



**HOOVER INSTITUTION
STANFORD UNIVERSITY**

**PATENTS AND THE INNOVATION ECONOMY
DC Conference of the Hoover IP² Working Group**

**Preliminary Agenda
Thursday, May 15, 2014**

NOTE: Attendance is by invitation only

THURSDAY, May 15

Hoover Institution-DC, 1399 New York Ave., NW, 5th Floor, Washington, DC 20005

- 3:00 P.M. Welcome and Introduction: Richard Sousa
- 3:05 P.M. Providing the Context: David Kappos
- 3:15 P.M. “Trolls and Other Patent Inventions: Economic History and the Patent Controversy in the Twenty-
First Century” by B. Zorina Khan
 Presenter: Zorina Khan
- 3:35 P.M. “Property as Platform: Coordinating Standards for Technological Innovation” by Henry Smith
 Presenter: Henry Smith
- 3:55 P.M. “Do Patents Hold Up Innovation? Assessing the Evidence” by Stephen Haber, Ross Levine, and
Alexander Galetovic
 Presenter: Stephen Haber
- 4:15 P.M. Q&A Period
 Moderator: David Kappos
- 5:00 P.M. Concluding Observations: Judge Pauline Newman
- Cocktail Hour to Follow (Hoover-DC, Rooftop)
 Host: Cravath, Swaine & Moore LLP

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Participants
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Stephen Haber, Peter and Helen Bing Senior Fellow at the Hoover Institution and A.A. and Jeanne Welch Milligan Professor in the School of Humanities and Sciences at Stanford University, is also professor of political science, history, and (by courtesy) economics at Stanford. He has been awarded every teaching prize at Stanford, including the Walter J. Gores Award for distinguished teaching. His research examines political institutions and economic policies that “hold up” innovation. His current research examines the creation of regulatory barriers to entry in finance, the economic and political consequences of hold up problems created by different systems of agricultural production, and the comparative development of patent systems. Haber’s most recent book, *Fragile by Design* (with Charles Calomiris), examines how governments and industry incumbents often craft banking regulatory policies in ways that stifle competition and increase systemic risk.

David J. Kappos is a partner at Cravath, Swaine & Moore LLP. From August 2009 to January 2013, Kappos served as Under Secretary of Commerce and Director of the United States Patent and Trademark Office (USPTO). He was instrumental in achieving the greatest legislative reform of the US patent system in generations through passage and implementation of the Leahy-Smith America Invents Act, signed into law by the President in September 2011. Prior to leading the USPTO, Kappos held several executive posts in the legal department of IBM, the world’s largest patent holder. Kappos has received numerous accolades for his contributions to the field of intellectual property, including the 2013 Board of Director’s Excellence Award from the American Intellectual Property Law Association, the 2013 Champion of Intellectual Property Award from the District of Columbia Bar Association and the 2013 North America Government Leadership Award from Semiconductor Equipment and Materials International. Kappos serves on the Boards of Directors of the Partnership for Public Service, the Center for Global Enterprise, and the Intellectual Property Owners Educational Foundation.

B. Zorina Khan is Chair and Professor of Economics at Bowdoin College, and Research Associate at the National Bureau of Economic Research. Her research explores questions of law and economics from an historical perspective, and has received such honors as the Leonardo da Vinci Fellowship; and the Griliches Fellowship, which the NBER grants once every two years to an empirical economist. Khan has published widely on intellectual property and innovation, and her book, *The Democratization of Invention: Patents and Copyrights in American Economic Development, 1790-1920*, was awarded the Alice Hanson Jones Biennial Prize for an outstanding work in North American economic history.

Pauline Newman was appointed as a circuit judge to the US Court of Appeals for the Federal Circuit in 1984. From 1982 to 1984, Judge Newman was special adviser to the United States Delegation to the Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property. She served on the advisory committee to the Domestic Policy Review of Industrial Innovation from 1978 to 1979 and on the State Department Advisory Committee on International Intellectual Property from 1974 to 1984. From 1969 to 1984, Judge Newman served as director, Patent, Trademark and Licensing Department, FMC Corp. From 1961 to 1962 she worked for the United Nations Educational, Scientific and Cultural Organization as a science policy specialist in the Department of Natural Sciences. She served as patent attorney and house counsel of FMC Corp. from 1954 to 1969 and as research scientist, American Cyanamid Co. from 1951 to 1954.

Henry E. Smith is the Fessenden Professor of Law at Harvard Law School, where he directs the Project on the Foundations of Private Law. Previously, he taught at the Northwestern University School of Law and was the Fred A. Johnston Professor of Property and Environmental Law at Yale Law School. Smith has written primarily on the law and economics of property and intellectual property, with a focus on how property-related institutions lower

information costs and constrain strategic behavior. He teaches primarily in the areas of property, intellectual property, natural resources, remedies, taxation, and law and economics. Smith's most recent book is *The Oxford Introductions to U.S. Law: Property* (coauthored with Thomas W. Merrill). He is the coeditor of *The Research Handbook on the Economics of Property Law* (with Kenneth Ayotte), *Philosophical Foundations of Property Law* (with James Penner), and *Perspectives on Property Law* (with Robert C. Ellickson and Carol M. Rose).

Richard Sousa, senior associate director and research fellow at the Hoover Institution, is an economist who specializes in human capital, discrimination, labor market issues, and K–12 education. He is a member of Hoover IP² steering committee. He co-authored *School Figures: The Data behind the Debate* and coedited *What Lies Ahead ... for America's Children and Their Schools* and *Reacting to the Spending Spree: Policy Changes We Can Afford*, an assessment of the government's response to the economic crisis of 2008–09. Sousa was responsible for launching the Institution's major communications initiatives, including the *Hoover Digest*, *Education Next*, *Policy Review*, and *Uncommon Knowledge*. His op-eds have appeared in leading newspapers throughout the country. From 1990 to 1995, he directed the Institution's Diplomat Training Program. He served as director of the Hoover Institution Library and Archives from 2007 to 2012 and was responsible for major acquisitions, including the Chiang Kai-shek diaries; the William Rehnquist papers; the Georgian, Estonian, and Lithuanian KGB files; and the B'ath Party collection.

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