

NEEL U. SUKHATME

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PROFESSIONAL EXPERIENCE

- Georgetown University Law Center**, Washington, DC 2015–Now
Associate Professor of Law
- U.S. Patent and Trademark Office**, Alexandria, VA 2019–Now
Thomas Alva Edison Visiting Scholar
- NYU School of Law, Engelberg Center on Innovation Law & Policy**, New York, NY 2014–15
Visiting Fellow
- Spindrop.com**, Princeton, NJ 2010–Now
Co-Founder, Patent Counsel, iPhone Programmer
- Co-founder and co-inventor for patented music technology company
 - Designed and programmed novel iPhone application implementing this technology
 - Prosecuted and manage Spindrop’s patent portfolio
- Latham & Watkins LLP**, San Francisco, CA; Chicago, IL 2006–07; 2008–09
Associate
- Authored briefs and advocated in patent, trademark, securities, class action, and tax cases
 - Represented Illinois prisoner in parole hearing
 - Generated new business from fast-growing technology company and managed its restructuring
- Law Clerk to Hon. Ann Claire Williams, Seventh Circuit Court of Appeals**, Chicago, IL 2007–08
- Law Clerk to Hon. Vaughn R. Walker, U.S. Dist. Court for N.D. Cal.**, San Francisco, CA 2005–06
- Covington & Burling LLP**, Washington, DC Summer 2004
- McDonnell Boehnen Hulbert & Berghoff LLP**, Chicago, IL 2001–02
Patent Agent, Technical Advisor
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EDUCATION

- Princeton University**, Princeton, NJ
- **Ph.D. in Economics** (Advisors: Orley Ashenfelter, Henry Farber) 2015
 - **M.A. in Economics** 2011
 - Princeton University Fellowship • Towbes Prize for Outstanding Teaching (2014)
 - Clarence J. Hicks Memorial Fellowship in Industrial Relations (2014–15)
 - Richard A. Lester Fellowship for Industrial Relations (2012–13)
 - Field Exams: Finance, Labor Economics, Development Economics
- Harvard Law School**, Cambridge, MA 2005
- **J.D., cum laude**
 - *Harvard Law Review*, Notes Editor
 - John M. Olin Fellow in Law and Economics • Ames Moot Court Competition, Semifinalist
- University of Illinois**, Champaign, IL 2001
- **B.S. in Computer Engineering, Highest Honors; Minor in Mathematics**
 - National Merit Scholar • Chancellor’s Scholar • James Scholar • Leung Scholar • Byrd Scholar

PUBLICATIONS

Who Cares About Patent Term? Cross-Industry Differences in Term Sensitivity (w/Judd Cramer), 21 AM. L. & ECON. REV. 1 (2019)

Health Care Costs and the Arc of Innovation (w/M. Gregg Bloche), 104 MINN. L. REV. ___ (forthcoming 2019)

Related: *Health Policy's Gordian Knot: Rethinking Cost Control*, HEALTH AFFAIRS BLOG (Apr. 26, 2017) (w/Gregg Bloche and John Marshall)

Vertical Mergers and the MFN Thicket in Television, CPI ANTITRUST CHRON. (Aug. 2018) (w/Erik Hovenkamp)

Will Delaware Be Different? An Empirical Study of TC Heartland and the Shift to Defendant Choice of Venue, 104 CORNELL L. REV. 101 (2018) (w/Ofer Eldar)

"Loser Pays" in Patent Examination, 54 HOUS. L. REV. 165 (2016)

Regulatory Monopoly and Differential Pricing in the Market for Patents, 71 WASH. & LEE L. REV. 1855 (2014)

Self-Realizing Inventions and the Utilitarian Foundation of Patent Law, 51 WM. & MARY L. REV. 897 (2009) (w/Alan Devlin)

Note, Making Sense of Hybrid Speech: A New Model for Commercial Speech and Expressive Conduct, 118 HARV. L. REV. 2836 (2005)

Recent Case, Thornton v. United States, 118 HARV. L. REV. 268 (2004)

Recent Case, Summerlin v. Stewart, 117 HARV. L. REV. 1291 (2004)

Book Note, 44 HARV. INT'L L.J. 607 (2003) (reviewing Lisa Conant, *Justice Contained: Law and Politics in the European Union* (2002))

TEACHING EXPERIENCE

Georgetown University Law Center, Associate Professor

- Property (Spring 2018, 2019, 2020 (planned))
- Empirical Analysis for Lawyers and Policymakers (Fall 2015, Spring 2019)
- Law and Economics Workshop (Fall 2017)
- Advanced Corporate Finance: Quantitative Analysis and Valuation (Fall 2020)
- Corporate Finance: Quantitative Analysis and Valuation (Spring 2017)
- Patent Law (Fall 2016, Spring 2020 (planned))
- Corporate Finance (Spring 2016)

Princeton University – Assistant in Instruction

- The Great Recession (Paul Krugman – Spring 2014, 2015)
- Law and Economics (Tim Leonard – Fall 2010)

DePaul University College of Law, Adjunct Professor – Law and Economics (Summer 2010)

Minority Legal Education Resources (Chicago, IL) – Illinois Bar Exam Tutor (Summer 2008)

SELECTED IN-PROGRESS RESEARCH

Patents as Quality Signals to Consumers

- Do patents influence how consumers view products and affect their purchasing behavior? I empirically examine these issues using two separate experiments. First, using an online experiment, I find that increasing the salience of patent status heightens perceptions that a product is more innovative and of higher quality, though it does not necessarily heighten participants' reported propensity to buy the product. Second, I test whether these results hold in an actual retail setting, through an experimental triple-differences treatment. Using retail scanner data spanning over two years and across three stores, I find consumer purchasing behavior appears largely unaffected when patent status is made more salient. While patents appear to signal quality to consumers, their ultimate impact on consumer purchasing behavior appears to be minimal.
- Grants – Nat'l Bureau of Econ. Research (NBER) Innovation Policy Working Group (\$20,000)

The Monetary Value of Patent Term (w/Judd Cramer)

- This paper measures late-term patent value via equity markets. We perform an event study using TRIPS, which retroactively extended term for already-issued patents obtained in less than three years. We find stock prices increased more for firms who received longer term extensions and confirm our results using an empirical technique known as regression kink design.

Reaching for Mediocrity: Competition and Stagnation in Pharmaceutical Innovation (w/Son Le)

- Patents might incentivize invention but they do not guarantee firms will invest in projects that maximize social utility. We model how risk-neutral firms' ability to obtain substantial private returns on marginal new technologies causes them to "reach for mediocrity" by investing in socially-suboptimal projects, even in the presence of competition and new entrants. Focusing primarily on pharmaceutical innovation, we analyze various policy interventions to solve this underinvestment problem. In particular, we describe a new approach to patents – a value-based patent system, which ties patent protection to the underlying invention's social value – and show how it incentivizes socially-optimal innovation.

Down to the Last Strike: The Effect of the Jury Lottery on Conviction Rates (w/Scott Kostyshak)

- How much does luck matter to a criminal defendant in a jury trial? We use rich data on jury selection and a novel identification strategy to causally estimate how parties who are randomly assigned a less favorable jury (as proxied by whether their attorneys exhaust their peremptory strikes) fare at trial. We find that criminal defendants who lose the "jury lottery" are more likely to be convicted than their similarly-situated counterparts, with a significant effect for black defendants. Our results are robust to alternate specifications and raise important policy questions about race and the use of peremptory strikes in the criminal justice system. In particular, our results suggest increasing peremptory strike limits for defendants would decrease the variance in outcomes for similarly-situated black defendants.

Pay to Play? Campaign Finance and the Incentive Gap in the Right to Counsel (w/Jay Jenkins)

- Most scholars agree the right to counsel routinely fails indigent defendants. We explain this failure is largely because indigent defense systems do not align the incentives of publicly-funded defense attorneys with their clients' best interests. We empirically illustrate this dynamic by documenting how defense attorneys and elected trial judges engage in apparent "pay to play," where attorneys donate to judges, and judges appoint these attorneys as counsel in indigent defense cases. We provide evidence that such appointments can be surprisingly lucrative, and that donor defense attorneys are less successful than non-donor attorneys in representing their clients. Finally, we examine various reforms that might reduce this incentive gap, such as by relaxing the long-standing ban on contingency arrangements in criminal law and providing performance-based payments to assigned counsel, or by offering randomly assigned, publicly-funded counsel to all criminal defendants, including non-indigents.

INVITED PRESENTATIONS

- Conference on Empirical Legal Studies, Claremont-McKenna College (2018)
- UT Austin School of Law, Law, Business, and Economics Workshop (forthcoming 2019)
- Int'l IP Commercialization Counsel, The State of Innovation in the Union, U.S. Capitol (2019)
- Roundtable on Empirical Methods in IP (discussant), USPTO (forthcoming 2019)
- Empirical Patent Conference, Duke University School of Law (presenter and discussant) (2019)
- Works-in-Progress IP Colloquium, Univ. of Houston Law Center (2019)
- Law and Economics Workshop, Univ. of Chicago Law School (2019)
- Faculty Workshop, Chicago-Kent College of Law (2018)
- Law and Economics Workshop, Boston Univ. School of Law (2018)
- Economics Seminar and Speaker Series, Univ. of Florida Dept. of Economics (2018)
- Conference on Empirical Legal Studies, Univ. of Michigan Law School (2018)
- Federal Trade Commission Hearing on Competition and Consumer Protection in the 21st Century, Innovation and Intellectual Property, Washington, DC (2018)
- Mid-Atlantic Patent Works-In-Progress Conference, American Univ. Wash. College of Law (2018)
- IP Scholars Conference, UC Berkeley School of Law (2018)
- Southeastern Association of Law Schools Conference, Ft. Lauderdale, FL (2018)
- Society for Institutional and Organizational Economics Conference, HEC Montreal (2018)
- Roundtable on Empirical Methods in IP, Northwestern Law School (2018)
- PatCon8, Univ. of San Diego School of Law (2018)
- Faculty Workshop, Washington University School of Law (2018)
- Intellectual Property Speaker Series, George Washington Univ. School of Law (2018)
- Giles S. Rich American Inn of Court, Academia's Role in IP Litigation (2017)
- IP Scholars Conference, Cardozo School of Law (2017)
- Georgetown Law Summer Faculty Workshop (2017, 2018, 2019)
- Stanford Patent Assertion Entity Symposium, Stanford Law School (2017)
- Empirical Patent Conference (discussant), Duke University School of Law (2017)
- PatCon7, Northwestern Law School (2017)
- Works-in-Progress IP Colloquium (plenary session), Boston Univ. School of Law (2017)
- Conference on Empirical Legal Studies (discussant), Duke University School of Law (2016)
- Panel on Cost-Benefit Analysis, University of Virginia School of Law (2016)
- Ruesch Center Policy Briefing: Fighting a Smarter War Against Cancer, Georgetown Law (2016)
- Georgetown Law Faculty Research Workshop (2016, 2017, 2019)
- George Mason Law & Economics Colloquium (2016)
- PatCon6, Boston College Law School (2016)
- Works-in-Progress IP Colloquium, Univ. of Washington (2016)
- Empirical Patent Conference (discussant), University of Illinois School of Law (2015)
- U.S. Patent and Trademark Office, Brown Bag Luncheon (2015)
- Law and Economics Seminar, Harvard Law School (2014)
- IP Scholars Conference, UC Berkeley School of Law (2014)
- Seventh Annual Conference on Innovation Economics, Northwestern Law School (2014)
- American Law and Economics Association Annual Meeting, Univ. of Chicago Law School (2014)
- PatCon4, Univ. of San Diego School of Law (2014)
- Law and Economics Colloquium, Northwestern Law School (2014)
- Doctoral Scholarship Conference, Yale Law School (2013)
- Conference on Empirical Legal Studies, Univ. of Pennsylvania Law School (2013)
- Midwest Law and Economics Association Conference, University of Illinois School of Law (2013)
- Law-Engaged Graduate Student Seminar, Princeton University (2013)
- IP Scholars Conference, Cardozo School of Law (2009)

SERVICE

- Referee for *American Economic Journal: Applied Economics*; *American Law and Economics Review*; *Supreme Court Economic Review*; *International Journal of the Economics of Business*; *International Review of Law and Economics*; *Yale Law Journal*; *Georgetown Law Journal*
- Secretary, Section on Law and Economics, The Association of American Law Schools (2019-20)
- Area Organizer, 2018 American Law and Economics Association Annual Meeting
- Faculty Advisor, Institute for Technology Law and Policy, Georgetown Law Center

MISCELLANEOUS

- Admitted to practice law in California (active) and Illinois (inactive) and before the U.S. Patent & Trademark Office • Climbed Mt. Kilimanjaro • Ran Chicago Marathon • Published on SCOTUSblog
- Program in C, STATA, and Objective-C (for iPhone and iPad)