

DAVID S. LEVINE

ELON UNIVERSITY SCHOOL OF LAW, 201 NORTH GREENE ST., GREENSBORO, NC 27401
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ACADEMIC APPOINTMENTS

ELON UNIVERSITY SCHOOL OF LAW

Associate Professor with tenure (2012-present), *Assistant Professor* (2009-2012)

Courses: Intellectual Property Survey, Internet Law, Trade Secrets, Contracts

Service: Chair: Faculty Development Committee (2010-present)
Member: Promotion and Tenure, Faculty Handbook Revision, AALS Membership, Contract Professor Review (2012-present), Honor Code Violation Appeal (2010-2011), Curriculum (2009-2010) committees.

STANFORD LAW SCHOOL, CENTER FOR INTERNET AND SOCIETY (CIS)

Affiliate Scholar (2011-present), *Non-Resident Fellow* (2007-2010), *Resident Fellow* (2005–2007): As a Resident Fellow, worked with Professor Lawrence Lessig on public interest litigation, advocacy, research and scholarship.

CHARLOTTE SCHOOL OF LAW

Assistant Professor (2007-2009)

Courses: Intellectual Property Survey, Internet Law, Contracts, Civil Procedure

Service: Chair: Information Technology and Creative Works Committee (2008 – 2009)
Member: Library and Information Technology committees (2007-2008)

PUBLICATIONS

[*The Social Layer of Freedom of Information Law*](#), 90 N. C. L. REV. 1687 (2012).

[*Bring in the Nerds: Secrecy, National Security, and the Creation of International Intellectual Property Law*](#), 30 CARDOZO ARTS & ENT. L. J. 105 (2012).

[*Don't Break the Internet*](#), 64 STAN. L. REV. ONLINE 34 (2011) (with Mark Lemley of Stanford Law School and David G. Post of Temple Law School).

[*The People's Trade Secrets?*](#), 18 MICH. TELECOMM. & TECH. L. REV. 61 (2011).

[*Transparency Soup: The ACTA Negotiating Process and "Black Box" Lawmaking*](#), 26 AM. U. INTL. L. REV. 811 (2011).

[*The Impact of Trade Secrecy on Public Transparency*](#), in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH, Rochelle C. Dreyfuss and Katherine J. Strandburg, eds., Edward Elgar Publishing (2011).

[*What Can the Uniform Trade Secrets Act Learn From the Bayh-Dole Act?*](#), 33 HAMLINE L. REV. 615 (2010).

[*Secrecy and Unaccountability: Trade Secrets in Our Public Infrastructure*](#), 59 FL. L. REV. 135 (2007).

[*The Potentially Perilous Cease-and-Desist Letter*](#), 16-3 N. Y. S. BAR ASSOC. ENTERTAINMENT, ARTS AND SPORTS L. J. 16 (Fall/Winter 2005).

[*When Money Kills: an Overview of the Status of Internet Gambling after September 11, 2001*](#), 12-3 N. Y. S. BAR ASSOC. ENTERTAINMENT, ARTS AND SPORTS L. J. 61 (Fall/Winter 2001).

[*The "Deep Freeze" in the Lower Federal Court Confirmation Process*](#), 3 HOLY CROSS J. OF L. AND PUB. POL. 263 (1998).

RADIO/PODCAST

[*HEARSAY CULTURE*](#), KZSU-FM (Stanford University)/CIS, Stanford, California
Founder/Host (May 2006-present). Creator/host of a radio and podcast interview and discussion talk show on KZSU-FM (Stanford University) about intellectual property and technology issues. Selected in the ABA Journal's Blawg 100 of 2008 as one of the "top 100 best Web sites by lawyers, for lawyers" (and one of the top five in the podcast category). Over 170 shows recorded and available as of October 2012. More information can be found at hearsayculture.com.

ADVOCACY, PRESENTATIONS AND INTERVIEWS/MEDIA

Stakeholder Speaker, Trans-Pacific Partnership Agreement 14th round of negotiations, Leesburg, VA (September 9, 2012): discussing transparency and accountability.

Speaker, Intellectual Property Scholars Conference, Stanford Law School (August 10, 2012): discussing *Cardozo on Patent Claim Interpretation and Construction*.

Author, [The Most Important Trade Agreement That We Know Nothing About](#), Slate, July 30, 2012 (over 1100 Facebook "Likes" and Tweets as of October 2012).

Stakeholder Speaker, Trans-Pacific Partnership Agreement 13th round of negotiations, San Diego, CA (July 2, 2012): discussing transparency and accountability.

Speaker, Law and Society Association Annual Meeting (June 8, 2012): discussing *Bring in the Nerds: Secrecy, National Security, and the Creation of International Intellectual Property Law*.

Speaker, Association for Recorded Sound Collections Conference (May 17, 2012): discussing SOPA and copyright fair use.

Invited Panelist, SOPA Panel, UNC Center for Media Law and Policy, UNC School of Law (April 12, 2012): debating representatives of Paramount Pictures and Fox Entertainment Group.

Speaker, Intellectual Property Roundtable, Drake University Law School (March 30, 2012): discussing *Bring in the Nerds: Secrecy, National Security, and the Creation of International Intellectual Property Law*.

Invited Speaker, Cardozo Arts & Entertainment Law Journal Symposium entitled "Piracy and the Politics of Policing: Legislating and Enforcing Copyright Law" (March 28, 2012): discussing *Bring in the Nerds: Secrecy, National Security, and the Creation of International Intellectual Property Law*.

Speaker, Internet Law Works-in-Progress Symposium, New York Law School (March 24, 2012): discussing *Bring in the Nerds: Secrecy, National Security, and the Creation of International Intellectual Property Law*.

Invited Speaker, Campbell Law Review symposium entitled "The New Global Convergence: Intellectual Property, Increasing Prosperity, and Economic Networks in the Twenty-First Century" (March 16, 2012): discussing international intellectual property lawmaking.

Author, [Web Darkness, The Day After: Why The SOPA Protests Matter](#), Forbes CIO Network, January 19, 2012.

Interviewed and quoted regarding the Stop Online Piracy Act and PROTECT IP Act: Catherine Dunn, *Making a Business Case for the Anti-SOPA Blackouts*, Corporate Counsel (January 19, 2012)

Interviewed and quoted, *What Is The Fuss Over SOPA and PIPA*, WFMY, Greensboro, NC (January 17, 2012).

Speaker, Association of American Law School's Annual Meeting Panel on Intellectual Property and International Trade (January 7, 2012): discussing *Transparency Soup: The ACTA Negotiating Process and "Black Box" Lawmaking* (competitive selection from call for papers).

Invited Guest, The Rick Smith Show, WIOO-FM and podcast (December 21, 2011): discussing *Don't Break the Internet*.

Speaker, North Carolina Law Review Social Media and the Law Symposium (November 18, 2011): discussing *The Social Layer of Freedom of Information Law*.

Speaker, International Studies Association-South Annual Meeting (October 15, 2011): discussing *The Social Layer of Freedom of Information Law*.

Interviewed and quoted regarding patent law: Owen Covington, *Womble Carlyle opens intellectual property office in Silicon Valley*, Triad Business Journal, October 7, 2011.

Invited Speaker, IP & The Innovation System Inaugural Conference, University of New Hampshire Franklin Pierce Center for Intellectual Property (September 30, 2011): discussing *The Social Layer of Freedom of Information Law*.

Profiled, [Elon University 2011 President's Report](#) (September 13, 2011): selected as one of 12 faculty members whose scholarship was deemed among the most significant being conducted at Elon University.

Speaker, Global Congress on Public Interest Intellectual Property Law, American University School of Law (August 26, 2011): discussing transparency in international intellectual property lawmaking.

Invited Guest, WUNC-FM (UNC-Chapel Hill) program *The State of Things* (August 19, 2011): discussing the PROTECT IP Act.

Interviewed and quoted regarding hack of Bay Area Rapid Transit's computer system: *Twitter Not Commenting on Hackers' BART Disclosures*, KQED-FM, August 18, 2011.

Speaker, Intellectual Property Scholars Conference, DePaul University School of Law (August 11, 2011): discussing *The Social Layer of Freedom of Information Law*.

Co-author, *Letter to Congress in Opposition to the PROTECT IP Act, S. 896*, with Profs. Mark Lemley of Stanford Law School and David Post of Temple Law School, and signed by 108 intellectual property and Internet law professors (July 5, 2011).

Invited Speaker, Carolina Patent, Trademark & Copyright Law Association Spring Meeting (May 6, 2011): discussing trade secrecy in government operations.

Speaker, Internet Law Works-in-Progress Symposium, Santa Clara Law School (March 5, 2011): discussing *The Social Layer of Freedom of Information Law*.

Invited Speaker, Mary Junck Research Colloquium Series, School of Journalism and Mass Communication at the University of North Carolina at Chapel Hill (March 3, 2011): discussing *The People's Trade Secrets?* [[video link](#)]

Co-author, submission to United States Trade Representative entitled *ACTA Public Comments: Submission of Legal Academics* (USTR 2010-0014) (February 16, 2011).

Speaker, Works-in-Progress Intellectual Property Colloquium, Boston University School of Law (February 11, 2011): discussing *Transparency Soup: The ACTA Negotiating Process and "Black Box" Lawmaking*.

Interviewed and quoted regarding trademark law, Owen Covington, *If it pleases the court: Lorillard sues RJR over use of "pleasure"*, Triad Business Journal, February 11, 2011.

Speaker, Information Society Project, Yale Law School (February 10, 2011): discussing *The People's Trade Secrets?*

Speaker, Greensboro Jewish Federation, Cardozo Society CLE (January 20, 2011): discussing trade secrecy.

Moderator, Elon Law Review Fall 2010 Symposium (October 29, 2010).

Co-author, *Letter to President Obama regarding concerns about the Anti-Counterfeiting Trade Agreement*, with Sean Flynn of American University School of Law and Prof. Chris Sprigman of University of Virginia School of Law, and signed by over 70 intellectual property professors (October 28, 2010).

Speaker, Innovate/Activate: An Unconference on Intellectual Property and Activism, sponsored by the Institute for Information Law & Policy at New York Law School and the Yale Law School Information Society Project (September 24, 2010): discussing trade secrecy and public transparency. [[video link](#) (begins at minute 02:47:30)]

Profiled, *Uncharted Territory, The Magazine of Elon* (Fall 2010): two-page profile on my work on Internet law.

Speaker, Intellectual Property Scholars Conference, UC Berkeley School of Law (August 12, 2010): discussing the best mode requirement in patent law.

Speaker, Public Interest Reviews of the International Intellectual Property Enforcement Agenda, American University Washington College of Law (June 17, 2010): discussing *Transparency Soup: The ACTA Negotiating Process and "Black Box" Lawmaking*.

Speaker and Moderator, Panel on Intellectual Property Law, The Future of Intellectual Property and the Web, FutureWeb 2010, Raleigh, North Carolina (April 29, 2010) (organized and invited panel speakers).

Invited Speaker, The Evolution of Trade Secret Law: Reflecting on 30 Years of the Uniform Trade Secrets Act, Hamline University Law School (April 16, 2010): discussing *What Can the Uniform Trade Secrets Act Learn From the Bayh-Dole Act?*

Invited Speaker, Third Annual Junior Scholars in IP Workshop, Michigan State University College of Law (April 2, 2010): discussing *The People's Trade Secrets?* (competitive, blind peer-reviewed submission).

Speaker, Public Records Workshop hosted by the City of Greensboro, NC and Elon University's Sunshine Center (October 22, 2009): discussing exemptions to NC Open Government Laws and federal Freedom of Information Act.

Invited Speaker, Workshop on Trade Secrecy, New York University School of Law (February 20, 2009): discussing *The Impact of Trade Secrecy on Public Transparency*.

Speaker, Works-in-Progress Intellectual Property Colloquium, Tulane Law School (October 4, 2008): discussing *The People's Trade Secrets?*

Speaker, Intellectual Property Scholars Conference, Stanford Law School (August 8, 2008): discussing *The People's Trade Secrets?*

Speaker, Law and Society Association Annual Meeting, Montreal, Canada (May 30, 2008): discussing *The People's Trade Secrets?*

Invited Commentator, Intellectual Property Roundtable, Drake University Law School (February 21-22, 2008).

Speaker, Stanford Law School Wednesday Faculty Lunch (November 7, 2007): discussing *The People's Trade Secrets?*

Speaker, Stanford Law School JSD students (November 6, 2007): discussing scholarship and academic job market.

Speaker, Works-in-Progress Intellectual Property Colloquium, American University School of Law (September 28, 2007): discussing *The People's Trade Secrets?*

Speaker, Intellectual Property Scholars Conference (August 9, 2007), DePaul University School of Law: discussing *The People's Trade Secrets?*

Panelist, CNBC *On The Money* (June 6, 2007): panel guest discussing copyright and the Internet.

Speaker, I Think I Can, I Think ICANN: Regulating the Internet . . . or Not (February 23, 2007), University of the Pacific-McGeorge School of Law, discussing Internet regulation.

Invited Testimony, Library of Congress National Recording Preservation Board (November 29, 2006): discussed impact of state copyright law on sound recording preservation.

Speaker, Monday Speaker Series, Stanford Law School Center for Internet and Society (October 16, 2006): discussing my article *Secrecy and Unaccountability: Trade Secrets in Our Public Infrastructure* (audio can be found on iTunes).

Invited Participant, Current Issues in Trade Secret Law, Berkeley Center for Law & Technology (October 13, 2006).

Speaker, Works-in-Progress Intellectual Property Colloquium, University of Pittsburgh School of Law (October 7, 2006): discussing my article *Secrecy and Unaccountability: Trade Secrets in Our Public Infrastructure*.

Invited Speaker, Association for Recorded Sound Collections Conference (May 2006): discussed the impact of *Capitol Records, Inc. v. Naxos of America, Inc.*, 830 N.E.2d 250 (N.Y. 2005) on New York copyright law for sound recordings.

Interviewed, quoted and profiled for article regarding the preservation and dissemination of early 20th century recorded sound cylinders. Randy Dotinga, *Historians strive to save old sounds*, Christian Science Monitor, April 13, 2006.

Interviewed and quoted regarding legality of an Internet poker website. Josh Friedman, *Poker Website Is a Legal Gamble*, L. A. Times, November 27, 2005.

EDUCATION

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW *Juris Doctor* 1998
CORNELL UNIVERSITY, NEW YORK STATE SCHOOL OF INDUSTRIAL AND LABOR RELATIONS *Bachelor of Science* 1994
GEORGE MASON UNIVERSITY (Robinson Seminar Scholar Honors Program) 1990–1992

LEGAL AND OTHER EXPERIENCE

NEW YORK CITY LAW DEPARTMENT, OFFICE OF THE CORPORATION COUNSEL, LABOR AND EMPLOYMENT LAW DIVISION
Assistant Corporation Counsel (February 2004–May 2005).

PRYOR CASHMAN LLP, New York, New York
Associate (March 2000–January 2004).

WINDELS, MARX, LANE & MITTENDORF LLP (FORMER LANE & MITTENDORF LLP), New York, New York
Summer Associate (1997) and *Associate* (September 1998–March 2000)

THE HONORABLE SANDRA R. GALEF, NEW YORK STATE ASSEMBLYWOMAN, Albany/Ossining, New York
Legislative Aide (June 1994–August 1995).

PUBLIC SERVICE AND AFFILIATIONS

Greensboro Jewish Federation, Cardozo Society (2010-present)

ALS Association Greater New York Chapter – Young Leadership Committee (2000–2002)

Anti-Defamation League, Central Pacific Region – Leadership Council (2006); Board of Directors (2007)

Concord Coalition – Pres., Cornell Chapter (1993–1994); NY State Field Dir. (1994–1995); NY State Coordinator (2003–2004)

Founded in 1992 by the late Senator Paul Tsongas (D-MA) and former Senator Warren Rudman (R-NH), Concord Coalition is a grass-roots organization that advocates federal fiscal responsibility and budget deficit reduction.

Ohio Independent Film Festival – Screenplay Reader (2002–2004)

BAR ADMISSIONS

New Jersey (resigned without prejudice); New York; United States District Courts for New Jersey, Eastern District of New York and Southern District of New York; Tenth Circuit Court of Appeals.

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