

# ROGER ALLAN FORD

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## OVERVIEW

I teach and write about intellectual property, privacy, and other ways the law regulates information.

## EDUCATION

**University of Chicago Law School**, J.D., with honors, Order of the Coif, 2005  
Editor, *The University of Chicago Law Review*  
Research assistant, Professor William M. Landes and Judge Richard A. Posner  
**Massachusetts Institute of Technology**, S.B. in Chemistry, 2002

## ACADEMIC APPOINTMENTS

**University of New Hampshire School of Law**, Associate Professor of Law, 2016–  
Faculty Fellow, Franklin Pierce Center for Intellectual Property, 2015–  
Assistant Professor of Law, 2014–2016  
**Yale Law School, Information Society Project**, Visiting Fellow, 2017–  
**University of Chicago Law School**, Harry A. Bigelow Teaching Fellow and Lecturer in Law, 2012–2014  
**New York University School of Law, Information Law Institute**, Microsoft Research Fellow, 2011–2012  
**George Mason University School of Law**, adjunct professor, Federal Courts, 2011  
**Massachusetts Institute of Technology, Experimental Study Group**, chemistry instructor, 2000–2002

## PROFESSIONAL EXPERIENCE

**Covington & Burling LLP**, associate, IP litigation and privacy law, 2007–2012 & 2005–2006 (on leave 2011–2012); summer associate, 2004  
**Chief Judge Frank H. Easterbrook**, United States Court of Appeals for the Seventh Circuit, law clerk, 2006–2007

## ARTICLES AND CHAPTERS (SSRN)

**Data Scams** (working paper)  
· Junior Scholar Award (best paper by a pre-tenure scholar), Privacy Law Scholars Conference  
**Trade Secrets and Information Security in the Age of Sports Analytics**, in *The Oxford Handbook of American Sports Law* (2018)  
**The Uneasy Case for Patent Federalism**, 2017 *Wisconsin Law Review* 551 ©  
**Privacy and Accountability in Black-Box Medicine**, 23 *Michigan Telecommunications and Technology Law Review* 1 (2016) (with W. Nicholson Price II) ©  
· Response: Carl E. Schneider, **A Comment on Privacy and Accountability in Black-Box Medicine**, 23 *Michigan Telecommunications and Technology Law Review* 321 (2017)  
**The Patent Spiral**, 164 *University of Pennsylvania Law Review* 827 (2016) ©

**Unilateral Invasions of Privacy**, 91 *Notre Dame Law Review* 1075 (2016) ©

**Patent Invalidity Versus Noninfringement**, 99 *Cornell Law Review* 71 (2013)

**Modeling the Effects of Peremptory Challenges on Jury Selection and Jury Verdicts**, 17 *George Mason Law Review* 377 (2010)

**Preemption of State Spam Laws by the Federal CAN-SPAM Act**, Comment, 72 *University of Chicago Law Review* 355 (2005)

#### IN PROGRESS

**Privacy When Form Doesn't Follow Function** (in draft)

**Which Practicing Entities Assert Patents?**

**Artificial Intelligence and the Limits of Optimization**

**Second-Order Damages**

#### SHORTER AND PROFESSIONAL WRITING

**How the Supreme Court Ignored the Lesson of *Zeran* and Screwed Up Copyright Law on the Internet**, Law.com, 2017 ©

**Comments to the Federal Trade Commission on the CAN-SPAM Rule**, 2017 ©

**White Paper: Location Technologies and Privacy**, New York University School of Law, Information Law Institute, 2012

**Trademark & Copyright E-Alert: Second Circuit Rules that Use of Trademarks in Internet Keyword Advertising Constitutes Actionable Trademark Use**, Covington & Burling LLP, 2009

**Engagement Letters in Patent Practice**, AIPLA Mid-Winter Institute, 2008

#### WORKSHOPS, CONFERENCES, AND INVITED PRESENTATIONS

**Privacy When Form Doesn't Follow Function**

Northeast Privacy Scholars Workshop, November 2018

**Artificial Intelligence and the Limits of Optimization**

South Brooklyn: Learning Algorithms, Artificial Intelligence, and the Law, February 2018

**Data Scams**

Benjamin N. Cardozo School of Law Faculty Workshop, September 2018

University of Maine School of Law Faculty Workshop, February 2018

University of New Hampshire School of Law Faculty Workshop, November 2017

Northwestern University Legal Scholarship Workshop, October 2017

University of Chicago Legal Scholarship Workshop, October 2017

Yale Information Society Project Ideas Lunch, September 2017

Junior Intellectual Property Scholars Association, June 2017

Privacy Law Scholars Conference, June 2017

**Which Practicing Entities Assert Patents?**

University of New Hampshire IP Scholars' Roundtable, October 2017

Intellectual Property Scholars Conference, August 2017

Junior Intellectual Property Scholars Association, June 2017 (on preliminary results)

Stanford Patent Litigation Symposium, May 2017

Junior Intellectual Property Scholars Association, January 2017 (on study design)

### **The Uneasy Case for Patent Federalism**

University of New Hampshire IP Scholars' Roundtable, October 2016

Junior Intellectual Property Scholars Association, January 2016

University of Chicago Legal Scholarship Workshop, November 2015

Patent Conference, April 2015

Works in Progress in Intellectual Property (WIPIP) Conference, February 2015

### **The Social Cost of Cheap Trade Secrets**

Junior Intellectual Property Scholars Association, June 2016

### **Privacy and Accountability in Black-Box Medicine** (with W. Nicholson Price II)

Privacy Law Scholars Conference, June 2016

Yale Information Society Project Conference on Unlocking the Black Box, April 2016

Works in Progress in Intellectual Property (WIPIP) Conference, February 2016

### **Monopsonistic Patent Pools**

Patent Conference, April 2016

### **Trade Secrets and Information Security in the Age of Sports Analytics**

MIT Sloan Sports Analytics Conference, March 2016

University of New Hampshire IP Scholars' Roundtable, November 2015

### **The Patent Spiral**

Michigan State University Junior Scholars in Intellectual Property Workshop, October 2014

University of Chicago Legal Scholarship Workshop, September 2014

Munich Conference on Innovation and Competition, June 2014

Junior Intellectual Property Scholars Association, June 2014

Stanford Conference on Patent Trolls and Patent Reform, March 2014

### **Creation Costs**

Junior Intellectual Property Scholars Association, June 2014

### **Patent Invalidity Versus Noninfringement**

University of Chicago Law School Work-in-Progress Workshop, August 2013

Intellectual Property Scholars Conference, August 2013

Patent Conference, April 2013

Works in Progress in Intellectual Property (WIPIP) Conference, February 2013

University of Chicago Law School Research Colloquium, February 2013

### **Unilateral Invasions of Privacy**

Privacy Law Scholars Conference, June 2013

NYU Privacy Research Group, March 2012

### **Location Technologies and Privacy**

Consumer Dialogue Retreat, November 2011

NYU Privacy Research Group, October 2011

## **PANELS, ROUNDTABLES, AND INVITED COMMENTARIES**

### **Data Scams and Other Limits of Optimization**

University of New Hampshire Computer Science Department Seminar, September 2018

### **Commenter, *Criminal Justice, Democratic Equality, and the "Human Element"* by Kiel Brennan-Marquez and Stephen Henderson**

Privacy Law Scholars Conference, May 2018

**Participant, Roundtable on *Privacy's Blueprint: The Battle to Control the Design of New Technologies* by Woodrow Hartzog**

Notre Dame Law School, April 2018

**Commenter, *The Loyalty and Transparency of Algorithms in French Law* by Céline Castets-Renard**

Fordham Information Law Faculty Workshop, April 2018

**Participant, Symposium on Artificial Intelligence and Ethics in Higher Education**

Blackboard Inc., January 2018

**Commenter, *Privacy and Power in New Contractual Forms* by Mark Verstraete**

Northeast Privacy Scholars Workshop, October 2017

**Moderator, Panel on Opposing Angles: Trademark Law and the First Amendment**

University of New Hampshire Sports & Entertainment Law Society, April 2017

**Panelist on FCC Privacy Regulations and the Congressional Review Act**

University of New Hampshire Fremont Society, April 2017

**Commenter, *Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System* by Rebecca Wexler**

We Robot, March 2017

**Commenter, *Regulating Software When Everything Has Software* by Paul Ohm and Blake Reid**

Internet Law Works-in-Progress Conference, March 2016

**Moderator, Panel on Protecting Secrets in Sports & Entertainment**

University of New Hampshire Sports & Entertainment Law Society, October 2015

**Participant, Discussion Forum on Privacy and Technology in the Granite State**

ACLU of New Hampshire, May 2015

**Panelist on *Citizenfour, Privacy, and Government Surveillance***

Red River Theaters and New Hampshire State Council on the Arts, January 2015

**Commenter, *Public-Private Partnerships as Innovation Strategies* by Liza Vertinsky and *Business Structures for Innovation* by Dan L. Burk**

Yale Information Society Project Conference on Innovation Law Beyond IP, March 2014

**Commenter, *Expired Patents* by Saurabh Vishnubhakat**

Intellectual Property Scholars Conference, August 2013

**Participant, Roundtable on Differential Privacy and Law and Policy**

Benjamin N. Cardozo School of Law, March 2013

**Introductory Remarks, Conference on Mobile and Location Privacy**

New York University School of Law, April 2012

## CONFERENCES ORGANIZED

**Third Junior IP Scholars Association Workshop**, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law, June 2016

**Fifth IP Scholars' Roundtable**, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law, November 2015

**Fourth IP Scholars' Roundtable: Intellectual Property on the Ground**, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law, November 2014

**NYU / Princeton Conference on Mobile and Location Privacy**, NYU Information Law Institute and Princeton Center for Information Technology Policy, April 2012

## OTHER TRAINING

**Conducting Empirical Legal Scholarship Workshop**, University of Southern California, 2012

## TEACHING

### **University of New Hampshire School of Law**

Property (Spring 2019; Spring 2018; Spring 2017)

Fundamentals of Intellectual Property (Spring 2016; Spring 2015)

Patent Law (Fall 2017; Fall 2016; Spring 2016; Spring 2015)

Privacy (Fall 2018; Fall 2017; Fall 2016)

Internet Law (Fall 2018; Spring 2018)

### **University of New Hampshire College of Engineering and Physical Sciences**

Intellectual Property Law for Engineers & Scientists (undergraduate and graduate) (Spring 2019)

### **University of Chicago Law School**

Privacy (Spring 2014)

Legal Research & Writing (2013–2014; 2012–2013)

### **George Mason University School of Law**

Federal Courts (Spring 2011)

### **Massachusetts Institute of Technology**

Organic Chemistry I (TA Spring 2002; TA Spring 2001)

Advanced Introductory Chemistry (Fall 2000)

Introductory Chemistry (Fall 1999)

## PUBLIC, PROFESSIONAL, AND UNIVERSITY SERVICE

**Referee**, Cambridge University Press; *Columbia Law Review*; *SCRIPTed*; *Stanford Law Review*; *Stanford Technology Law Review*

**Media and interviews**, *Fortune*; NBC News; New Hampshire Public Radio; BostInno

### **University of New Hampshire School of Law Service**

Academic Administration Committee, 2014–2017

Curriculum Committee, 2017–

Faculty Appointments Committee, 2016–

Faculty Senate Ad Hoc Committee on Calendar Options, 2015–2016

*Law Review* Faculty Advisor, 2017–

Law School Democrats Faculty Advisor, 2018–

**New Hampshire Supreme Court Committee on the Judiciary and the Media**, 2015–

**American Constitution Society**, Constance Baker Motley National Moot Court Competition, volunteer judge, 2009

**Washington Lawyers' Committee for Civil Rights and Urban Affairs**, Introduction to Legal Reasoning for pre-law students, volunteer instructor, 2008

**MIT Lecture Series Committee**, chair, 2002; lecture director, 2001; publicity director, 2000

**MIT Faculty Committee on Curricula**, student member, 2000–2002

## PROFESSIONAL AND VOLUNTEER ACTIVITIES

**New Hampshire Democratic Party**, volunteer attorney, 2018

**City of Manchester, New Hampshire**, deputy election registrar, 2016

**Hillary for America / New Hampshire Democratic Party**, volunteer attorney, 2016

**Obama for America / Democratic Party of Virginia**, volunteer attorney, 2008

**Kerry-Edwards 2004 / Democratic Party of Wisconsin**, volunteer law clerk, 2004

#### **PRO-BONO LITIGATION (SELECTED)**

**Al-Warafi v. Obama**, 409 F. App'x 360 (D.C. Cir. 2011) (briefed and argued)

**Latif v. Obama**, 666 F.3d 746 (D.C. Cir. 2011) (briefed)

**Uthman v. Obama**, 637 F.3d 400 (D.C. Cir. 2011) (briefed)

**District of Columbia v. Straus**, 590 F.3d 898 (D.C. Cir. 2010) (briefed and argued on behalf of amicus curiae American Civil Liberties Union of the Nation's Capital)

**Black v. United States**, 130 S. Ct. 2963 (2010) (filed brief on behalf of amici curiae)

**Long v. Dep't of Homeland Security**, 436 F. Supp. 2d 38 (D.D.C. 2006) (briefed)

#### **WIPIP TRIVIA PRIZES**

**WIPIP trivia champions** (ex officio), team The Artistic Shovels, 2018

**WIPIP trivia runners up**, team Alex & the Juicy WIPs, 2017

**WIPIP trivia champions**, team #watchmeWIP, 2016

#### **OTHER, LIKELY-MORE-MEANINGFUL PRIZES AND FELLOWSHIPS**

**Junior Scholar Award** (best paper by a pre-tenure scholar), Privacy Law Scholars Conference, 2017

**MVP<sup>2</sup> Fellow in Law and Technology**, John M. Olin Program in Law and Economics, University of Chicago Law School, 2004–2005 & 2003–2004

**Bell Boyd & Lloyd Writing Prize**, University of Chicago Law School, 2003

**Todd Anderson Award for Excellence in Teaching**, MIT Experimental Study Group, 2002

#### **BAR ADMISSIONS**

United States District Court for the District of Columbia, 2011

United States Court of Appeals for the District of Columbia Circuit, 2009

United States Court of Appeals for the Federal Circuit, 2007

United States Court of Appeals for the Seventh Circuit, 2007

District of Columbia Court of Appeals, 2006

Supreme Judicial Court of Massachusetts, 2006