

## IRA STEVEN NATHENSON

Professor of Law  
St. Thomas University School of Law  
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Scholarship: [ssrn.com/author=109749](https://ssrn.com/author=109749)  
Website: [nathenson.org](http://nathenson.org)  
Videos: [youtube.com/irastevonnathenson](https://youtube.com/irastevonnathenson)  
Twitter: [twitter.com/nathenson](https://twitter.com/nathenson)

### ACADEMIC APPOINTMENTS

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#### **St. Thomas University School of Law**

*Professor of Law*

*Associate Professor of Law with tenure*

*Associate Professor of Law*

*Assistant Professor of Law*

Miami Gardens, FL

2014–present

2012–2014

2010–2012

2006–2010

Selected 1L Professor of the Year by students and SBA (2009)

Courses: Civil Procedure  
Civil Procedure MBE reviews  
Copyright  
Cyberlaw  
Cyberlaw seminar  
Intellectual Property  
Intellectual Property Overview  
Trademark and Branding Law

#### **University of Pittsburgh School of Law**

*Visiting Assistant Professor of Law*

Pittsburgh, PA

2004–2006

Courses: Agency & Partnership  
Advanced Intellectual Property seminar  
Business Organizations  
Legal Process  
Sales

## EDUCATION

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### University of Pittsburgh School of Law

Pittsburgh, PA

J.D., *summa cum laude*

1998

Editor-in-Chief, University of Pittsburgh Law Review

Teaching Assistant, Legal Writing Program

Awards: Order of the Coif, Faculty Award for excellence in legal scholarship, Aldisert Award for excellence in advocacy and adjudication, DeBroff Prize for outstanding achievement in corporate law, 1999 University of Pittsburgh Honors Convocation, CALI Awards in Contracts, Intellectual Property, and Intellectual Property Licensing

### University of Pittsburgh College of Arts & Sciences

Pittsburgh, PA

B.A., *cum laude*, majors in English & Philosophy

1985

Departmental honors in English Literature

## JUDICIAL CLERKSHIPS

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### Judge D. Michael Fisher, U.S. Court of Appeals

Pittsburgh, PA

*Law Clerk for Third Circuit Judge*

2004–2005

### Judge Joseph F. Weis, Jr., U.S. Court of Appeals

Pittsburgh, PA

*Law Clerk for Third Circuit Judge*

1998–2000

## OTHER PROFESSIONAL EMPLOYMENT

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### Kirkpatrick & Lockhart LLP (now K&L Gates LLP)

Pittsburgh, PA

*Associate*

2000–2004

*Summer Associate*

1998

Intellectual property practice, focusing on internet as well as brick-and-mortar IP enforcement, IP litigation (both court and U.S. Trademark Office), copyright and trademark prosecution, international trademark portfolio management, trademark searching, trademark and copyright counseling, and licensing and other transactional matters. Also active with internal education and training.

## SCHOLARSHIP AND WRITINGS

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### PUBLICATIONS IN LAW REVIEWS & JOURNALS

*Aereo's Errors*, 2 JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 171 (2014)

*Super-Intermediaries, Code, Human Rights*, 8 INTERCULTURAL HUMAN RIGHTS LAW REVIEW 19 (2013) (lead article)

*Best Practices for the Law of the Horse: Teaching Cyberlaw and Illuminating Law through Online Simulations*, 28 SANTA CLARA COMPUTER AND HIGH TECHNOLOGY LAW JOURNAL 657 (2012)

*Navigating the Uncharted Waters of Teaching Law through Online Simulations*, 38 OHIO NORTHERN UNIVERSITY LAW REVIEW 535 (2012) (lead article)

*Civil Procedures for a World of Shared and User-Generated Content*, 48 UNIVERSITY OF LOUISVILLE LAW REVIEW 911 (2010)

*Looking for Fair Use in the DMCA's Safety Dance*, 3 AKRON INTELLECTUAL PROPERTY JOURNAL 121 (2009)

*Internet Infoglut and Invisible Ink: Spamdexing Search Engines with Meta Tags*, 12 HARVARD JOURNAL OF LAW & TECHNOLOGY 43 (1998) (national first-prize)

*Showdown at the Domain Name Corral: Property Rights and Personal Jurisdiction Over Squatters, Poachers and Other Parasites*, 58 UNIVERSITY OF PITTSBURGH LAW REVIEW 911 (1997) (national first prize)

### SCHOLARLY WORKS IN PROGRESS

*Mistakes* (topic: judicial error-handling, judiciary as information technology)

*Cyberlaw Will Die, and We Will Kill It* (topic: philosophy and cyberlaw)

*Harry Potter and Muggle Intellectual Property Law* (topic: law/literature and IP)

*Digital Garbage, Buried Treasure, and the Dilemmas of Internet Archiving* (topic: digital preservation of web vis-à-vis copyright and privacy)

### OTHER WRITINGS

*Handbook on Writing a Good Seminar Paper*,  
<http://nathenson.org/courses/cyberlaw/seminar-paper-handbook> (2014–present)

*Innovations in the Classroom: Using Live Websites for Role-Playing Simulations*,  
Newsletter of the AALS Section on Teaching Methods (Spring 2014)

*Teaching Law with Online Role-Playing Simulations*, Institute for Law Teaching and Learning (2011) (presentation materials posted to SSRN)

*Tribute: Dean W. Edward Sell—Our Dedicated Law Review Advisor and Unwavering Supporter*, 66 UNIVERSITY OF PITTSBURGH LAW REVIEW 5 (2004)

## WEBSITES

### Current

*Nathenson.org*, professional website with over 200 pages of scholarship, videos, problem sets, and handouts, <http://nathenson.org> (2006–present)

*Professor Nathenson's MBE Civ Pro review website*, [www.nathenson.org/courses/civpro/mbe-resources/](http://www.nathenson.org/courses/civpro/mbe-resources/) (2015–present)

*YouTube Screencast Channel* with instructional screencasts and review sessions, <http://www.youtube.com/user/irastevnathenson> (2014–present)

*Former YouTube Screencast Channel*, <https://www.youtube.com/user/fenderbenderz/> (through 2014)

*Website for AALS section on Civil Procedure*, <http://nathenson.org/aalscivpro> (2011–present)

### Inactive

*Infoglut Tumblr*, a weblog on information, culture, and society, <http://infoglut.tumblr.com> (2012–present)

*Iphattitudez.com* and *Iphattitudes.com*, role-playing websites for Cyberlaw skills course, <http://iphattitudez.com>, <http://iphattitudes.com> (2008/2009–2012), with archive listing at <http://www.nathenson.org/cyberskills-archives/>

*Digital Garbage*, a weblog on information, law, technology, and culture, <http://digitalgarbage.net> (2006–present)

*Internet Law Student Library*, JD resource with outlines and more (appx. 1996–1998)

## AWARDS, DISTINCTIONS, MENTIONS

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Noted in *Innovations in the Classroom* in AALS Section on Teaching Methods newsletter (Spring 2014)

Noted in *Technology & Marketing Blog* regarding scholarship on simulations, [http://blog.ericgoldman.org/archives/2012/06/nathenson\\_on\\_te.htm](http://blog.ericgoldman.org/archives/2012/06/nathenson_on_te.htm), Jun. 16, 2012

Noted in *LegalWeek.com* regarding eLearning, Andrew Sharpe, *Is This the End of the World as We Know It?*, LEGALWEEK.COM, May 4, 2012, available at <http://www.legalweek.com/legal-week/analysis/2172677/world>

Noted in *Five Innovative Law School Programs*, NAT'L L.J., Jan. 16, 2012

Noted in *Legal Theory Blog* with a "Very interesting & recommended!" regarding scholarship on procedural justice and cyberlaw, <http://lsolum.typepad.com/legaltheory/2010/11/nathenson-on-civil-procedure-copyright.html>, Nov. 1, 2010

Honorary member, Phi Delta Phi Spellman Inn

1L Professor of the Year, St. Thomas University School of Law, chosen by students and Student Bar Association at St. Thomas University School of Law (2009)

First prize, *Ladas Memorial Award*, for paper *Internet Infoglut and Invisible Ink: Spamdexing Search Engines with Meta Tags*, Brand Names Education Foundation, national student trademark paper competition (1999)

First prize, *Ladas Memorial Award*, for paper *Showdown at the Domain Name Corral: Property Rights and Personal Jurisdiction over Squatters, Poachers and Other Parasites*, Brand Names Education Foundation, national student trademark paper competition (1997)

Profiled in inaugural edition of *National Law School Deans' List* (1999)

Profiled by *National Jurist* magazine regarding work developing *Internet Law Student Library* website (Sept. 1999)

**SELECTED PRESENTATIONS, CONFERENCES, AND SYMPOSIA**

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*Protect Your Work! A Legal Primer on Copyright Law for Digital Content Creators*, Hispanicize Week 2015, Miami, FL (Mar. 2016) (panelist)

Florida Bar Young Lawyers Division, Law Student Division, *Law, Professionalism, & Social Media*, St. Thomas University School of Law (Oct. 2014) (featured speaker)

Open Access Week, *Freeing Scholarship from the Shackles of Paywalls: A Discussion on Open Access Publishing*, St. Thomas University (Oct. 2014) (moderator)

Southeastern Association of Law Schools (SEALS) Conference, Mentor to Professor Stacey Lantagne, *Credit & Monetization: Internet Understanding of Copyright Law* (Aug. 2014) (mentor)

Southeastern Association of Law Schools (SEALS) Conference, *Discussion Group: Economic, Ethical, and Neo-Tech Theories of Intellectual Property* (Aug. 2014) (discussant)

Internet Law Work-in-Progress Series, *Cyberlaw Will Die and We Will Kill It*, New York Law School (March 2014) (presenter)

KCON9: The 9th Annual Conference on Contracts, panel on technology, St. Thomas University School of Law (Feb. 2014) (moderator)

Humanities and Technology Association, 35th Annual Humanities and Technology Conference, *Cyberlaw is Dead and We Will Kill It*, St. Thomas University, Miami Gardens, FL (Nov. 2013) (presenter)

Southeastern Association of Law Schools (SEALS) Conference, *Workshop on Intellectual Property, Forces that Shape Federal Trademark Law*, Palm Beach, FL (Aug. 2013) (moderator)

Internet Law Work-in-Progress Series, *Super-Intermediaries, Code, Human Rights*, Santa Clara Law (March 2013) (presenter)

Symposium of the *Intercultural Human Rights Law Review*, *140 Characters or Less: Social Media, Human Rights, and the Law*, St. Thomas University School of Law (Oct. 2012) (invited presenter)

2012 Law & Society Annual Conference, *Panel on Teaching Law in Areas in Flux*, Honolulu, HI (June 2012) (invited presenter)

2012 AALS Midyear Conference, *Workshop on When Technology Disrupts Law: How do IP, Internet and Bio Law Adapt?*, *Teaching Cyber Law*, Berkeley, CA (June 2012) (invited presenter)

2012 AALS Annual Meeting, *Workshop: The Future of the Legal Profession and Legal Education: Changes in Law Practice; Implications for Legal Education*, Washington, DC (Jan. 2012) (presenter, chosen from submissions)

Intellectual Property Scholars Conference, *Best Practices for the Law of the Horse: Teaching Cyberlaw (and Law) with Online Role-Playing Simulations*, DePaul University College of Law (Aug. 2011) (presenter)

Institute for Law Teaching and Learning, *Teaching Law with Online Role-Playing Simulations*, New York Law School (Jun. 2011) (presenter)

St. Thomas Entertainment and Sports Law Society Symposium, *Panel on Combating Online Infringement and Counterfeits Act (COICA)*, St. Thomas University School of Law (Apr. 2011) (moderator)

Internet Law Work-in-Progress Series, *“Best Practices” and the “Law of the Horse:” Teaching Cyberlaw through Simulations*, Santa Clara Law (March 2011) (presenter)

Southeastern Association of Law Schools (SEALS), *Balancing the Demands of Teaching and Scholarship in the Modern Law School* (July 2010) (panelist)

FutureWeb: WWWhere Are We Heading, *Future of Intellectual Property and the Web*, panel via Elon University, Raleigh, NC (Apr. 2010) (panelist)

St. Thomas Entertainment and Sports Law Society Symposium, *Homegrown and Stable: A Look at Web Based Content*, St. Thomas University School of Law (Mar. 2010) (moderator)

Second Annual Conference in Innovation and Communications Law, *Civil Procedures for a DMCA World*, University of Louisville School of Law (Aug. 2009) (presenter)

Intellectual Property Scholars Roundtable, *Harry Potter and Muggle Intellectual Property Law*, Drake University Law School (Feb. 2009) (presenter)

Second Annual Akron IP Forum, *Secondary Liability for IP Infringement: Theory, Practice and Prediction, Looking for Fair Use in the DMCA's Safety Dance*, University of Akron School of Law (Nov. 2008) (roundtable)

South Florida Association of Law Librarians, *Digital Garbage and Buried Treasure: Dilemmas of Internet Archiving* (Oct. 2008) (presenter)

Southeastern Association of Law Schools (SEALS) New Scholars Workshop, *Digital Garbage and Buried Treasure: Dilemmas of Internet Archiving*, Palm Beach, FL (July 2008) (presenter)

National Conference of Law Reviews, *Panel Discussion: Non-Traditional Sources: Where is their Place in the Law?*, Hollywood, FL (Mar. 2008) (moderator)

National Conference of Law Reviews, *Author Relations from the Author's Perspective*, Hollywood, FL (Mar. 2008) (panelist)

National Conference of Law Reviews, *Life after Law Review*, Hollywood, FL (Mar. 2008) (panelist)

Fourth Annual Intellectual Property and Communications Law and Policy Scholars Roundtable, *Remix Culture and the Opt-Out Option*, Michigan State University College of Law (Jan. 2007) (presenter)

Third Annual Intellectual Property and Communications Law and Policy Scholars Roundtable, *Digital Garbage and Buried Treasure: The Dilemma of Digital Preservation*, Michigan State University College of Law (Jan. 2006) (presenter)

Works-in-Progress Intellectual Property Colloquium, *Digital Garbage and Buried Treasure: The Dilemma of Digital Preservation*, Washington University School of Law, St. Louis (Oct. 2005) (presenter)

## SERVICE

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### LAW SCHOOL AND UNIVERSITY

Curriculum committee	2015–present
Weblog/Branding committee	2015–present
Technology Gov. Council, academic subcommittee	2013–present
Tenure and Promotion committee	2012–present
Faculty advisor to Phi Delta Phi, Spellman Inn chapter	2009–present
Faculty advisor to St. Thomas IP & Cyberlaw Society	2011–2015
Faculty advisor to <i>St. Thomas Law Review</i>	2013–2015
Faculty representative to SEALS	2014
Faculty coach to Moot Court team (Sports Law Moot Court)	2014
Weblog/Branding committee chair	2011–2013
Technology committee chair	2009–2011
Library committee	2009–2010
Librarian Search subcommittee	2008–2009
Technology committee	2007–2011
Academic Integrity committee	2006–2008

### PROFESSION AND COMMUNITY

SEALS, Website, Technology & Communications Committee	2013–present
AALS Sect. on Civil Procedure, webmaster	2011–present
AALS Sect. on Civil Procedure, co-manager, CivProMentor listserv	2011–present
AALS Sect. on Civil Procedure, Executive Committee	2014–2016
AALS Sect. on Civil Procedure, subcommittee on speakers and topics	2013
SEALS, Website committee	2010–2013

**SIGNIFICANT LETTERS, BRIEFS, AND DECLARATIONS JOINED**

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Brief of Thirty-Four Law Professors As Amici Curiae in Support of Appellants, Altera Corp. v. Papst Lic. Gmbh & Co. KG (Nos. 2015-1914, -1919) (Fed. Cir., filed Dec. 21, 2015), *available at* <http://ssrn.com/abstract=2707288>

Professors' Letter in Opposition to the Defend Trade Secrets Act of 2015 (S. 1890, H.R. 3326), Nov. 17, 2015, *available at* <https://cyberlaw.stanford.edu/blog/2015/11/new-professors-letter-opposing-defend-trade-secrets-act-2015>

Letter of law professor Ira Steven Nathenson to DNC Chair and Rep. Debbie Wasserman Schultz urging her to reconsider vote re Trade Promotion Authority Bill, June 18, 2015, *available at* <http://www.nathenson.org/2015/06/letter-to-wasserman-schultz-on-tpa-tpa/>

Letter of Intellectual Property Scholars to Congress regarding Patent Reform, March 2, 2015, *available at* <http://patentlyo.com/patent/2015/03/rewards-effective-reform.html>.

Brief of Amici Curiae Internet Law Professors in support of Appellees Google Inc. and YouTube, LLC, *Garcia v. Google Inc. and YouTube, LLC*, No. 12-57302 (9th Cir. Filed Nov. 25, 2014), *available at* <http://cdn.ca9.uscourts.gov/datastore/general/2014/11/25/12-57302%20Amicus%20by%20Internet%20Law%20Professors.pdf>

Brief of Amici Curiae Intellectual Property Professors in Support of Grant of Petition, *Google Inc., v. Oracle America, Inc.*, No. 14-410 (U.S. filed Nov. 7, 2014), *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2524672](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2524672)

Professors' Letter in Opposition to the "Defend Trade Secrets Act of 2014" (S. 2267) and the "Trade Secrets Protection Act of 2014" (H.R. 5233), *available at* <http://cyberlaw.stanford.edu/blog/2014/08/professors%E2%80%99-letter-opposition-%E2%80%9Cdefend-trade-secrets-act-2014%E2%80%9D-s-2267-and-%E2%80%9Ctrade-secrets>

Brief of Digital Humanities and Law Scholars as Amici Curiae in Support of Defendant-Appellees and Affirmance, *Authors Guild, Inc. v. Google, Inc.*, No. 13-4829-cv (2d Cir. 2014), *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2465413](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2465413)

Brief of Amici Curiae Internet Law Professors in support of Google Inc. and YouTube, LLC's petition for rehearing en banc, *Garcia v. Google Inc. and YouTube, LLC*, No. 12-57302 (9th Cir. 2014), *available at* <http://cdn.ca9.uscourts.gov/datastore/general/2014/04/15/12-57302%20Amicus%20by%20Internet%20Law%20Professors.pdf>

Brief of Patent and Intellectual Property law scholars as amici curiae in support of petitioners on the issue of joint infringement, *Limelight Networks, Inc., v. Akamai Technologies, Inc.*, No. 12-786 (U.S. filed Feb. 18, 2014), *available at* [http://www.americanbar.org/content/dam/aba/publications/supreme\\_court\\_preview/briefs-v3/12-786\\_pet\\_amcu\\_pipls.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v3/12-786_pet_amcu_pipls.authcheckdam.pdf)

Comments in opposition to proposed amendments to the Federal Rules of Civil Procedure submitted by Professor Jonathan Siegel and joined by 109 law professors, Jan. 31, 2014, *available at* <http://www.regulations.gov/#!documentDetail;D=USC-RULES-CV-2013-0002-0493>

Global Congress Declaration on Fundamental Public Interest Principles for International Intellectual Property Negotiations, Dec. 2013, *available at* <http://infojustice.org/archives/31804>

Letter of professors, organizations, and others to negotiators regarding Trans Pacific Partnership Agreement (TPP), against life + 70 year copyright term in the TPP, Dec. 6, 2013, *available at* <http://keionline.org/node/1849>

Professors' Letter in Support of Patent Reform Legislation sent to Members of Congress, Nov. 25, 2013, *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2359621](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2359621), *reprinted in* 159 CONG. REC. H7511, H7517-18 (daily ed. Dec. 5, 2013) (included in legislative history of patent reform bill, Innovation Act, H.R. 3309, 113th Cong. (2013))

Letter of over 80 law professors to President Obama, members of Congress, and the U.S. Trade Representative regarding Trans Pacific Partnership Agreement (TPP), Nov. 14, 2013, *available at* <http://infojustice.org/wp-content/uploads/2013/11/Law-Professors-TPP-11142013.pdf>

Brief Of Amici Curiae 31 Intellectual Property And Internet Law Professors In Support of Defendants-Appellees and Urging Affirmance, *Viacom Int'l, Inc. v. YouTube, Inc.* (2d Cir. 2013), *available at* [https://www.eff.org/files/2013/11/01/amicus\\_brief\\_31\\_intellectual\\_property\\_and\\_internet\\_law\\_professors.pdf](https://www.eff.org/files/2013/11/01/amicus_brief_31_intellectual_property_and_internet_law_professors.pdf)

Amicus Curiae Brief of Former Members of the Church Committee and Law Professors as *Amicus Curiae* Supporting Plaintiff, *ACLU v. Clapper* (No. 13-3994, 2013), *available at* [https://www.aclu.org/sites/default/files/assets/2013.08.30\\_donohue\\_amicus\\_brief.pdf](https://www.aclu.org/sites/default/files/assets/2013.08.30_donohue_amicus_brief.pdf)

Amicus Curiae Brief of Former Members of the Church Committee and Law Professors in Support of Petitioners, in support of Petition for a Writ of Mandamus and Prohibition, or a Writ of Certiorari, to the Foreign Intelligence Surveillance Court, *In re Electronic Privacy Information Center* (No. 13-58, 2013), *available at* <https://epic.org/privacy/nsa/in-re-epic/Church-Committee-Amicus.pdf>

Letter to Senator John Rockefeller IV et al. in opposition to letter of National Association of Attorneys General regarding amending 47 U.S.C. § 230, July 30, 2013, *available at* <https://www.cdt.org/files/pdfs/coalition-230-letter-congress.pdf>

Amicus brief of digital humanities and law scholars in *The Authors Guild, Inc. v. Hathitrust* (S.D.N.Y. June 4, 2013), *available at* [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2274832](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2274832)

Signatory to *The Edicts of Government Amendment*, *available at* <https://law.resource.org/pub/edicts.html> (May 2013)

Amicus brief in *NBC Universal et al v. Aereokiller* in support of Defendant-Appellees (9th Cir. 2013)

Brief of Amicus Curiae Academic Authors and Legal Scholars in Support of Defendants-Appellees and Affirmance, *Cambridge University Press v. Becker*, Nos. 12-14676-FF and 12-15147-FF (11th Cir. Apr. 25, 2013), available at <http://www.scribd.com/doc/138135632/Amicus-Brief-of-Authors-and-Legal-Scholars-in-Cambridge-Univ-Press-v-Becker-et-al>

Law Professors' Letter to Ron Kirk, United States Trade Representative, regarding lack of transparency concerning Trans-Pacific Partnership Agreement ("TPP"), May 9, 2012, available at <http://infojustice.org/archives/21137>

Law Professors' Letter to Senate Finance Committee regarding constitutionality of Anti-Counterfeiting Trade Agreement ("ACTA"), May 2012, available at <http://infojustice.org/senatefinance-may2012>

Addendum to Law Professor's Letter on H.R. 3261, Stop Online Piracy Act ("SOPA"), Nov. 15, 2011

Washington Declaration on Intellectual Property and the Public Interest, Sept. 6, 2011.

Law Professors' Letter in Opposition to "Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011" (PROTECT-IP Act of 2011, S. 968), July 2011

Amicus Brief submitted in support of Defendants-Appellees, *Viacom Int'l, Inc. v. YouTube, Inc.*, No. 10-3270 (2d Cir. 2011)

Comments of 30 law professors to United States Trade Representative Regarding the Anti-Counterfeiting Trade Agreement ("ACTA"), Feb. 2011

Law Professors' Letter in Opposition to S. 3804 (Combating Online Infringements and Counterfeits Act), Nov. 16, 2010

Law Professors' Letter to President Barack Obama in opposition to the Anti-Counterfeiting Trade Agreement ("ACTA"), Oct. 28, 2010

Letter to Julius Genachowski, Chairman, Federal Communications Commission, regarding the Open Internet proceeding, Oct. 22, 2009

## COURT ADMISSIONS

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Bar of Pennsylvania

United States Court of Appeals for the Third Circuit

*Updated Jan. 2, 2016*