as *Amici Curiae* in Support of Respondent, ***Commil USA, LLC v. Cisco Sys., Inc.***, 135 S. Ct. 1920 (Feb. 24, 2015) (No. 13-896), *available at* <https://www.publicknowledge.org/assets/uploads/blog/brief-commil-copyright.pdf>. Discussed in:



*AMICUS CURIAE BRIEFS, continued*

---

- Joe Mullin, *If You Believe Enough, Can You Invalidate a Patent? Supreme Court to Decide*, **ARS TECHNICA** (Mar. 31, 2015), <http://arstechnica.com/tech-policy/2015/03/if-you-believe-enough-can-you-invalidate-a-patent-supreme-court-to-decide/>.
- Jessica M. Karmasek, *Public Policy Groups Urge U.S. SC to Limit 'Needless' Patent Infringement-Inducement Cases*, **LEGAL NEWSLINE** (Mar. 6, 2015), <http://legalnewsline.com/news/255259-public-policy-groups-urge-u-s-sc-to-limit-needless-patent-infringement-inducement-cases>.

Brief of Public Knowledge as *Amicus Curiae* in Support of Respondent, **Kimble v. Marvel Entm't, LLC**, 135 S. Ct. 2401 (Mar. 4, 2015) (No. 13-720), available at [https://www.publicknowledge.org/assets/uploads/documents/13-720\\_bsac\\_Public\\_Knowledge.pdf](https://www.publicknowledge.org/assets/uploads/documents/13-720_bsac_Public_Knowledge.pdf). Discussed in:

- Joe Mullin, *Supreme Court Mulls Lengthy Patent Deals in Spat over Spider-Man Toy*, **ARS TECHNICA** (Mar. 31, 2015), <http://arstechnica.com/tech-policy/2015/03/supreme-court-mulls-lengthy-patent-deals-in-spat-over-spider-man-toy/>.

Brief of *Amici Curiae* Public Knowledge and the Electronic Frontier Foundation in Support of Petitioner, **K/S HIMPP v. Hear-Wear Techs., LLC**, 135 S. Ct. 1439 (Jan. 22, 2015) (No. 14-744) (cert. denied), available at <https://www.publicknowledge.org/documents/pk-and-eff-brief-himpp-v-hear-wear>.

2014

Brief of *Amici Curiae* Application Developers Alliance, Computer and Communications Industry Association, Electronic Frontier Foundation, Engine Advocacy, National Restaurant Association, and Public Knowledge in Support of Defendant-Appellee Bravo Media, LLC, **DietGoal Innovations LLC v. Bravo Media LLC**, No. 599 Fed. Appx. 956 (Fed. Cir. Nov. 24, 2014) (per curiam), available at [https://www.eff.org/files/2014/11/25/14-1631\\_dietgoal\\_amicus\\_final.pdf](https://www.eff.org/files/2014/11/25/14-1631_dietgoal_amicus_final.pdf).

Brief of *Amicus Curiae* Public Knowledge in Support of Appellee, **Microsoft Corp. v. Motorola, Inc.**, 795 F.3d 1024 (9th Cir. Nov. 21, 2014) (No. 14-35393), available at <https://www.publicknowledge.org/assets/uploads/documents/brief-ms-v-motorola.pdf>. Discussed in:

- **Microsoft Corp. v. Motorola, Inc.**, 795 F.3d 1024, 1031, 1052 n.22 (9th Cir. 2015) (quoting brief).
- Robert Burnson & Susan Decker, *Microsoft Beats Google as Patent Royalty Case May Aid Consumers*, **BLOOMBERG BUS.** (July 30, 2015), <http://www.bloomberg.com/news/articles/2015-07-30/google-fails-to-overturn-microsoft-s-patent-royalty-victory>.
- Aaron Vehling, *Apple, Intel Back Microsoft in Landmark RAND Ruling Row*, **LAW360** (Nov. 24, 2014), <http://www.law360.com/articles/598757/apple-intel-back-microsoft-in-landmark-rand-ruling-row>.

Brief of *Amicus Curiae* Public Knowledge in Support of the Petition, **Google, Inc. v. Oracle Am., Inc.**, 135 S.Ct. 2887 (Nov. 7, 2014) (No. 14-410) (cert. denied), available at <https://www.publicknowledge.org/assets/uploads/documents/brief-oracle-v-google.pdf>. Discussed in:

- Mike Masnick, *Computer Scientists, Legal Experts Explain to Supreme Court Why APIs Are Not Copyrightable*, **TECHDIRT** (Nov. 10, 2014), <https://www.techdirt.com/articles/20141108/06411929085/computer-scientists-legal-experts-explain-to-supreme-court-why-apis-are-not-copyrightable.shtml>.

*AMICUS CURIAE BRIEFS, continued*

---

Brief of *Amici Curiae* Public Knowledge and the Electronic Frontier Foundation in Support of Appellants, **ClearCorrect Operating, LLC v. Int'l Trade Comm'n**, No. 14-1527 (Fed. Cir. Oct. 16, 2014), available at <https://www.publicknowledge.org/assets/uploads/documents/brief-clearcorrect.pdf>. Discussed in:

- Brent Kendall, *U.S. Puts Teeth into Digital Dispute*, **WALL ST. J.**, Aug. 3, 2015, at B1, available at <http://www.wsj.com/articles/imports-of-digital-goods-face-test-1438554684>.
- Glenn G. Lammi, *A Case With Teeth? Federal Circuit To Review ITC Jurisdiction Over Digital 'Articles'*, **FORBES** (Aug. 3, 2015), <http://www.forbes.com/sites/wlf/2015/08/03/a-case-with-teeth-federal-circuit-to-review-itc-jurisdiction-over-digital-articles/>.
- Jeff John Roberts, *Agency's Power Grab for Digital Goods Goes to Court, Tech Industry on Edge*, **FORTUNE** (Aug. 3, 2015), <http://fortune.com/2015/08/03/itc-digital-goods/>.
- Kate Cox, *Trade Dispute About Dental Devices Could End Up Changing the Future of the Entire Internet*, **CONSUMERIST** (Aug. 3, 2015), <http://consumerist.com/2015/08/03/trade-dispute-about-dental-devices-could-end-up-changing-the-future-of-the-entire-internet/>.
- Sarah Jeong, *An Undead SOPA Is Hiding Inside an Extremely Boring Case About Invisible Braces*, **VICE: MOTHERBOARD** (Aug. 5, 2015), <http://motherboard.vice.com/read/an-undead-sopa-is-hiding-inside-an-extremely-boring-case-about-invisible-braces>.
- Russell Brandom, *The MPAA Has a New Plan to Stop Copyright Violations at the Border*, **THE VERGE** (Jan. 2, 2015), <http://www.theverge.com/2015/1/2/7481409/the-mpaa-has-a-new-plan-to-stop-copyright-violations-at-the-border>.
- Tim Cushing, *MPAA Wants Regulators to Force ISPs to Block Sites 'at the Border'*, **TECHDIRT** (Jan. 5, 2015), <https://www.techdirt.com/articles/20150102/19563929582/mpaa-wants-regulators-to-force-isps-to-block-sites-border.shtml>.
- Jessica Corso, *Advocates Urge Fed. Circ. to Curtail ITC Digital Data Ruling*, **LAW360** (Oct. 16, 2014), <http://www.law360.com/articles/587742/advocates-urge-fed-circ-to-curtail-itc-digital-data-ruling>.
- Lisa Shuchman, *Tech Players Line Up Against ITC Power to Ban Digital Files*, **LITIG. DAILY** (Oct. 21, 2014), <http://www.litigationdaily.com/id=1202674159665/Tech-Players-Line-Up-Against-ITC-Power-to-Ban-Digital-Files?slreturn=20150016135931>.

Brief of *Amicus Curiae* Public Knowledge in Support of Defendant-Appellee, **Ultramercial, Inc. v. Hulu, LLC**, 772 F.3d 709 (Fed. Cir. Aug. 28, 2014) (No. 10-1544), available at <https://www.publicknowledge.org/assets/uploads/documents/brief-ultramercial-cafc-supp.pdf>.

Brief of *Amici Curiae* Electronic Frontier Foundation and Public Knowledge in Support of Petitioner, **Nautilus, Inc. v. Biosig Instruments, Inc.**, 134 S. Ct. 2120 (Mar. 3, 2014) (No. 13-369), available at <http://www.publicknowledge.org/assets/uploads/blog/nautilus-amicus-brief.pdf>.

Brief of Public Knowledge and the Application Developers Alliance as *Amici Curiae* in Support of Respondents, **Alice Corp. Pty. Ltd. v. CLS Bank Int'l**, 134 S. Ct. 2347 (Feb. 26, 2014) (No. 13-298), available at [http://www.publicknowledge.org/assets/uploads/blog/13-298\\_bsac\\_Public\\_Knowledge\\_and\\_the\\_Application\\_Developers\\_Alliance.pdf](http://www.publicknowledge.org/assets/uploads/blog/13-298_bsac_Public_Knowledge_and_the_Application_Developers_Alliance.pdf). Discussed in:

- Joe Mullin, *How Far Will the Supreme Court Go to Stop Patent Trolls?*, **ARS TECHNICA** (Mar. 31, 2014), <http://arstechnica.com/tech-policy/2014/03/how-far-will-the-supreme-court-go-to-stop-patent-trolls/>.

*AMICUS CURIAE BRIEFS, continued*

---

- Tim Cushing, *Public Knowledge Deflates Another Dubious Software Patent by Reducing It to Seven Lines of BASIC*, **TECHDIRT** (Mar. 3, 2014), <https://www.techdirt.com/articles/20140227/09465426377/public-knowledge-deflates-another-dubious-software-patent-reducing-it-to-seven-lines-basic.shtml>.

Brief of Public Knowledge and the Electronic Frontier Foundation as *Amici Curiae* in Support of Petitioner, **Nautilus, Inc. v. Biosig Instruments, Inc.**, 134 S. Ct. 2120 (Oct. 23, 2013) (No. 13-369), available at <http://www.publicknowledge.org/files/pk-nautilus-brief.pdf>.

2013 Brief of Public Knowledge as *Amicus Curiae* in Support of Petitioner, **WildTangent, Inc. v. Ultramercial, LLC**, 134 S. Ct. 2870 (Sept. 23, 2013) (No. 13-255) (vacating and remanding), available at <http://www.publicknowledge.org/files/wildtangent-v-ultramercial-pk-amicus.pdf>. Discussed in:

- Tim Cushing, *Amicus Brief from Public Knowledge Distills Ultramercial's 'Complex' Patent to 16 Lines of Code*, **TECHDIRT** (Sept. 26, 2013), <https://www.techdirt.com/articles/20130924/13500824642/amicus-brief-public-knowledge-distills-ultramercials-complex-patent-to-16-lines-code.shtml>.

**CONGRESSIONAL TESTIMONY**

---

2015 *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) (statement of Public Knowledge), <https://www.publicknowledge.org/documents/pk-testimony-on-internet-of-things>.

*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) (statement of Charles Duan, Director, Patent Reform Project, Public Knowledge), [https://www.publicknowledge.org/assets/uploads/blog/testimony-trol-act\\_PK\\_CharlesDuan.pdf](https://www.publicknowledge.org/assets/uploads/blog/testimony-trol-act_PK_CharlesDuan.pdf). Discussed in:

- Joe Mullin, *Reform Groups: Bill to Stop Patent Demand Letters Falls Short*, **ARS TECHNICA** (Apr. 22, 2015), <http://arstechnica.com/tech-policy/2015/04/22/reform-groups-bill-to-stop-patent-demand-letters-falls-short/>.

*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) (statement of Charles Duan, Director, Patent Reform Project, Public Knowledge), <https://www.publicknowledge.org/assets/uploads/blog/testimony-scotus-cases.pdf>.

2013 *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) (statement of Charles Duan, Director, Patent Reform Project, Public Knowledge), available at <http://docs.house.gov/meetings/IF/IF02/20131114/101483/HHRG-113-IF02-Wstate-DuanC-20131114.pdf>.

**ADMINISTRATIVE COMMENTS**

---

2017 Comments of Consumers and Fans of Nutella in Opposition to the Citizen Petition, *Reference Amount Customarily Consumed for Flavored Nut Butter Spreads* (FDA Jan. 3, 2017), available at <https://www.regulations.gov/contentStreamer?documentId=FDA-2016-N-2938-0654&attachmentNumber=1&contentType=pdf>. Discussed in:

- Caitlin Dewey, *There's a Battle Raging Between Nutella and Peanut Butter*, **WASH. POST** (Jan. 9, 2017), <https://www.washingtonpost.com/news/wonk/wp/2017/01/09/how-nutella-plans-to-trick-you-into-thinking-its-healthier-than-it-is/>.

**ADMINISTRATIVE COMMENTS, continued**

---

2016      Comments of Public Knowledge, *Proposed Update to the Antitrust Guidelines for the Licensing of Intellectual Property* (DOJ & FTC Sept. 26, 2016), available at <https://www.justice.gov/atr/file/897756/download>.

Comments of Public Knowledge, *Application of the Written Description Requirement to Specific Situations in Design Applications* (USPTO June 14, 2016), available at <https://www.publicknowledge.org/documents/comments-design-patent-written-description>.

Comments of Public Knowledge and the Electronic Frontier Foundation, *Patent Quality Metrics for Fiscal Year 2017 and Request for Comments on Improving Patent Quality Measurement* (USPTO May 24, 2016), available at [http://www.uspto.gov/sites/default/files/documents/metrics\\_a\\_eff\\_24may2016.pdf](http://www.uspto.gov/sites/default/files/documents/metrics_a_eff_24may2016.pdf).

Comments of the Electronic Frontier Foundation and Public Knowledge, *Topics for USPTO Quality Case Studies: Interview Summaries* (USPTO Feb. 12, 2016), available at [http://www.uspto.gov/sites/default/files/documents/casestudies\\_a\\_eff2\\_12feb2016.pdf](http://www.uspto.gov/sites/default/files/documents/casestudies_a_eff2_12feb2016.pdf).

Comments of the Electronic Frontier Foundation and Public Knowledge, *Topics for USPTO Quality Case Studies: Statements of Reasons for Allowance* (USPTO Feb. 12, 2016), available at [http://www.uspto.gov/sites/default/files/documents/casestudies\\_a\\_eff2\\_12feb2016.pdf](http://www.uspto.gov/sites/default/files/documents/casestudies_a_eff2_12feb2016.pdf).

2015      Comments of Public Knowledge and the Electronic Frontier Foundation, *Proposed Pilot Program Exploring an Alternative Approach to Institution Decisions in Post Grant Administrative Reviews*, 80 Fed. Reg. 67734 (USPTO Nov. 18, 2015), available at <https://www.publicknowledge.org/documents/pk-eff-comments-on-uspto-ptab-pilot>.

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), available at <https://www.publicknowledge.org/documents/pk-comments-in-itc-337-ta-932>. Discussed in:

- Kelly Knaub, *Ban On Samsung Phones Could Harm Public Safety, ITC Told*, **LAW360** (Nov. 16, 2015), <http://www.law360.com/articles/727316/ban-on-samsung-phones-could-harm-public-safety-itc-told>.

Comments of Public Knowledge and Eleven Other Organizations, *Development of the Joint Strategic Plan on Intellectual Property Enforcement*, 80 Fed. Reg. 52800 (IPEC Oct. 16, 2015), available at <https://www.publicknowledge.org/documents/ipecc-comments-itc>. Discussed in:

- Adam Sneed, *Tech Groups Urge IPEC Action on Data Flows*, **POLITICO MORNING TECH** (Oct. 20, 2015), <http://www.politico.com/tipsheets/morning-tech/2015/10/morning-tech-today-house-votes-on-judicial-redress-act-icann-debate-heats-up-in-dublin-cisa-gets-closer-closer-closer-210817>.

Comments of the Electronic Frontier Foundation, Engine Advocacy, and Public Knowledge, *Enhancing Patent Quality* (USPTO May 6, 2015), [http://www.uspto.gov/sites/default/files/documents/2015quality\\_a\\_eff\\_06may2015.pdf](http://www.uspto.gov/sites/default/files/documents/2015quality_a_eff_06may2015.pdf).

Comments of Public Knowledge, *2014 Interim Guidance on Patent Subject Matter Eligibility*, 79 Fed. Reg. 74618 (USPTO Mar. 16, 2015), available at [http://www.uspto.gov/sites/default/files/documents/2014ig\\_a\\_public\\_2015mar16.pdf](http://www.uspto.gov/sites/default/files/documents/2014ig_a_public_2015mar16.pdf).

---

**ADMINISTRATIVE COMMENTS, *continued***

---

- 2014      Comments of Public Knowledge, *MPHJ Technology Investments, LLC, et al.—Consent Agreement* (FTC Dec. 8, 2014), available at <https://www.publicknowledge.org/assets/uploads/documents/pk-ftc-mphj.pdf>.
- Comments of Public Knowledge, *Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board* (USPTO Sept. 30, 2014), available at [http://www.uspto.gov/ip/boards/bpai/public\\_knowledge\\_20140930.pdf](http://www.uspto.gov/ip/boards/bpai/public_knowledge_20140930.pdf).
- Comments of Public Knowledge, *Strategy for American Innovation* (OSTP & NEC Sept. 23, 2014), available at <https://www.publicknowledge.org/assets/uploads/documents/comments-ostp-innovation.pdf>.
- Comments of Public Knowledge, *Optimum First Action and Total Patent Pendency* (USPTO Sept. 8, 2014), available at [http://www.uspto.gov/patents/law/comments/ofa\\_a\\_public\\_2014sep08.pdf](http://www.uspto.gov/patents/law/comments/ofa_a_public_2014sep08.pdf).
- Comments of Public Knowledge, *Examination Instruction and Guidance Pertaining to Patent-Eligible Subject Matter*, 79 Fed. Reg. 36786 (USPTO July 31, 2014), available at <http://www.uspto.gov/sites/default/files/patents/law/comments/al-a-publicknowledge20140731.pdf>.
- Comments of Public Knowledge, *Agency Information Collection Activities (Patent Assertion Entities Study II)* (FTC & OMB June 18, 2014), available at [http://www.ftc.gov/system/files/documents/public\\_comments/2014/06/00031-90497.pdf](http://www.ftc.gov/system/files/documents/public_comments/2014/06/00031-90497.pdf).
- Comments of Public Knowledge, *Changes to Require Identification of Attributable Owner* (USPTO Apr. 23, 2014), <http://www.publicknowledge.org/assets/uploads/blog/pto-attributable-ownership.pdf>.
- Comments of Public Knowledge, *The Use of Crowdsourcing and Third-Party Preissuance Submissions to Identify Relevant Prior Art* (USPTO Apr. 23, 2014), <http://www.publicknowledge.org/assets/uploads/blog/pto-crowdsourcing.pdf>.
- Comments of Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy, *Prior Art Resources for Use in the Examination of Software-Related Patent Applications* (USPTO Mar. 17, 2014), <http://www.publicknowledge.org/documents/uspto-comments-on-prior-art-resources>. Discussed in:
- Cory Doctorow, *EFF, Public Knowledge and Engine Tell the USPTO How to Improve Patent Quality*, **BOING BOING** (Mar. 18, 2014), <http://boingboing.net/2014/03/18/eff-public-knowledge-and-engi.html>.
- 2013      Comments of Public Knowledge, the Electronic Frontier Foundation, and Engine Advocacy, *Agency Information Collection Activities (Patent Assertion Entities Study I)* (FTC Dec. 16, 2013), available at [http://www.ftc.gov/sites/default/files/documents/public\\_comments/2013/12/00039-87898.pdf](http://www.ftc.gov/sites/default/files/documents/public_comments/2013/12/00039-87898.pdf).
- Comments of Public Knowledge and the Electronic Frontier Foundation, *Strategies for Improving Claim Clarity: Glossary Use in Defining Claim Terms* (USPTO Oct. 24, 2013), available at <http://www.publicknowledge.org/files/comments-pto-roundtable.pdf>.

---

**PUBLICATIONS**

---

- 2017      Charles Duan, *'Internet' or 'internet'? The Supreme Court Weighs In*, **VICE: MOTHERBOARD** (June 22, 2017), [https://motherboard.vice.com/en\\_us/article/pay5ek/internet-or-internet-the-supreme-court-weighs-in](https://motherboard.vice.com/en_us/article/pay5ek/internet-or-internet-the-supreme-court-weighs-in).

PUBLICATIONS, *continued*

Charles Duan, *Disney's Patent Filing for a Huggable Robot Patent Is Actually Pretty Great*, **SLATE: FUTURE TENSE** (Apr. 12, 2017), [http://www.slate.com/blogs/future\\_tense/2017/04/12/disney\\_s\\_patent\\_filing\\_for\\_a\\_huggable\\_robot\\_is\\_pretty\\_great.html](http://www.slate.com/blogs/future_tense/2017/04/12/disney_s_patent_filing_for_a_huggable_robot_is_pretty_great.html).

Charles Duan, *Tech Companies Are Using Patent Strategies the Supreme Court Shot Down 100 Years Ago*, **SLATE: FUTURE TENSE** (Apr. 4, 2017), [http://www.slate.com/articles/technology/future\\_tense/2017/04/tech\\_companies\\_need\\_a\\_supreme\\_court\\_patent\\_law\\_history\\_lesson.html](http://www.slate.com/articles/technology/future_tense/2017/04/tech_companies_need_a_supreme_court_patent_law_history_lesson.html).

Charles Duan & Sasha Moss, *Trump's Patent Policy Should Put America First, Not the Patent Lobby*, **THE HILL** (Feb. 1, 2017), <http://thehill.com/blogs/pundits-blog/uncategorized/317094-trumps-patent-policy-should-put-america-first-not-the-patent>.

Charles Duan & Sasha Moss, *It's Time for SCOTUS to Weigh In on Digital Fair Use*, **THE HILL** (Jan. 4, 2017), <http://thehill.com/blogs/pundits-blog/technology/312656-its-time-for-scotus-to-weigh-in-on-digital-fair-use>.

2016

Charles Duan, *How a '90s Tech Company Redefined What Ownership Means Today*, **SLATE: FUTURE TENSE** (Oct. 21, 2016), [http://www.slate.com/articles/technology/future\\_tense/2016/10/how\\_lexmark\\_is\\_redefining\\_ownership.html](http://www.slate.com/articles/technology/future_tense/2016/10/how_lexmark_is_redefining_ownership.html).

Charles Duan, *What Everyone Is Forgetting About the Samsung v. Apple Case*, **VICE: MOTHERBOARD** (Oct. 12, 2016), <http://motherboard.vice.com/read/what-everyone-is-forgetting-about-the-samsung-v-apple-case>.

Charles Duan, *The Right to Hack Is Under Attack*, **SLATE: FUTURE TENSE** (Oct. 11, 2016), [http://www.slate.com/articles/technology/future\\_tense/2016/10/the\\_right\\_to\\_hack\\_is\\_under\\_attack.html](http://www.slate.com/articles/technology/future_tense/2016/10/the_right_to_hack_is_under_attack.html).

Charles Duan, *Internet Freedom with Teeth*, 67 **FLA. L. REV. F.** 243 (2016), [http://www.floridalawreview.com/wp-content/uploads/Duan\\_EFE\\_Published.pdf](http://www.floridalawreview.com/wp-content/uploads/Duan_EFE_Published.pdf).

Charles Duan, *The Copyright Office Doesn't Understand Economics*, **MORNING CONSULT** (Aug. 10, 2016), <https://morningconsult.com/opinions/copyright-office-doesnt-understand-economics/>.

Charles Duan, *The Supreme Court Will Consider a Case About Cheerleading Uniforms*, **MOTHERBOARD** (July 29, 2016), <http://motherboard.vice.com/read/star-athletica-varsity-brands>.

Charles Duan, *The Internet Will Not Be Lowercased*, **MEDIUM: PUB. KNOWLEDGE** (June 2, 2016), <https://medium.com/@PublicKnowledge/the-internet-will-not-be-lowercased-af77dea570a7>.

Charles Duan, *What Google's April Fools' Day Snafu Says About Software Copyrights*, **SLATE: FUTURE TENSE** (Apr. 5, 2016), [http://www.slate.com/blogs/future\\_tense/2016/04/05/what\\_google\\_s\\_april\\_fools\\_day\\_snafu\\_says\\_about\\_software\\_copyrights.html](http://www.slate.com/blogs/future_tense/2016/04/05/what_google_s_april_fools_day_snafu_says_about_software_copyrights.html).

HAROLD FELD, CHARLES DUAN, JOHN GASPARINI, TENNYSON HOLLOWAY & MEREDITH ROSE, *PROTECTING PRIVACY, PROMOTING COMPETITION: A FRAMEWORK FOR UPDATING THE FEDERAL COMMUNICATIONS COMMISSION PRIVACY RULES FOR THE DIGITAL WORLD* (2016), *available at* <https://www.publicknowledge.org/documents/protecting-privacy-promoting-competition-white-paper>.

**PUBLICATIONS, continued**

---

2015 Charles Duan, *YouTube Is the Latest to Defend Users from Ridiculous Copyright Claims*, **VICE: MOTHERBOARD** (Nov. 20, 2015), <http://motherboard.vice.com/read/youtube-is-the-latest-to-defend-users-from-ridiculous-copyright-claims>.

Charles Duan, *Ice Cream Patent Headache: What the History of Eskimo Pies Tells Us About Software Patents Today*, **SLATE: FUTURE TENSE** (Oct. 20, 2015), [http://www.slate.com/articles/technology/future\\_tense/2015/10/what\\_the\\_history\\_of\\_eskimo\\_pies\\_says\\_about\\_software\\_patents\\_today.html](http://www.slate.com/articles/technology/future_tense/2015/10/what_the_history_of_eskimo_pies_says_about_software_patents_today.html).

Charles Duan, *How You Can Use Gadgets May Hinge on a Printer Ink Case*, **WIRED** (Oct. 2, 2015), <http://www.wired.com/2015/10/can-use-gadgets-may-hinge-printer-ink-case/>.

Charles Duan, *JDate's 22-Page Patent for Matchmaking Is Absurd*, **VICE: MOTHERBOARD** (Aug. 7, 2015), <http://motherboard.vice.com/read/jdates-22-page-patent-for-matchmaking-is-absurd>.

Charles Duan, *Stop the Music*, **BOING BOING** (July 28, 2015) (short fiction about copyright and DRM), <http://boingboing.net/2015/07/28/music.html>.

Charles Duan, *Can Copyright Protect a Language? What a Big Software Case Could Mean for Klingon Speakers*, **SLATE: FUTURE TENSE** (June 3, 2015), [http://www.slate.com/articles/technology/future\\_tense/2015/06/oracle\\_v\\_google\\_klingon\\_and\\_copyrighting\\_language.html](http://www.slate.com/articles/technology/future_tense/2015/06/oracle_v_google_klingon_and_copyrighting_language.html).

Charles Duan & Shiva Stella, *A Patent Case About Teeth Shouldn't Crush an Open Internet*, **SLATE: FUTURE TENSE** (Apr. 10, 2015), [http://www.slate.com/blogs/future\\_tense/2015/04/10/in\\_re\\_certain\\_digital\\_models\\_case\\_international\\_trade\\_commission\\_and\\_the.html](http://www.slate.com/blogs/future_tense/2015/04/10/in_re_certain_digital_models_case_international_trade_commission_and_the.html).  
Cited in:

- Editorial Bd., *Keep the Internet Free of Borders*, **N.Y. TIMES**, Aug. 10, 2015, at A18, available at <http://www.nytimes.com/2015/08/10/opinion/keep-the-internet-free-of-borders.html>.

Charles Duan, *The STRONG Patents Act Is a Death Squad for Innovation*, **ROLL CALL** (Mar. 17, 2015), <http://blogs.rollcall.com/beltway-insiders/the-strong-patents-act-is-a-death-squad-for-innovation/>.

Charles Duan, *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), [http://www.slate.com/articles/technology/future\\_tense/2015/01/verizon\\_s\\_privacy\\_invading\\_uidh\\_supercookie\\_could\\_be\\_reined\\_in\\_with\\_this.html](http://www.slate.com/articles/technology/future_tense/2015/01/verizon_s_privacy_invading_uidh_supercookie_could_be_reined_in_with_this.html).

2014 CHARLES DUAN, PUB. KNOWLEDGE, A FIVE PART PLAN FOR PATENT REFORM (2014), available at <https://www.publicknowledge.org/documents/a-five-part-plan-for-patent-reform>.

Charles Duan, *Taking a Page from the Patent Troll Playbook*, **SLATE: FUTURE TENSE** (Dec. 17, 2014), [http://www.slate.com/articles/technology/future\\_tense/2014/12/ben\\_edelman\\_used\\_patent\\_troll\\_tactics\\_in\\_going\\_after\\_a\\_chinese\\_restaurant.html](http://www.slate.com/articles/technology/future_tense/2014/12/ben_edelman_used_patent_troll_tactics_in_going_after_a_chinese_restaurant.html).

Charles Duan, *Would You Like a Patent Lawsuit with Your Meal?*, **ROLL CALL** (Dec. 18, 2014), [http://www.rollcall.com/news/would\\_you\\_like\\_a\\_patent\\_lawsuit\\_with\\_your\\_meal\\_commentary-238838-1.html](http://www.rollcall.com/news/would_you_like_a_patent_lawsuit_with_your_meal_commentary-238838-1.html).

**PUBLICATIONS, continued**

---

- Tristan Gray–Le Coz & Charles Duan, *Apply It to the USPTO: Review of the Implementation of Alice v. CLS Bank in Patent Examination*, 2014 **PATENTLY-O PAT. L.J.** 1, <http://patentlyo.com/media/2014/11/GrayLeCozDuan.pdf>.
- Charles Duan, *How Amazon Got a Patent on White-Background Photography: Bad Laws, Not Bad Examiners, Create Obvious Patents*, **ARS TECHNICA** (June 10, 2014), <http://arstechnica.com/tech-policy/2014/06/how-amazon-got-a-patent-on-white-background-photography/>.
- Charles Duan, *A Definite Problem of Patent Law: Nautilus v. Biosig Instruments*, **JURIST PROF. COMMENT.** (May 7, 2014), <http://jurist.org/hotline/2014/05/charles-duan-patents-natilus.php>.
- Charles Duan, *Big Businesses Are Filing Frivolous Patent Lawsuits to Stifle Innovative Small Competitors*, **FORBES** (Feb. 24, 2014), <http://www.forbes.com/sites/realspin/2014/02/24/big-businesses-are-filing-frivolous-patent-lawsuits-to-stifle-innovative-small-competitors/>.
- 2013 Charles Duan, *Patent Trolls Are the Economy-Suffocating Exception to the ‘No Free Lunch’ Rule*, **FORBES** (Nov. 15, 2013), <http://www.forbes.com/sites/realspin/2013/11/15/patent-trolls-are-the-economy-suffocating-exception-to-the-no-free-lunch-rule/>.
- Charles Duan, *First Rule of Patents: Do No Harm to Consumers*, **HILL: CONGRESS BLOG** (Oct. 24, 2013), <http://thehill.com/blogs/congress-blog/technology/330251-first-rule-of-patents-do-no-harm-to-consumers>.
- Charles Duan, *Down with the Patent Trolls*, **L.A. TIMES**, Aug. 22, 2013, at A17, available at <http://articles.latimes.com/2013/aug/22/opinion/la-oe-duan-troll-patent-abuse-consumer-20130822>.
- 2012 Katie Shilton, Jeff Burke, kc claffy, Charles Duan & Lixia Zhang, *A World on NDN: Affordances & Implications of the Named Data Networking Future Internet Architecture* (Named Data Networking, Technical Report No. NDN-0018, 2014) (based on work from 2012), <http://named-data.net/publications/techreports/world-on-ndn-11apr2014/>.
- 2009 Lauren Katzenellenbogen, Charles Duan & James Skelley, *Alternative Software Protection in View of In re Bilski*, 7 **NW. J. TECH. & INTELL. PROP.** 332 (2009), available at <http://scholarlycommons.law.northwestern.edu/njtip/vol7/iss3/5>.
- 2006 Charles Duan, *The Real Results of Stock-Touting Spam*, **GTNEWS** (Oct. 23, 2006), [http://gtnews.afponline.org/Articles/2006/The\\_Real\\_Results\\_of\\_Stock-touting\\_Spam.html](http://gtnews.afponline.org/Articles/2006/The_Real_Results_of_Stock-touting_Spam.html).