



Center for Innovation Policy  
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**DUKE LAW**



Center for Innovation Policy  
Duke Law School  
Annual Report 2015

## OVERVIEW

The mission of the Center for Innovation Policy (CIP) is to bring together technology and business leaders, government officials, legal professionals, NGO representatives, and academic experts to examine the evidence and identify improvements to federal law and policy that will promote innovation and economic growth, focusing primarily on issues in information, communications, and intellectual property policy.

In 2015, the Center attracted high-level participation and is rapidly becoming recognized by policymakers and stakeholders as a prime venue for balanced discussion and independent analysis of important issues. The Center organized conferences in Washington, D.C., received government and foundation grants for work through 2016, assembled a high-profile panel of advisors, recruited four major U.S. companies to membership providing ongoing financial support, expanded its network of experts in other schools of Duke University, and completed its plan for staffing these efforts. Center activities have led to requests for congressional briefings by the faculty co-directors.

## CONFERENCES

October 2015: The Center sponsored a conference on the **future of video competition and regulation** in an era of over-the-top streaming and diversified production and distribution. The meeting featured, among others, **Assistant U.S. Attorney General for Antitrust William J. Baer**; ranking House Energy Committee member **Rep. Frank Pallone, Jr. (D-NJ)**; and the general counsels of the Federal Communications Commission and Federal Trade Commission. Rep. Pallone's call for the FCC to exercise restraint in regulating streaming video received extensive media coverage.

June 2015: The Center held a conference on the **post-patent grant review proceedings of the U.S. Patent and Trademark Office's Patent Trial and Appeals Board**, featuring the first reports on recent research into patent challenges and their disposition. Speakers included the PTAB's Deputy Chief Judge, the chief economist of the USPTO, and **Sen. Chris Coons (D-DE)**, who discussed pending patent reform legislation and proposals for amending post-grant procedures. The conference was followed by an invitation to CIP **Faculty Co-Director Arti Rai** to brief bipartisan staff of the Senate Judiciary Committee on the research findings.

October 2014: The Center held a forward-looking conference on **Internet evolution and regulation in 2020** featuring Internet pioneers **Tim Berners-Lee** and **Vint Cerf** as well as Obama Administration officials such as **Ruth Milkman, FCC Chief of Staff**, and **Howard Shelanski, OIRA Administrator**.

## UPCOMING EVENTS

- **A Copyright Office for the 21st Century** (March 2016, Washington): The CIP and the NYU Law School Engelberg Center will host a program in the U.S. Capitol on the future role of the U.S. Copyright Office, bringing together legal experts, business representatives, artists, technologists, and legislators to explore options for restructuring the Office, upgrading its capabilities, and perhaps expanding its services to creative communities – music, film, art, photography, publishing, broadcasting, and communications.
- **Improving Patent Quality** (September 2016, Silicon Valley; December 2016, Washington): These conferences will bring together private sector stakeholders, academic legal scholars and economists, and officials from the USPTO to address the important issue of patent quality. The Silicon Valley conference will evaluate the current status of key components of the USPTO's Enhanced Quality Initiative. The Washington conference will build on those findings and formulate suggestions for the next Administration.

## CORPORATE SPONSORS

Four of the world's leading technology companies joined the Center as Founding Members in 2015: AT&T, Comcast, Google, and Qualcomm. They provide ongoing support and advice on program activities via membership on CIP's Advisory Board (see below). Center membership is open to other corporations that value the Center's emphasis on evidence-based policymaking and anticipation of issues beyond the current election cycle.

## COMPETITIVE GRANTS

In 2015, the Center was successful in grant competitions of the **National Science Foundation** and the **Ewing Marion Kauffman Foundation** for support of additional activities in 2016.

- **Entrepreneurship Education:** In May 2016, with NSF and Kauffman Foundation support, the Center and Duke's Innovation & Entrepreneurship Initiative will convene a national conference in Durham to explore the objectives, methods, and evaluation of university-level entrepreneurship education curricula. The objective is to develop a community of best practices taking into account the differences among universities and their locales and between undergraduate and professional students' learning objectives.
- **Changes in the Innovation System:** In the fall of 2016, with Kauffman Foundation support, the Center will commence a series of academy-industry conferences on documented changes in the U.S. innovation system: a decline in fundamental research investment, extensive outsourcing of technology acquisition by most firms, and a long-term decline in the formation of new innovative firms. The Senate Competitiveness Caucus has invited the Center to brief members on the results of these meetings.

## ADVISORY BOARD

In November, the Center announced the initial members of its advisory board, which is made up of experts with high-level corporate and government experience and diverse academic backgrounds.

### Rebecca Arbogast

*Senior Vice President for Global Public Policy, Comcast*

### Robert A. Armitage

*Consultant, IP strategy and policy; former Senior Vice President and General Counsel, Eli Lilly & Co.*

### Dean Brenner

*Senior Vice President, Government Affairs, Qualcomm*

### Myla Lai-Goldman

*Chief Executive Officer and President, GeneCentric Diagnostics*

### Robert M. McDowell

*Partner, Wiley Rein LLP and Senior Fellow, Hudson Institute; former Commissioner, FCC*

### Katherine Oyama

*Senior Policy Counsel, Google*

### William J. Raduchel

*Independent Director and Investor*

### Andrew Reinsdorf

*Senior Vice President, Video Policy, AT&T*

### James Smith

*Chief Intellectual Property Counsel for Law and Regulatory Affairs, Ecolabs; former Chief Administrative Patent Judge, Patent Trial and Appeal Board*

### Philip J. Weiser

*Dean and Thomson Professor of Law, University of Colorado School of Law; Executive Director and Founder, Silicon Flatirons Center for Law, Technology, and Entrepreneurship*

## DUKE FACULTY AFFILIATES

In addition to **Co-Directors, Duke Law School Professors Stuart Benjamin** and **Arti Rai**, the Center draws faculty from Duke's Fuqua School of Business, Pratt School of Engineering, School of Medicine, and Sanford School of Public Policy. Especially active in 2015 were Fuqua faculty **Wes Cohen**, **Ashish Arora**, and **Aaron Chatterji**, all of whom have conducted internationally recognized research on firm strategies to capture returns from innovation. The Center is also affiliated with Duke's Innovation and Entrepreneurship Initiative and works closely with its Director, **Vice Provost Eric Toone**, and Senior Strategist for Research, **David Robinson**, Fuqua professor of corporate finance.

## STAFFING

Late in 2014, **Stephen Merrill** joined the Center as executive director after a long career as head of the Science, Technology, and Economic Policy Program at the National Academy of Sciences. **Balfour Smith** provides administrative support for the Center's activities and communications.

## CONTACT INFORMATION

The Center welcomes views on its activities and requests for additional information.

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