

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 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
- **J.D., cum laude** 2005
 - *Harvard Law Review*, Notes Editor
 - John M. Olin Fellow in Law and Economics • Ames Moot Court Competition, Semifinalist
- University of Illinois**, Champaign, IL
- **B.S. in Computer Engineering, Highest Honors; Minor in Mathematics** 2001
 - National Merit Scholar • Chancellor’s Scholar • James Scholar • Leung Scholar • Byrd Scholar

PUBLICATIONS AND FORTHCOMING ARTICLES

- Pay to Play? Campaign Finance and the Incentive Gap in the Sixth Amendment's Right to Counsel* (w/Jay Jenkins), 70 DUKE L.J. __ (2020) (forthcoming)
- 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. 955 (2019)
- 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)
- Vertical Mergers and the MFN Thicket in Television*, CPI ANTITRUST CHRON. (Aug. 2018) (w/Erik Hovenkamp)
- "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)

SHORTER WORKS

- A Proposal for PolicyPilots.gov* (w/Colleen Chien)
THE REGULATORY REVIEW (UNIV. OF PENN.) (Nov. 19, 2019)
- Health Policy's Gordian Knot: Rethinking Cost Control* (w/M. Gregg Bloche and John Marshall)
HEALTH AFFAIRS BLOG (Apr. 26, 2017)
- 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))

SELECTED WORKING PAPERS

- 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 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. Our novel identification strategy is unique in that it captures variation in juror predisposition using data unobserved by the econometrician but observed by attorneys. We find that criminal defendants who lose the "jury lottery" are more likely to be convicted than their similarly-situated counterparts, with a significant increase (18-20 percentage points) 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.

***Do Women Mayors Enhance Patent Innovation?* (w/Thomas Krause)**

- We investigate how female political leaders might impact innovation, as measured by the effect of the election of women mayors on patent grants in U.S. cities. To address endogeneity, we employ a regression discontinuity (RD) design and compare patent grants based on inventor location in U.S. cities where a female candidate barely won a mayoral election with such grants in cities where a female candidate barely lost. Preliminary results show that female mayors significantly increase the number of granted patents relative to male mayors. These findings persist over time, as there are significant effects when a female incumbent wins for a second time. The findings are also robust to different bandwidth choices, polynomial orders of the assignment variable, and discontinuity checks in the covariates.

Patent Salience: Do Patents Serve 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)

***What's a Patent Worth? 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)**

- 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 show how a "value-based" patent system, which ties patent protection to the underlying invention's social value, could incentivize socially optimal innovation.

SELECTED WORKS IN PROGRESS

***Who Appeals? Comparing Individual and Corporate Decisionmaking* (w/Henry Farber)**

***Why Do People Shirk Jury Duty? A Field Experiment on Jury Summons Compliance* (w/Scott Kostyshak)**

A Theoretical and Empirical Study of Forum Shopping

***The Procedure/Substance Tradeoff in Patent Law* (w/Jonathan Masur)**

***The Checkmark Effect: Momentum in Presidential Primaries* (w/Scott Kostyshak)**

***The Duty of Loyalty in the Right to Counsel* (w/Jay Jenkins)**

***An Economic Profile of Patent Owners and Petitioners at the Patent Trial and Appeal Board* (w/Charles DeGrazia and Andrew Toole)**

***Medical Costs: Playing the Long Game* (w/M. Gregg Bloche and John Marshall)**

LAW TEACHING EXPERIENCE

Georgetown University Law Center, Associate Professor

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

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)

Office of Minority Student Affairs, Univ. of Illinois – History and Physics Tutor (1998-2001)

SELECTED PRESENTATIONS

- 2020:** American Law and Economics Assoc. Annual Meeting, Univ. of Chicago Law School (upcoming) • Society for Institutional and Organizational Economics Conference, Cambridge, MA (upcoming) • IP Colloquium, Cardozo School of Law (conducted remotely) • Brown Bag Presentation, Georgetown University McCourt School of Public Policy (conducted remotely) • Public Choice Society Annual Meeting, Newport Beach, CA (invited but event cancelled due to COVID-19) • Hamilton Project Authors' Conference at the Brookings Institution (discussant) • IP Speaker Series, Univ. of San Diego School of Law • American Economic Assoc. Annual Meeting, San Diego, CA
- 2019:** Conference on IP, Privacy, and Access to Justice in the Digital World, O.P. Jindal University, Sonapat, India • Conference on Empirical Legal Studies, Claremont-McKenna College • UT Austin School of Law, Law, Business, and Economics Workshop • Workshop on Empirical Methods and Patents, Georgetown University Law Center (organizer) • Conference on Law and Macroeconomics, Georgetown University Law Center (moderator) • Wake Forest University, Department of Economics Faculty Seminar • Int'l IP Commercialization Counsel, The State of Innovation in the Union, U.S. Capitol • American Law and Economics Assoc. Annual Meeting, NYU School of Law • Roundtable on Empirical Methods in IP (discussant), USPTO • Empirical Patent Conference, Duke University School of Law (presenter and discussant) • Works-in-Progress IP Colloquium, Univ. of Houston Law Center • Law and Economics Workshop, Univ. of Chicago Law School • Georgetown Law Summer Faculty Workshop • Georgetown Law Faculty Research Workshop
- 2018:** Faculty Workshop, Chicago-Kent College of Law • Law and Economics Workshop, Boston Univ. School of Law • Economics Seminar and Speaker Series, Univ. of Florida Dept. of Economics • Conference on Empirical Legal Studies, Univ. of Michigan Law School • Federal Trade Commission Hearing on Competition and Consumer Protection in the 21st Century, Innovation and Intellectual Property, Washington, DC • Mid-Atlantic Patent Works-In-Progress Conference, American Univ. Wash. College of Law • IP Scholars Conference, UC Berkeley School of Law • Southeastern Assoc. of Law Schools Conference, Ft. Lauderdale, FL • Society for Institutional and Organizational Economics Conference, HEC Montreal • American Law and Economics Assoc. Annual Meeting, Boston Univ. School of Law • IP Workshop, Boston Univ. School of Law (conducted remotely) • Roundtable on Empirical Methods in IP, Northwestern Law School • PatCon8, Univ. of San Diego School of Law • Brown Bag Presentation, Georgetown University McCourt School of Public Policy •

Faculty Workshop, Washington University School of Law • Intellectual Property Speaker Series, George Washington Univ. School of Law • Georgetown Law Summer Faculty Workshop

- 2017:** Giles S. Rich American Inn of Court, Academia's Role in IP Litigation • IP Scholars Conference, Cardozo School of Law • Georgetown Law Summer Faculty Workshop • Hamilton Project Authors' Conference at the Brookings Institution (discussant) • Stanford Patent Assertion Entity Symposium, Stanford Law School • Empirical Patent Conference (discussant), Duke University School of Law • PatCon7, Northwestern Law School • Works-in-Progress IP Colloquium (plenary session), Boston Univ. School of Law • Georgetown Law Faculty Research Workshop
- 2016:** Conference on Empirical Legal Studies (discussant), Duke University School of Law • Panel on Cost-Benefit Analysis (Heritage Foundation), University of Virginia School of Law • Brown Bag Presentation, Georgetown University Economics Department • Ruesch Center Policy Briefing: Fighting a Smarter War Against Cancer, Georgetown Law • Georgetown Law Faculty Research Workshop • George Mason Law & Economics Colloquium • PatCon6, Boston College Law School • Works-in-Progress IP Colloquium, Univ. of Washington
- 2015:** Tri-State Region IP Workshop, NYU School of Law • Empirical Patent Conference (discussant), University of Illinois School of Law • U.S. Patent and Trademark Office, Brown Bag Luncheon
- 2014:** Law and Economics Seminar, Harvard Law School • IP Group Meeting, NYU School of Law • Labor Economics Seminar, Princeton University • IP Scholars Conference, UC Berkeley School of Law • Seventh Annual Conference on Innovation Economics, Northwestern Law School • American Law and Economics Assoc. Annual Meeting, Univ. of Chicago Law School • PatCon4, Univ. of San Diego School of Law • Law and Economics Colloquium, Northwestern Law School
- 2013:** Doctoral Scholarship Conference, Yale Law School • Conference on Empirical Legal Studies, Univ. of Pennsylvania Law School • Midwest Law and Economics Assoc. Conference, University of Illinois School of Law • Law-Engaged Graduate Student Seminar, Princeton University
- 2009:** IP Scholars Conference, Cardozo School of Law
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ACADEMIC 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*; *Georgetown Journal of Gender and the Law*; *Economics of Innovation and New Technology*
 - Vice-President (2020-21) and Secretary (2019-20), Section on Law and Economics, The Assoc. of American Law Schools
 - Area Organizer, 2018 American Law and Economics Assoc. Annual Meeting
 - Area Organizer, 2020 Conference on Empirical Legal Studies
 - Faculty Advisor, Institute for Technology Law and Policy, Georgetown Law Center
 - Ph.D. Advisor in Economics at Georgetown University for Son Le and Alex Billy
 - Organizer, Workshop on Empirical Methods and Patents, Georgetown Law Center (Oct. 2019)
 - Georgetown Law Committee Assignments: Entry-Level Appointments (2019-20) • Faculty Workshops (2018-19) • First-Year Class Size (2017-18) • Business Initiatives (2016-17) • Technology (2016-17, 2017-18)
 - External Contributor to Academic Standards Grade Curve Subcommittee (2019-20)
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MISCELLANEOUS

- Admitted to practice law in California (active) and Illinois (inactive) and before the U.S. Patent & Trademark Office (administratively inactive) • Climbed Mt. Kilimanjaro • Ran Chicago Marathon • Published on SCOTUSblog • Program in C, STATA, and Objective-C (for iPhone and iPad) • Volunteer Law Clerk at Legal Assistance Foundation of Chicago (Summer 1998)