

TEJAS N. NARECHANIA

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CURRENT APPOINTMENT

University of California, Berkeley, School of Law

Robert and Nanci Corson Assistant Professor of Law, 2019–

(Assistant Professor of Law, 2016–2019)

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

EXPERIENCE

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

Law Clerk, 2015–2016

Columbia Law School

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

Federal Communications Commission

Special Counsel, 2012–2013

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

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

Law Clerk, 2011–2012

Microsoft Corporation

Product Manager, Unified Communications Group, 2005–2008

- responsible for matters relating to enterprise email and communications technology

EDUCATION

Columbia Law School

J.D., 2011

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

University of California, Berkeley

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

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

PUBLICATIONS

Articles

Certiorari in Important Cases

122 *Columbia Law Review* 923 (2022)

- cited in The White House, Presidential Commission on the Supreme Court of the United States, Case Selection and Review: Docket, Rules, and Practices (Oct. 2021 Discussion Materials)

Machine Learning as Natural Monopoly

107 *Iowa Law Review* 1543 (2022)

Convergence and a Case for Broadband Rate Regulation

___ *Berkeley Technology Law Journal* ___ (2022)

- cited in The White House, Fact Sheet: Executive Order on Promoting Competition in the American Economy (July 2021)

Internet Federalism

34 *Harvard Journal of Law & Technology* 547 (2021) (with Erik Stallman)

Defective Patent Deference

95 *Washington Law Review* 869 (2020)

Certiorari, Universality, and a Patent Puzzle

116 *Michigan Law Review* 1345 (2018)

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

Patent Conflicts

103 *Georgetown Law Journal* 1483 (2015)

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

Judicial Priorities

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

Federal and State Authority for Broadband Regulation

18 *Stanford Technology Law Review* 456 (2015)

Sender Side Transmission Rules for the Internet

66 *Federal Communications Law Journal* 467 (2014) (with Tim Wu)

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

An Unsettling Development?:

Using Settlement-Related Evidence for Damages Determinations in Patent Litigation

2012 *University of Illinois Journal of Law, Technology & Policy* 1 (with J. Taylor Kirklin)

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

An Offensive Weapon?:

An Empirical Analysis of the Sword of State Sovereign Immunity in State Patents

110 *Columbia Law Review* 1574 (2010) (student note)

- cited in *Regents of Univ. of Minn. v. LSI Corp.*, 926 F.3d 1327 (Fed. Cir. 2019) (Dyk, Wallach, and Hughes, JJ., additional views); and *Parfitt v. Fla. Gulf Coast Univ. Board of Trustees* (M.D. Fla 2020)
- republished in PATENT LAW REVIEW 2011 (Karen B. Tripp ed.)
- received the E.B. Convers Prize (Columbia Law School 2011)
- received the Burton Award for Distinguished Legal Writing (2011)

Other Works

Arthrex and the Politics of Patents

12 *California Law Review Online* 65 (2022)

- republished on Fed Circuit Blog (symposium)

The Secret Life of a Text Message

120 *Columbia Law Review Forum* 197 (2020)

Symmetry and (Network) Neutrality

119 *Michigan Law Review Online* 46 (2020) (review essay)

Judge Wood and the Human Side of Judging

University of Chicago Law Review Online (2020) (symposium)

Interbranch Information Sharing: Examining the Statutory Opinion Transmission Project

108 *California Law Review* 917 (2020) (with Marin K. Levy) (symposium)

- cited in *Cargill v. Garland*, 20 F.4th 1004 (5th Cir. 2021)

State Immunity and the Patent Trial and Appeal Board

18 *Chicago-Kent Journal of Intellectual Property* 537 (2019) (symposium)

Agency Boundaries and Network Neutrality

12 *Journal of Law & Policy for the Information Society* 59 (2015) (symposium)

Network Nepotism and the Market for Content Delivery

67 *Stanford Law Review Online* 27 (2014)

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

Media and Press

Challenge to California Net Neutrality Law Should Be Dismissed
San Jose Mercury News (March 2021) (with Erik Stallman)

CONFERENCES AND PRESENTATIONS (SELECTED)

Conferences Organized

Junior IP Scholars Association Biannual Workshop, University of California, Berkeley, School of Law (July 2022)

Symposium on the 25th Anniversary of the Telecommunications Act of 1996—What’s Next?, University of California, Berkeley, School of Law with the Federal Communications Law Journal at the George Washington University Law School (March 2021) (with Erik Stallman)

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

Paper and Project Presentations

Certiorari in Important Cases

- University of California, Davis, School of Law, Northern California Junior Scholars’ Workshop (virtual) (June 2020)
- Duke Law School, Judicial Administration Roundtable (virtual) (December 2020)
- University of California, Berkeley, Computational Text Analysis Working Group (virtual) (October 2020)
- Northwestern Law School, Informal Courts and Procedure Scholars Colloquium (virtual) (August 2020)
- University of California, Berkeley, School of Law (varied workshops) (2020–2021)

Convergence and a Case for Broadband Rate Regulation

- Yeshiva University Cardozo School of Law, IP Colloquium (April 2022)
- University of California, Berkeley, School of Law with the Federal Communications Law Journal at the George Washington University Law School, Symposium on the 25th Anniversary of the Telecommunications Act of 1996—What’s Next? (March 2021)

Machine Learning as Natural Monopoly

- University of Pennsylvania Carey Law School, Junior Faculty Forum on Law and STEM (October 2021)
- Penn State Law (virtual) (April 2021)
- George Washington University Law School, IP Speaker Series (virtual) (October 2020)
- University of California, Berkeley, School of Information, Center for Long-Term Cybersecurity, Interdisciplinary Workshop on Data Rights and Shared Value for AI/ML and Emerging Technologies (virtual) (September 2020)
- University of North Carolina School of Law, Seminar on AI and the Law (virtual) (September 2020)
- University of California, Berkeley, School of Law (varied workshops) (2020–2021)

Internet Federalism

- Yale Law School, Administrative Law New Scholarship Roundtable (virtual) (August 2020) (with Erik Stallman)
- Junior IP Scholars Association Biannual Workshop (virtual) (June 2020) (with Erik Stallman)
- University of California, Berkeley, School of Law (varied workshops) (2020) (with Erik Stallman)
- ~~Internet Law Works in Progress, New York Law School (March 2020)~~ (cancelled because of COVID19-related concerns)

Defective Patent Deference

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

Certiorari, Universality, and a Patent Puzzle

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

Judicial Priorities

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

Patent Conflicts

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

Agency Boundaries and Network Neutrality

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

Federal and State Authority for Broadband Regulation

- TPRC42: Research Conference on Communication, Information, and Internet Policy (September 2014)

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

- ABA Section of Intellectual Property Law (online) (February 2014) (with J. Taylor Kirklin)

Other Presentations

Panelist, “AI Science and Technology,” University of California, Berkeley, Goldman School of Public Policy, Center for Security in Politics, Division of Computing, Data Science, and Society, and the Berkeley Center for Law and Technology (Joint), Future of Artificial Intelligence and Policy (May 2022 [*scheduled*])

Moderator, “The Relationship Between the Patent Trial and Appeal Board and Article III Litigation: An Inside View,” University of Texas, Austin, School of Law, Texas Intellectual Property Law Journal (March 2022)

Moderator, “Data Scraping and the Courts: State of Play with the CFAA,” University of California, Berkeley, School of Information, Center for Long-Term Cybersecurity (virtual) (February 2022)

Moderator, “Algorithms in the Academy: Surveillance, Evaluation, and Risk Assessment at Universities,” Association of American Law Schools, Annual Meeting, Section on Internet and Computer Law (virtual) (January 2022)

Moderator, Mary Fan and Karen Levy, “The New Horizon for Data Rights,” University of California, Berkeley, School of Information, Center for Long-Term Cybersecurity (virtual) (May 2021)

Panelist, “The Past and Future of Network-Layer Governance,” University of Colorado Law School, Symposium on Platform Policy for Networks, Infrastructure, and Applications (virtual) (April 2021)

Panelist, “Platform Liability Rules as Technology Policy Levers,” University of California, Berkeley, School of Law, Symposium on *Lex Informatica*: The Formulation of Information Policy Rules through Technology (virtual) (April 2021)

Discussant, Tabrez Y. Ebrahim, “National Cybersecurity Innovation,” University of Nebraska College of Law, Cybersecurity Law & Policy Scholars Conference (virtual) (November 2020)

Moderator, Mignon Clyburn, Keynote Address, University of California, Berkeley, School of Law, Symposium on Technology Law as a Vehicle for Anti-Racism (virtual) (November 2020)

Moderator, “On Net Neutrality, Communications Policy, and Their Impact on Minority Populations,” University of California, Berkeley, School of Law, Symposium on Technology Law as a Vehicle for Anti-Racism (virtual) (November 2020)

Panelist, “Everything You Need to Know About Section 230: What Section 230 Means for Telecommunications Law and Administrative Agencies,” Yale Law School, Internet Society Project (virtual) (June 2020)

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

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

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

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

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

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

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

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

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

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

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

TEACHING

Law School

Property (SP2017, SP2018, F2018, F2019)

Regulated Digital Industries: Law & Policy for Networks and Platforms (SP2019, SP2020, SUM2021, SP2022, SUM2022)

Courts and Judicial Process Colloquium (SP2020, SP2022) (with Judge Jeremy Fogel (ret.))

Network Neutrality Seminar (F2020)

California Law Review Writing Workshop (SP2018, SP2019) (with Karen Tani (SP2018), with Kenneth Ayotte (SP2019))

Law & Technology Writing Workshop (F2016) (with Molly Shaffer Van Houweling)

Graduate Student Advising

Qualifying Exam Committee for Matthew Cannon, *Inventing Protest: Activism by American Inventor Groups*, Jurisprudence and Social Policy, University of California, Berkeley, School of Law (F2019)

Qualifying Exam Committee for Shih-Wei Chao, *Water's Edge: Platform Counterfeiting and Infringement "Laws" and "Courts," and Their Legal Interfaces*, Jurisprudence and Social Policy, University of California, Berkeley, School of Law (SP2022)

Other

Guest Instructor, Columbia University School of Engineering and Applied Sciences, "Internet Technology, Economics, and Policy" (Henning Schulzrinne, Professor) (F2014)

Lecturer, "Over-the-Top Video on the Internet: Legal and Technical Issues," World Intellectual Property Office Academy (SUM2013)

POLICY ADVISING AND ADVOCACY (SELECTED)

Brief of Amicus Curiae The Greenlining Institute in Support of Defendant-Appellant, *N.Y. State Telecommunications Ass'n, et al. v. James* (No. 21-1975) (2d Cir. 2021) (with Erik Stallman)

Expert Witness in *Netflix Services Korea Ltd. v. SK Broadband, Inc.* (Seoul Central District Court, South Korea) (April 2021)

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

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

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

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

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

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

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

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

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

MEDIA (SELECTED)

Sarah Wells, What Broadband ‘Nutrition Labels’ Could Reveal About Your Internet Provider, Popular Science, February 4, 2022 (quoted)

Adam Bender, 9th Circuit: FCC Gave Up Power to Preempt Calif. on Net Neutrality, Communications Daily, January 31, 2022 (quoted)

Leah Litman, Melissa Murray, and Kate Shaw, Mensch on the Bench, Strict Scrutiny Podcast, January 28, 2022 (podcast interview)

Scott K. Graham, The Supreme Court Is About to Lose Its ‘Driving Force’ on IP Law, Law.com, January 28, 2022 (quoted)

Rob Verger, What Biden’s Big Executive Order Means for the Internet, Air Travel, and More, Popular Science, July 12, 2021 (quoted)

Margaret Harding McGill, Internet Prices Kick Off Washington Brawl, Axios, May 14, 2021 (cited)

Daniel Funke, Meet Section 230: The Most Important Law Protecting Internet Speech, PolitiFact, March 1, 2021 (quoted)

Dani Kass, Patent Law Is Just The Beginning For High Court In *Arthrex*, Law360, October 13, 2020 (quoted)

Shannon Bond, Google and Oracle’s Decade-Long Copyright Battle Reaches Supreme Court, Morning Edition (NPR), October 7, 2020 (radio interview)

Monica Hogan, NARUC Joins FCC Push to Lower Inmate Calling Rates, Communications Daily, July 24, 2020 (quoted)

Breaking Up Big Tech, The Berkeley Forum Podcast, May 20, 2020 (podcast interview)

Net Neutrality, The BTLJ Podcast, December 2, 2019 (podcast interview)

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

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

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

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

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

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

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

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

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

SERVICE

Academic Community

Co-Chair, Junior Intellectual Property Scholars' Association (AY2021, AY2022)

Executive Board, American Association of Law Schools, Section on Internet and Computer Law (AY2019, Chair-Elect AY2020, Chair AY2021)

Reviewer/Referee

- MIT Press
- *Berkeley Technology Law Journal*
- *California Law Review*
- *Computer Law & Security Review*
- *Stanford Technology Law Review*

University

Committee on Undergraduate Scholarships, Honors, and Financial Aid (Regents' and Chancellors' Scholarship Interviewer, Fiat Lux Scholarship Interviewer) (AY2016, AY2017, AY2018, AY2019, AY2020, AY2021)

Law School

Faculty Retreat Planning Committee (SUM2022)

Clerkships Committee (AY2016, AY2017, AY2018, AY2019, AY2020, Chair AY2021)

Intellectual Property Appointments Reading Group (AY2019, AY2021)

Search Committee, Director of Judicial Clerkships (SP2019, F2020)

Co-Organizer, Junior Scholars' Working Ideas Group (AY2018, AY2019) (with Joy Milligan)

Admissions Committee (AY2019)

Ad Hoc Committee to Improve Accessibility for Students with Disabilities (AY2018)

Thelen Marrin Writing Prize Selection Committee (AY2018)

Co-Organizer, Faculty Workshop (AY2017) (with Joy Milligan)

Search Committee, Dean of Admissions and Financial Aid (AY2017)

BAR & COURT ADMISSIONS

Illinois (2011)

U.S. Court of Appeals for the Second Circuit (2021)

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

Supreme Court of the United States (2016)