Law of Innovation (Course # B8764-001)

Instructors: Anjali Kumar and Blake Reese

Contact information:
Anjali Kumar (anjali@warbyparker.com) (tel: +1 917-517-4352)
Blake Reese (breese@google.com) (tel: +1 212-565-7297).

Office Locations:
For Anjali: Warby Parker, 161 Avenue of the Americas, New York, New York.
For Blake: Google, 76 Ninth Avenue, New York, New York.

Office Hours: By appointment; please email/call us and we will happily schedule an in-person, video or phone meeting with you.

Time and Location: Tuesday - A Term, 5:45-9pm @ URI 303.

Intro: tl;dr -- Course teaches knowledge innovation mgrs. need to make informed decisions on important legal topics + other-related skills (like project mgt., CSR, ethics & monetization).

Longer version: Want to start a blog, an e-commerce site, a social network, an on-demand labor platform, a cloud storage business, an online charity? This course provides students with practical perspectives about important issues innovators face as they launch their businesses / products. The instructors analyze these issues from the point of view of leads on integrated product teams or senior executives making strategic decisions based on advice from their org’s lawyers / advisers. As a result, many of the issues covered are legal ones that innovators / managers will have to decide how to handle.

We will use an ongoing case study of Zooglebookubitter Inc. to give practical examples for each topic. The course requires reading the assigned text and watching the assigned videos, which will include pithy content. Industry leaders and advisers will provide insights throughout the course as guest speakers.

How You’re Graded:

Class Participation/Attendance (40% total): We will discuss the readings throughout the class. This teaching style relies on your participation. Showing up to class, sharing your thoughts, answering our questions, participating in weekly discussions on Canvas and otherwise demonstrating intellectual curiosity will satisfy this 40% portion of your grade. Please contact us by email if you will miss a particular class. Note: Weekly discussion submissions are type B (group / individual designation).

Weekly Take-home Quizzes (10% total): After each substantive lecture, a brief take-home quiz will be made available through Canvas. Note: these quizzes are type C (individual / individual designation).

Team Presentations (40% total / 20% written materials / 20% oral presentation): Students will choose their groups and we will give each group a fact scenario involving a request from a friend for help implementing various strategies for her tech business. Each group will turn in a memo to said “friend” outlining their positions and reasoning as to why they picked the positions (i.e., their decision-making processes). The groups will then participate in oral presentations justifying those positions to the BoD in the final class of the semester. Each student must contribute 500-1000 words of text to their group’s memo. Note: these team presentations are type A (group / group designation).

Final Exam (10%): We will provide a take-home final exam via Canvas on the topics covered in the class. The final exam will include multiple choice, fill in the blank, short answer, and essay questions. Note: this final exam is type C (individual / individual designation).
What You’re Learning:

(class 1) - Getting Started (1/27/15)
(a) Introduction to Course
(e) Week 1 Discussion & Quiz Assigned

(class 2) - Protecting Your Knowledge (2/3/15)
(b) Trademark Issues for Startups (http://www.bitlaw.com/trademark/internet.html)
(e) Week 1 Discussion & Quiz Due
(f) Week 2 Discussion & Quiz Assigned

(class 3) - Employing People & Otherwise Dealing with Others (2/10/15)
(c) Week 2 Discussion & Quiz Due
(d) Week 3 Discussion & Quiz Assigned

(class 4) - Dealing with Users (2/17/15)
(c) Content Regulation (https://www.eff.org/issues/bloggers/legal/liability/defamation)
(d) Week 3 Discussion & Quiz Due
(e) Week 4 Discussion & Quiz Assigned
(f) Group Projects Assigned

(class 5) - Making Money (2/24/15)
(b) Week 4 Discussion & Quiz Due
(c) Week 5 Discussion & Quiz Assigned
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<tr>
<th>(class 5.5) - Optional class on Disruptive Innovation @ Google’s Offices Downtown (3/2/15)</th>
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<tr>
<td>(a) Disruptive Innovation (for profit / not-for-profit)</td>
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<td>We will provide lunch! (PLEASE RSVP!)</td>
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<th>(class 6) - Group Presentations &amp; Closing Remarks (3/3/15)</th>
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<td>(a) Week 5 Discussion &amp; Quiz Due</td>
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<td>(b) Group Presentations Due</td>
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<td>(c) Final exam assigned</td>
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Your Professors’ Bios:

**Anjali Kumar**

Anjali Kumar is an idea acupuncturist, lawyer, designer, traveler, writer, and explorer. In slightly more official terms, she is the General Counsel and Head of Social Innovation at Warby Parker, a transformative lifestyle brand offering designer eyewear at a revolutionary price while leading the way for socially-conscious businesses.

Anjali was Senior Counsel at Google NY, where she was a commercial and product attorney on areas ranging from Google X to advertising technology to YouTube. She also curated the @Google speaker series, bringing Googlers around the globe face-to-face with some of today’s most prominent thinkers. Pre-Google, Anjali was General Counsel at Acumen Fund, an attorney at Shearman & Sterling and led strategic planning at Robin Hood Foundation. She is currently an Adjunct Professor at Columbia Business School and Fordham University Gabelli School of Business teaching a course entitled "Law of Innovation", and serves as an advisor to IDEO.org and ORGANize.org.

Anjali is also at work on her first book entitled "From Google to God", and she has designed a handbag line featured in Vogue and on Sex and the City. In order to do everything, she speaks five language, not yet including Japanese, although she’s working on it. Anjali earned her BA in Biomedical Ethics from Brown University and her JD from Boston University School of Law. She lives in New York City and Hudson, NY with her husband, Atul, and daughter, Zia.

Find her @anjalikumar.

**Blake Reese**

Blake is a product counsel at Google, where he has practiced law for the last 4 years. At Google, he has advised cross-functional product teams and senior management on global legal issues impacting the products and services for which Blake is the lead lawyer. In addition, he has done significant deal work throughout the world and developed Google’s creditor strategies inside and outside bankruptcy. Before Google, Blake worked as an associate at the New York office of Milbank, Tweed, Hadley & McCloy. At Milbank, Blake advised companies ranging from startups, to global tech companies, to large banks and stock exchanges on all aspects of intellectual property law (litigation, transactional and prosecution).

With Anjali, Blake has co-taught an undergraduate class on the intersection of law and innovation at Fordham’s business school since 2011 and, with a former colleague, at Hunter CUNY’s computer science department in 2010. He is also an advisor to ORGANize.org.

Blake majored in Computer & Information Sciences at University of Florida before pursuing a JD at GW Law and M.S. in Technical Innovation Management at JHU.

Your Guest Speakers’ Bios:

**Colman Lynch (Guest Speaker for Class 1 on Formation & Formalities)**

After moving around a lot growing up, Colman majored in Economics at Yale before pursuing a JD at Columbia. After graduating, he started work at the New York office of Gunderson Dettmer, a Silicon Valley-based law firm focused exclusively on startup companies. While there, he has worked with a wide range of startups (such as Warby Parker, Harry’s, ZocDoc, Kickstarter, Foursquare, Betaworks and Vox Media) and the funds that invest in them (such as Tiger Global and Union Square Ventures). With a few coworkers, he has also taught a course on Startups and the Law at Yale Law School for the
last few years.

Colman can be reached by email at clynch@gunder.com.

**Joel Schmidt (Guest Speaker for Class 2 on Trademark & Copyright Issues for Startups)**

Joel is a partner at the New York office of Cowan Liebowitz & Latman, where he has represented a diverse group of clients, including fashion companies, technology companies, hotels and restaurants, game publishers, a major sports organization, global charitable organizations and foundations, and prominent artists and designers with respect to intellectual property protection and enforcement in the U.S. and throughout the world. Joel also assists clients enforce their intellectual property rights in the U.S. and abroad, practices before the Trademark Trial and Appeal Board, and advises clients with respect to licensing disputes, anti-counterfeiting and litigation.

In the transactional realm, Joel negotiates and drafts license agreements, purchase agreements, assignments, strategic alliances, joint venture agreements, book publishing agreements, and technology agreements. He also has guided clients through the intellectual property aspects of private placements, mergers and acquisitions, joint ventures, financings and reorganizations.

Joel can be reached by email at jks@cll.com.

**Scott Gerwin (Guest Speaker for Class 2 on Patent & Trade Secret Issues for Startups)**

Scott Gerwin is patent counsel at Google, where he has worked since 2011 managing Google's patent portfolio for Google's ads, travel, and shopping product areas, and developing Google's global patent strategy in these areas. In addition, Scott has provided intellectual property support for a variety of Google's commercial agreements, and has drafted and negotiated content and publicity rights licenses for Google’s Creative Lab group. Prior to joining Google, Scott worked as an associate at Wolf, Greenfield, and Sacks, P.C., an intellectual property boutique firm in Boston. At Wolf Greenfield, Scott drafted and prosecuted patent applications for a diverse set of clients, ranging from large Fortune 500 corporations to early stage startups, counseled clients on patent strategy, and advised on pre-litigation patent infringement and validity issues.

He holds a B.S. in computer science from Tufts University and a J.D. from Suffolk University Law School.

Scott can be reached by email at scottgerwin@google.com.

**David Garland (Guest Speaker for Class 3 on Employing People)**

David Garland is a partner in the New York and Newark offices of Epstein Becker Green. He is also Chair of the firm's Labor and Employment Steering Committee and a member of the firm's Board of Directors.

David defends clients in employment discrimination, wrongful discharge, and other employment-related litigation, including cases involving allegations of sexual harassment; discrimination; alleged violations of family leave; whistleblowing, equal pay, and other statutes; and contract, public policy, and tort claims. He represents clients in litigation concerning restrictive covenants, including non-compete agreements, defends clients in wage and hour litigation, and counsels clients on developing employee handbooks and policies and practices (concerning employee discharge and discipline, downsizing and reductions in force, employee privacy, and restrictive covenants) to avoid employment-related litigation.

David can be reached by email at DGarland@ebglaw.com.

**Frank Bruno (Guest Speaker for Class 3 on Interpreting Contracts, Internet Contracting, NDAs)**

Frank Bruno is a partner in the Philadelphia office of White and Williams and co-chair of the firm’s Intellectual Property Group. Frank focuses his practice on patent law and has considerable experience in electrical and computer technologies with particular emphasis on software semiconductors and telecommunications.

He has litigated patent cases involving semiconductor designs and methods of manufacture, digital telephony, image compression, and global positioning systems -- many of which also involve contract disputes. Frank has counseled startup companies and has represented buyers, sellers, and lenders in corporate transactions, such as acquisitions and financings, where intellectual property was a significant asset.
As a lawyer registered to practice before the U.S. Patent and Trademark Office, Frank has prosecuted patent applications in the U.S. and worldwide on a variety of technologies including computer hardware and software, biomedical devices, vehicle barriers, and methods of doing business. He has written opinions on patent validity and infringement in matters relating to cellular telephony, digital storage technology, and consumer electronics. He has also counseled clients regarding current and future patent portfolio strategies and assisted clients in selecting trademarks for key brands.

Frank can be reached by email at brunof@whiteandwilliams.com.

Charles Carmakal (Guest Speaker for Class 4 on Security)

Charles is a Managing Director with Mandiant and is based in Alexandria, VA. He has over 15 years of experience running large and complex intrusion investigations, threat and vulnerability assessments, enterprise-wide remediation efforts, and enterprise security strategy engagements.

Prior to joining Mandiant, Charles served in various leadership and management roles within PwC in the US and Australia. Most recently, he led PwC’s security consulting practice in Sydney. Charles led PwC’s global attack and penetration testing, Payment Card Industry (PCI), and web security core teams.

Charles received a Bachelor’s and Master’s degree in Management Information Systems from the University of Florida.

He was recently featured on 60 Minutes (clip available at http://www.cbsnews.com/news/swiping-your-credit-card-and-hacking-and-cybercrime/).

Charles can be reached by email at charles.carmakal@mandiant.com.

David Sharrow (Guest Speaker for Class 5 on Monetization Strategy - legal perspective)

Davis is a partner and heads the Technology Group at the New York office of Gunderson Dettmer. David specializes in the areas of intellectual property counseling, intellectual property transactions; U.S. and international corporate partnering; strategic alliances; joint ventures and spin-offs; technology acquisition and licensing; intellectual property strategy, counseling, protection and commercialization; as well as assisting with the intellectual property and technology aspects of venture capital financings, public offerings and mergers/acquisitions.

David represents start-up/emerging growth companies and multinational corporations in major corporate partnering/strategic alliance and/or licensing arrangements with many of the largest U.S. and international companies and major research universities and institutes. His practice focuses on a broad array of technologies, including biotechnology, pharmaceuticals, medical devices, information technology, software, hardware, communications, e-commerce, internet, media, semiconductors, nanotechnology, RFID and photonics.

David’s software, hardware, communications and internet practice includes a number of areas of expertise, including healthcare information technology, financial and insurance services, network monitoring and security, internet search technologies, social networking, media, e-commerce, database search and storage systems, RFID technology, satellite communications hardware and software, and many other related fields. For such clients, he works on end user license, support and maintenance agreements; software as a service (SaaS) offerings; enterprise resource planning software licensing and implementation; advertising and marketing agreements; website terms and conditions and privacy policies; evaluation of use of open source software; and a variety of channel partner arrangements (such as reseller, value-added reseller, OEM and distribution arrangements).

In the areas of biotechnology, pharmaceuticals and medical devices, David assists clients with strategic alliances; collaboration and development agreements; manufacturing and supply arrangements; agreements with clinical research organizations; clinical trial agreements; distribution agreements; feasibility studies; intellectual property acquisition and out licensing; and working with various delivery and testing platforms, to name a few.

David is a co-author of Corporate Partnering: Structuring and Negotiating Domestic and International Strategic Alliances and has also been a speaker on a variety of legal issues before the Massachusetts Software Council, including speaking on the Uniform Computer Information Transactions Act (“UCITA”) and has written articles on topics such as UCITA and Open Source licensing strategies. David has also been a Visiting Professor of Law at Tulane Law School teaching a course on strategic partnering.
David received a Bachelor of Science in Foreign Service from Georgetown University. David holds a Juris Doctor, summa cum laude, from Columbus School of Law, Catholic University of America, where he was an Associate Editor of The Catholic University Law Review. David is a member of the New York, Massachusetts, District of Columbia and Pennsylvania State Bars.

David can be reached by email at dsharrow@gunder.com.

Patrick Sullivan (Guest Speaker for Class 5 on Monetization Strategy - business perspective)

Patrick is an entrepreneur and serial investor who is deeply passionate about the startup community. He co-founded RightsFlow, an enterprise music licensing and royalty company acquired by Google in 2011. At the time of acquisition, RightsFlow serviced over 20,000 music labels, distributors, and digital service providers, and managed licensing for over 30 million recordings. As part of Google, RightsFlow became an integral part of YouTube’s music monetization, enabling a substantial expansion of scale. Patrick has held senior executive positions over his 20 year career including positions at The Orchard, eMusic, National Music Publishers’ Association, & The Harry Fox Agency. Patrick also founded and manages Vanham Ventures, an angel fund focused on early stage NYC-based technology start-ups. He is a mentor and frequent lecturer for TechStars, IMPACT, Dreamit, Google IO, Google for Entrepreneurs, Cornell Tech and his alma mater NYU.

TBD (Guest Speaker for Class 5.5 on Disruptive Innovation - not-for-profit perspective)

TBD (Guest Speaker for Class 5.5 on Disruptive Innovation - for-profit perspective)