

ROGER ALLAN FORD

Franklin Pierce School of Law
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OVERVIEW

I teach and write about privacy, intellectual property, and other ways the law regulates technology and information.

EDUCATION

University of Chicago Law School, J.D., with honors, Order of the Coif, 2005
Editor, *The University of Chicago Law Review*
Research assistant, Professor William M. Landes and Judge Richard A. Posner
Massachusetts Institute of Technology, S.B. in Chemistry, 2002

ACADEMIC APPOINTMENTS

University of New Hampshire Franklin Pierce School of Law, Professor of Law, 2019–
Faculty Fellow, Franklin Pierce Center for Intellectual Property, 2015–
Associate Professor of Law, 2016–2019
Assistant Professor of Law, 2014–2016
Yale Law School, Information Society Project, Affiliated Fellow, 2019–
Visiting Fellow, 2017–2019
University of Chicago Law School, Harry A. Bigelow Teaching Fellow and Lecturer in Law, 2012–2014
New York University School of Law, Information Law Institute, Microsoft Research Fellow, 2011–2012
George Mason University School of Law, adjunct professor, Federal Courts, 2011
Massachusetts Institute of Technology, Experimental Study Group, chemistry instructor, 2000–2002

PROFESSIONAL EXPERIENCE

Covington & Burling LLP, associate, IP litigation and privacy law, 2007–2012 & 2005–2006 (on leave 2011–2012); summer associate, 2004
Chief Judge Frank H. Easterbrook, United States Court of Appeals for the Seventh Circuit, law clerk, 2006–2007

ARTICLES AND CHAPTERS (SSRN)

Data Scams, 57 *Houston Law Review* (forthcoming 2019) ©
· Junior Scholar Award (best paper by a pre-tenure scholar), Privacy Law Scholars Conference
Trade Secrets and Information Security in the Age of Sports Analytics, in *The Oxford Handbook of American Sports Law* (2018)
The Uneasy Case for Patent Federalism, 2017 *Wisconsin Law Review* 551 ©
Privacy and Accountability in Black-Box Medicine, 23 *Michigan Telecommunications and Technology Law Review* 1 (2016) (with W. Nicholson Price II) ©
· Response: Carl E. Schneider, **A Comment on Privacy and Accountability in Black-Box Medicine**, 23 *Michigan Telecommunications and Technology Law Review* 321 (2017)
The Patent Spiral, 164 *University of Pennsylvania Law Review* 827 (2016) ©
Unilateral Invasions of Privacy, 91 *Notre Dame Law Review* 1075 (2016) ©

Patent Invalidity Versus Noninfringement, 99 *Cornell Law Review* 71 (2013)

Modeling the Effects of Peremptory Challenges on Jury Selection and Jury Verdicts, 17 *George Mason Law Review* 377 (2010)

Preemption of State Spam Laws by the Federal CAN-SPAM Act, Comment, 72 *University of Chicago Law Review* 355 (2005)

WORKS IN PROGRESS

AI and the Limits of Optimization (in draft)

Privacy When Form Doesn't Follow Function (in draft)

Second-Order Damages (in progress)

Which Practicing Entities Assert Patents? (in progress)

SHORTER AND PROFESSIONAL WRITING

With Digital Privacy Law, Don't Repeat Mistakes of the Past, The Hill, 2019

How the Supreme Court Ignored the Lesson of *Zeran* and Screwed Up Copyright Law on the Internet, Law.com, 2017 [CC](#)

Comments to the Federal Trade Commission on the CAN-SPAM Rule, 2017 [CC](#)

Location Technologies and Privacy, NYU School of Law, Information Law Institute, 2012

Trademark & Copyright E-Alert: Second Circuit Rules that Use of Trademarks in Internet Keyword Advertising Constitutes Actionable Trademark Use, Covington & Burling LLP, 2009

Engagement Letters in Patent Practice, AIPLA Mid-Winter Institute, 2008

WORKSHOPS, CONFERENCES, AND INVITED PRESENTATIONS

Artificial Intelligence and the Limits of Optimization

Northwestern/Penn/Stanford Junior Faculty Forum for Law and STEM, September 2019

Junior Intellectual Property Scholars Association, May 2019

Yale Information Society Project Conference on (Im)Perfect Enforcement (plenary session), April 2019

South Brooklyn: Learning Algorithms, Artificial Intelligence, and the Law, February 2018

Privacy When Form Doesn't Follow Function

Michigan State University Junior Scholars in Intellectual Property Workshop, May 2019

Nebrooklyn(ecticut) Law & Technology Workshop, March 2019

Works in Progress in Intellectual Property (WIPIP) Conference (plenary session), February 2019

Junior Intellectual Property Scholars Association, January 2019

Northeast Privacy Scholars Workshop, November 2018

Data Scams

Benjamin N. Cardozo School of Law Faculty Workshop, September 2018

University of Maine School of Law Faculty Workshop, February 2018

University of New Hampshire School of Law Faculty Workshop, November 2017

Northwestern University Legal Scholarship Workshop, October 2017

University of Chicago Legal Scholarship Workshop, October 2017

Yale Information Society Project Ideas Lunch, September 2017

Junior Intellectual Property Scholars Association, June 2017

Privacy Law Scholars Conference, June 2017

Which Practicing Entities Assert Patents?

University of New Hampshire IP Scholars' Roundtable, October 2017

Intellectual Property Scholars Conference, August 2017

Junior Intellectual Property Scholars Association, June 2017 (on preliminary results)

Stanford Patent Litigation Symposium, May 2017

Junior Intellectual Property Scholars Association, January 2017 (on study design)

The Uneasy Case for Patent Federalism

University of New Hampshire IP Scholars' Roundtable, October 2016

Junior Intellectual Property Scholars Association, January 2016

University of Chicago Legal Scholarship Workshop, November 2015

Patent Conference, April 2015

Works in Progress in Intellectual Property (WIPIP) Conference, February 2015

The Social Cost of Cheap Trade Secrets

Junior Intellectual Property Scholars Association, June 2016

Privacy and Accountability in Black-Box Medicine (with W. Nicholson Price II)

Privacy Law Scholars Conference, June 2016

Yale Information Society Project Conference on Unlocking the Black Box, April 2016

Works in Progress in Intellectual Property (WIPIP) Conference, February 2016

Monopsonistic Patent Pools

Patent Conference, April 2016

Trade Secrets and Information Security in the Age of Sports Analytics

MIT Sloan Sports Analytics Conference, March 2016

University of New Hampshire IP Scholars' Roundtable, November 2015

The Patent Spiral

Michigan State University Junior Scholars in Intellectual Property Workshop, October 2014

University of Chicago Legal Scholarship Workshop, September 2014

Munich Conference on Innovation and Competition, June 2014

Junior Intellectual Property Scholars Association, June 2014

Stanford Conference on Patent Trolls and Patent Reform, March 2014

Creation Costs

Junior Intellectual Property Scholars Association, June 2014

Patent Invalidity Versus Noninfringement

University of Chicago Law School Work-in-Progress Workshop, August 2013

Intellectual Property Scholars Conference, August 2013

Patent Conference, April 2013

Works in Progress in Intellectual Property (WIPIP) Conference, February 2013

University of Chicago Law School Research Colloquium, February 2013

Unilateral Invasions of Privacy

Privacy Law Scholars Conference, June 2013

NYU Privacy Research Group, March 2012

Location Technologies and Privacy

Consumer Dialogue Retreat, November 2011

NYU Privacy Research Group, October 2011

PANELS, ROUNDTABLES, AND INVITED COMMENTARIES

Commenter, *Copyright and the Algorithmic Assemblage* by Dan L. Burk

Yale Information Society Project Conference on (Im)Perfect Enforcement, April 2019

Commenter, *Criminal Justice, Democratic Equality, and the "Human Element"* by Kiel Brennan-Marquez and Stephen Henderson

Privacy Law Scholars Conference, May 2018

Participant, Roundtable on *Privacy's Blueprint: The Battle to Control the Design of New Technologies* by Woodrow Hartzog

Notre Dame Law School, April 2018

Commenter, *The Loyalty and Transparency of Algorithms in French Law* by Céline Castets-Renard

Fordham Information Law Faculty Workshop, April 2018

Participant, Symposium on Artificial Intelligence and Ethics in Higher Education
Blackboard Inc., January 2018

Commenter, *Privacy and Power in New Contractual Forms* by Mark Verstraete
Northeast Privacy Scholars Workshop, October 2017

Commenter, *Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System* by Rebecca Wexler
We Robot, March 2017

Commenter, *Regulating Software When Everything Has Software* by Paul Ohm and Blake Reid
Internet Law Works-in-Progress Conference, March 2016

Participant, Discussion Forum on Privacy and Technology in the Granite State
ACLU of New Hampshire, May 2015

Panelist on *Citizenfour, Privacy, and Government Surveillance*
Red River Theaters and New Hampshire State Council on the Arts, January 2015

Commenter, *Public-Private Partnerships as Innovation Strategies* by Liza Vertinsky and *Business Structures for Innovation* by Dan L. Burk
Yale Information Society Project Conference on Innovation Law Beyond IP, March 2014

Commenter, *Expired Patents* by Saurabh Vishnubhakat
Intellectual Property Scholars Conference, August 2013

Participant, Roundtable on Differential Privacy and Law and Policy
Benjamin N. Cardozo School of Law, March 2013

Introductory Remarks, Conference on Mobile and Location Privacy
NYU School of Law, Information Law Institute, April 2012

GUEST COURSE LECTURES, STUDENT PANELS, AND THE LIKE

Trade Secrets and Information Security in the Age of Sports Analytics
Reach for Gold: IP & Sports, UNH Sports & Entertainment Law Society, February 2019

Data Scams
Blockchain, Cryptocurrency & the Law, UNH Franklin Pierce School of Law, February 2019

Data Scams and Other Limits of Optimization
UNH Computer Science Department Seminar, September 2018

Moderator, Panel on Opposing Angles: Trademark Law and the First Amendment
UNH Sports & Entertainment Law Society, April 2017

Panelist on FCC Privacy Regulations and the Congressional Review Act
UNH Fremont Society, April 2017

Moderator, Panel on Protecting Secrets in Sports & Entertainment
UNH Sports & Entertainment Law Society, October 2015

CONFERENCES ORGANIZED

Third Junior IP Scholars Association Workshop, Franklin Pierce Center for Intellectual Property, UNH School of Law, June 2016

Fifth IP Scholars' Roundtable, Franklin Pierce Center for Intellectual Property, UNH School of Law, November 2015

Fourth IP Scholars' Roundtable: Intellectual Property on the Ground, Franklin Pierce Center for Intellectual Property, UNH School of Law, November 2014

NYU / Princeton Conference on Mobile and Location Privacy, NYU Information Law Institute and Princeton Center for Information Technology Policy, April 2012

OTHER TRAINING

Conducting Empirical Legal Scholarship Workshop, University of Southern California, 2012

TEACHING

University of New Hampshire Franklin Pierce School of Law

Property (Spring 2020; Spring 2019; Spring 2018; Spring 2017)
Privacy (Spring 2020; Fall 2018; Fall 2017; Fall 2016)
Internet Law (Fall 2019; Fall 2018; Spring 2018)
Patent Law (Fall 2017; Fall 2016; Spring 2016; Spring 2015)
Fundamentals of Intellectual Property (Spring 2016; Spring 2015)

University of New Hampshire College of Engineering and Physical Sciences

Intellectual Property Law for Engineers & Scientists (Spring 2019)

University of Chicago Law School

Privacy (Spring 2014)
Legal Research & Writing (2013–2014; 2012–2013)

George Mason University School of Law

Federal Courts (Spring 2011)

Massachusetts Institute of Technology

Organic Chemistry I (TA Spring 2002; TA Spring 2001)
Advanced Introductory Chemistry (Fall 2000)
Introductory Chemistry (Fall 1999)

PUBLIC, PROFESSIONAL, AND UNIVERSITY SERVICE

Referee, Cambridge University Press; *Columbia Law Review*; *SCRIPTed*; *Stanford Law Review*; *Stanford Technology Law Review*; University of California Press

Media and interviews, *Fortune*; NBC News; New Hampshire Public Radio; Accidental Tech Podcast; BostInno

UNH Law Service

Law Review Faculty Advisor, 2017–
Law School Democrats Faculty Advisor, 2018–
Retention and Tenure Committee (rapporteur), 2019–
Academic Administration Committee, 2014–2017
Communications & Marketing Hiring Committee, 2019
Curriculum Committee, 2017–2019
Faculty Appointments Committee, 2016–2019

UNH Service

Cybersecurity Initiative Planning Committee, 2018–2019
Faculty Senate Ad Hoc Committee on Calendar Options, 2015–2016

UNH Law Faculty Union Service

Bargaining Committee, 2019–2020

New Hampshire Supreme Court, Committee on the Judiciary and the Media, 2015–

American Constitution Society, Constance Baker Motley National Moot Court Competition, volunteer judge, 2009

Washington Lawyers' Committee for Civil Rights and Urban Affairs, Introduction to Legal Reasoning for pre-law students, volunteer instructor, 2008

MIT Faculty Committee on Curricula, student member, 2000–2002

MIT Lecture Series Committee, chair, 2002; lecture director, 2001; publicity director, 2000

PROFESSIONAL AND VOLUNTEER ACTIVITIES

New Hampshire Democratic Party, volunteer voter-protection attorney, 2018

City of Manchester, New Hampshire, deputy election registrar, 2016

Hillary for America / New Hampshire Democratic Party, volunteer voter-protection attorney, 2016
Obama for America / Democratic Party of Virginia, volunteer voter-protection attorney, 2008
Kerry-Edwards 2004 / Democratic Party of Wisconsin, volunteer voter-protection law clerk, 2004

PRO-BONO LITIGATION (SELECTED)

Al-Warafi v. Obama, 409 F. App'x 360 (D.C. Cir. 2011) (briefed and argued)
Latif v. Obama, 666 F.3d 746 (D.C. Cir. 2011) (briefed)
Uthman v. Obama, 637 F.3d 400 (D.C. Cir. 2011) (briefed)
District of Columbia v. Straus, 590 F.3d 898 (D.C. Cir. 2010) (filed brief and argued on behalf of amicus curiae American Civil Liberties Union of the Nation's Capital)
Black v. United States, 130 S. Ct. 2963 (2010) (filed brief on behalf of amici curiae)
Long v. Dep't of Homeland Security, 436 F. Supp. 2d 38 (D.D.C. 2006) (briefed)

WIPIP TRIVIA PRIZES

WIPIP completely legit trivia champions!!!, team The Partial Shutdown, 2019
WIPIP trivia champions (ex officio), team The Artistic Shovels, 2018
WIPIP trivia alleged runners up, team Alex & the Juicy WIPIPs, 2017
WIPIP trivia champions, team #watchmeWIP, 2016

OTHER, LIKELY-MORE-MEANINGFUL PRIZES AND FELLOWSHIPS

Junior Scholar Award (best paper by a pre-tenure scholar), Privacy Law Scholars Conference, 2017
MVP² Fellow in Law and Technology, John M. Olin Program in Law and Economics, University of Chicago Law School, 2004–2005 & 2003–2004
Bell Boyd & Lloyd Writing Prize, University of Chicago Law School, 2003
Todd Anderson Award for Excellence in Teaching, MIT Experimental Study Group, 2002

BAR ADMISSIONS

United States District Court for the District of Columbia, 2011
United States Court of Appeals for the District of Columbia Circuit, 2009
United States Court of Appeals for the Federal Circuit, 2007
United States Court of Appeals for the Seventh Circuit, 2007
District of Columbia Court of Appeals, 2006
Supreme Judicial Court of Massachusetts, 2006