

# GAIA BERNSTEIN

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## **RESEARCH INTERESTS**

■ Law and Technology ■ Information Privacy Law ■ Health Privacy Law ■ Intellectual Property Law ■ Patent Law ■ Health Privacy Law ■ Reproductive Technologies Law ■ Law and Genetics

## **COURSES**

■ Introduction to Intellectual Property ■ Information Privacy Law ■ Health Privacy Law ■ Patent Law ■ Property ■ Birth Death and the Law ■ Law and Genetics

## **PROFESSIONAL EXPERIENCE**

### *Seton Hall University School of Law*

2016 – present	Director of the Seton Hall Institute for Privacy Protection
2015 – present	Co-director of the Gibbons Institute of Law Science and Technology
2015 – present	Michael J. Zimmer Professor of Law
2009 – 2015	Professor of Law and Margaret Gilhooley Research fellow
2004 – 2009	Associate Professor of Law

### *New York University School of Law*

2001-2004 Fellow at the Information Law Institute  
2001-2003 Donald Brown Fellow at the Engelberg Center for Innovation Law & Policy

### *Skadden, Arps, Slate, Meagher & Flom LLP*, New York

1998-1999 Associate

### *S. Horwitz & Co*, Tel Aviv, Israel

1996-1998 Associate.

## **EDUCATION**

### *New York University School of Law*

2005 J.S.D. (Doctorate in Law)  
Dissertation: The Legal Role in the Diffusion of New Technologies:  
Where Innovations and Values Collide

***Harvard Law School***

2000 LL.M.

***Tel-Aviv University Faculty of Law***

1998 LL.M.

***Boston University School of Law***

1995 J.D.

Intellectual Property concentration with honors

***Tel-Aviv University***

1992 B.A. *Magna cum Laude*

Psychology and Political Science (Double Major).

**HONORS AND GRANTS**

2015-present Michael J. Zimmer Professor of Law  
2009-2015 Seton Hall University School of Law, Margaret Gilhooley Research  
Fellowship  
2010-2011 Nominated for Professor of the Year  
2010-2009 Nominated for Professor of the Year  
2009 Selected to the Stanford-Yale Junior Faculty Forum  
2007-2008 Nominated for Professor of the Year  
2000-2004 Full merit based stipend, New York University school of Law  
1994-1995 Edward F. Hennessey Scholar, Boston University School of Law.

**PUBLICATIONS AND FORTHCOMING WORKS**

- THE OVER-USERS (Book project in process)
  - Over-Users Blog at [gaiabernstein.com](http://gaiabernstein.com)
- *The End User's Predicament: Standing to Sue in Patent Litigation*, 96 BOSTON UNIVERSITY SCHOOL OF LAW 1929 (2016)  
Selected for Plenary Presentation at PatCon6
- *Incentivizing the Ordinary User* 66 FLORIDA LAW REVIEW 1275 (2015)  
Selected for Plenary Presentation at the Intellectual Property Scholars Conference (IPSC)
- *The Rise of the End User in Patent Litigation*, 55 BOSTON COLLEGE LAW REVIEW 1443 (2014)

- Published with a response by Professor Brian Love, *Inter Partes Review as a Shield for Technology Purchasers: A Response to Gaia Bernstein's The Rise of the End User in Patent Litigation*, 56 BOSTON COLLEGE LAW REVIEW 1075 (2015)
- Selected for the ABA-IPL First Intellectual Property Scholarship Symposium at the 29th ABA Annual Intellectual Property Conference.
- Cited by the Federal Circuit in *Akamai Technologies v. Limelight Networks*, 786 F. 3d 899 (2015 Fed. Cir.).
- *The Rise of the End User in Patent Litigation and Attorney Fee Shifting*, 3(2) NTUT J. OF INTELL. PROP. L. & MGMT. 199 (2014)
- *Unintended Consequences: Prohibitions on Gamete Donor Anonymity and the Fragile Practice of Surrogacy* 10 INDIANA HEALTH LAW REVIEW 291 (Symposium) (2013)
- *Over-Parenting* 44 U.C. DAVIS LAW REVIEW 1221 (2011) (with Zvi Triger)  
Article featured in: The New York Times, Forbes, ABC News, ABA Journal Magazine, ABA Journal Website, Psychology Today, Israel's National Radio, Time-Out Tel Aviv and Yediot's 7 Days
- *In the Shadow of Innovation* 31 CARDOZO LAW REVIEW 2257 (2010)  
Article selected to:
  - Stanford-Yale Junior Faculty Forum
  - Junior Professors May Gathering, Virginia Law School
  - Junior-Senior Scholars Intellectual Property and Communications Workshop, Michigan State University School of Law
- *Regulating Reproductive Technologies: Timing, Uncertainty and Donor Anonymity*, 90 BOSTON UNIVERSITY LAW REVIEW 1189 (2010)
- *Direct to Consumer Genetic Testing: Gatekeeping the Production of Genetic Information* 79 UMKC LAW REVIEW 1 (2010) (symposium)
- *The Role of Diffusion Characteristics in Formulating a General Theory of Law and Technology*, 8 MINNESOTA JOURNAL OF LAW SCIENCE AND TECHNOLOGY 623 (2007) (symposium)
- *Toward a General Theory of Law and Technology: Symposium Introduction*, 8 MINNESOTA JOURNAL OF SCIENCE LAW AND TECHNOLOGY 441 (2007)
- *The Paradoxes of Technological Diffusion: Genetic Discrimination and Internet Privacy*, 39 CONNECTICUT LAW REVIEW 241 (2006)
- *When New Technologies are Still New: Windows of Opportunity for Privacy Protection* 51 VILLANOVA LAW REVIEW 921 (2006) (symposium)

- *Information Technologies and Identity* COMPUTER LAW REVIEW INTERNATIONAL 1 (2005)
- *Accommodating Technological Innovation: Identity, Genetic Testing and the Internet*, 57 VANDERBILT LAW REVIEW 965 (2004)
- *The Socio-Legal Acceptance of New Technologies: A Close Look at Artificial Insemination* 77(4) WASHINGTON LAW REVIEW 1035 (2002)

### **SELECTED CONFERENCE PRESENTATIONS AND INVITED TALKS**

- Women Law Society and Technology Symposium, UC Irvine Law School, April 2018
- Commentator, Second Annual Regional Health Law Works-in-Progress Retreat, Seton Hall Law School, February 2018
- Lectures to Parents: Our Kids, Our Screens and What Should We do? Multiple schools in NY and NJ, 2018
- Hofstra IP Colloquium, November 2017
- Commentator, NYU Tri-State IP Workshop NYU Law School, January 2018
- Symposium: The Privacy Risks of Social media, Lehigh University, November 6, 2017
- Health Law Professors Conference, Georgia State Law School, June 2017
- Privacy Law Scholars Conference (PLSC), Berkeley Law School, June, 2017
- Pharmaceutical Companies Advertising on Social Networks, Hot Topics in Life Sciences, Seton Hall Law School, March, 2017
- Federal Circuit Year in Review 2016, Seton Hall Law School, September, 2016
- The New EU Data Protection Regulation: Transnational Enforcement and its Effects on US Businesses Symposium, Seton Hall Law School, September 2016
- Health Law Professors Conference, Boston University School of Law, June 2016
- Emerging Scholars Conference, Duke Law School, May 2016
- CULP Colloquium, Duke Law School, May 2016
- Plenary presentation, Patcon6, Boston College School of Law, April 2016
- Works in progress in Intellectual Property Workshop, Washington University School of Law, February 2016
- 6<sup>th</sup> Annual Tri-State Tri- State Intellectual Property Workshop, NYU Law School, January 2016

- Baby Markets Roundtable, Harvard Law School May, 2015
- 5th Annual Tri-State Intellectual Property Workshop, NYU Law School, January 2015
- Intellectual Property Colloquium, Bar Ilan University Faculty of Law, Israel, December 2014
- Third Annual University of Toronto Patent Colloquium, November 2014
- Intellectual Property Scholars Conference, Berkeley Law School, August 2014
- Law and Technology Colloquium, Haifa University Faculty of Law, Israel, May 2014
- Patcon4, San Diego University School of Law, April 2014
- ABA-IPL First Intellectual Property Scholarship Symposium at the 29th ABA Annual Intellectual Property Conference, April 2014
- Intellectual Property and Information Law Colloquium, Cardozo Law School, March 2014
- Tri-State Region Intellectual Property Colloquium, NYU School of Law, January 2014
- Under the Parental Gaze: Children's Privacy Right Against Their Parents, AALS Section on Privacy and Defamation Panel, 2014 AALS Annual Meeting, January 2014
- Symposium on Orly Lobel, Talent Wants to be Free, Bar-Ilan University School of Law, Israel, December 2013
- Intellectual Property Law Scholars Conference (IPSC), Cardozo Law School, August 2013
- 1st Annual Conference on Governance of Emerging Technology: Law, Policy and Ethics, Arizona State University, June 2013
- The International Society of Family Law Scholars Conference, Brooklyn Law School, June 2013
- PatCon3 Conference, Chicago Kent College of Law, April 2013
- Abortion and Assisted Reproduction Workshop, Rutgers Camden School of Law, April 2013
- Reproductive Technologies Symposium, Rutgers Newark Law School, April 2013
- Family, Privacy Secrets and the Law Roundtable, University of Maryland School of Law, March, 2013
- MALSA conference, Drexel Law School, October 2012
- Baby Markets Roundtable, Indiana University Bloomington School of Law, October 2012
- Reproductive Technologies Roundtable, SEALS, July 2012
- Health Law Professors Conference, Arizona State University, June 2012
- PatCon2, Boston College School of Law, May 2012

- Emerging Family Law Scholars, Fordham Law School, May 2012
- “Looking Ahead” Health Law Symposium, Indiana University Health Law Symposium, April 2012
- Manzo Scholar, Patent Law Presentation, DePaul Law School, February, 2012
- Faculty Workshop, Pace Law School, January 2012
- 2nd Annual Tri-State Intellectual Property Workshop, Fordham Law School, January 2012
- Patent Law Panel, Fordham Intellectual Property Law Journal Symposium, Fordham Law School, November 2011
- Research Seminar for Future Academics, NYU Law School, November 2011
- International Surrogacy Panel, International Law Association Meeting, Fordham Law School, October 2011
- Faculty Workshop, University of Virginia School of Law, September 2011
- University of Richmond 2011 State of the Family Symposium, September 2011
- Intellectual Property Law Scholars Conference, Plenary Panel, DePaul Law School, August 2011
- Health Law Professors Conference, Loyola Chicago, June 2011
- Privacy Law Scholars Conference, Berkeley, June 2011
- Emerging Family Law Conference, Hastings Law School, June 2011
- Colloquium on Health Law and Society, Haifa University School of Law, May 2011
- The Technology of Law and the Law of Technology Symposium, Griffith Law School, Australia, May 2011
- Symposium on Privacy, Autonomy and Personal Genetic Information in the Digital Age, Harvard University, The American Academy of Arts and Sciences, National Academy of Engineering and Institute of Medicine, April 2011
- Brooklyn Law School Intellectual Property Colloquium, April 2011
- Baby Markets Roundtable – Regulating ART, Rutgers Camden, April 2011
- Panel on Advances in Genetic Testing, Socioeconomic Section, AALS, January 2011
- Diving Into the Gene Pool: How Technology is Making a Splash in Human Reproduction Law Symposium, Albany Law School, October 2010
- Panel on Implications of the Human Genome Project, International Bar Association Annual Meeting, Vancouver, October 2010
- Intellectual Property Scholars Conference, UC Berkeley Boalt Hall School of Law, August 2010
- Direct to Consumer Genetic Testing, Oversight of Laboratory Developed

Tests Public Meeting, FDA, July 2010

- GikII Conference, University of Edinburgh, June 2010
- International Society Family Law Conference and Midwest Family Law Consortium. UMKC School of Law, June 2010
- Emerging Family Law Scholars Conference, UMKC School of Law, June 2010
- Parenting Panel, Annual Law & Society Conference, May 2010
- Human Autonomy Law and Technology, Second Life, March 2010
- Motherhood: Reclaiming Our Past - Transforming Our Future, Strum College of Law, University of Denver, March 2010
- Copyright History, Copyright Culture, Tel Aviv University, January 2010
- Southeastern Law School Association Conference (SEALS), August 2009
- Intellectual Property Scholars Workshop, Hebrew University Faculty of Law, July 2009
- Stanford-Yale Junior Faculty Forum, Stanford Law School, May 2009
- Emerging Family Law Scholars Conference, University of Colorado School of Law, May 2009
- Emerging Family Law Colloquium, Cardozo Law School, April 2009
- Arizona State's Center for the Study of Law Science and Technology, September 2008
- Intellectual Property Law Colloquium, Brooklyn Law School, September 2008
- Law and Society Association Annual Meeting, Montreal, June 2008
- Junior Professors May Gathering, University of Virginia School of Law, May 2008
- Information Society Project Colloquium, Yale Law School, April 2008
- Women Judges Association, April 2008
- Junior-Senior Scholars Intellectual Property and Communications Workshop, Michigan State University School of Law, February 2008
- Faculty workshop, Syracuse Law School, November 2007
- Society for Evolutionary Analysis in Law, Indiana Bloomington School of Law, October 2007
- Telecommunications Policy Research Conference, George Mason Law School, September 2007
- Lawtech Conference, MIT, October 2006
- Works in Progress Intellectual Property Colloquium, October 2006
- Law and Society, Annual Meeting, Baltimore, July 2006
- Evolutionary Analysis in Law Conference, Vanderbilt Law School, March 2006

- 3rd Annual Intellectual Property Scholars Roundtable, Michigan State University School of Law, January 2006
- Genetic Information: Perils & Promises Conference, Haifa University Faculty of Law, December 2005
- Symposium: Privacy Law in the New Millennium: A Tribute to Richard C. Turkington, Villanova University School of Law, October 2005
- Colloquium on Information, Technology and Society, New York University School of Law, September 2005
- 5th Annual Intellectual Property Scholars Conference, Cardozo Law School, August, 2005
- International Symposium on Technology and Society, Loyola Marymount University, California, June 2005
- Health Law Teachers Conference, June 2005
- Law and Society Association, Annual Meeting, June 2005
- Where Are Law, Ethics and the Life Sciences Headed? Frontier Issues, Minnesota Law School, May 2005
- Trimetab Conspiracy, New York, May 2005
- Information Society Project Luncheon, Yale Law School, May 2005
- Law, Culture & Humanities Conference, Austin, Texas, March 2005
- 5th Annual Symposium Privacy and Identity: The Promise and Perils of a Technological Age, Center for Intellectual Property Law & Information Technology, DePaul University, October 2004
- The Sixth Annual Ethics and Technology Conference, Boston College Law School, June 2003
- Law and Society Association, Annual Meeting, Pittsburgh, PA, June 2003
- Should Everyone be Above Average? Medical Enhancement – Reconsidering the Promises, Ethics Center, Oklahoma State University, February 2003
- Law and Society Association, Annual Meeting, Vancouver, BC, June 2002.

## **SERVICE**

- Chair, AALS Section on Defamation and Privacy, 2013
- Chair, Organizing Committee of the Work in Progress in Intellectual Property Conference (WIPIP), 2013 (Committee Member since 2009 to present)
- Executive Board Member, AALS Section on Defamation and Privacy, 2011-2012
- Executive Board Member, AALS Section on Intellectual Property, 2012
- Co-Director, Gibbons Institute of Law Science and Technology, Seton Hall University School of Law



- Chair and member, Appointments Committee
- Chair, Honor Code Committee
- Chair, Probation and Grievance Committee
- Chair, Academic Credentials Committee
- Member, Strategic Planning Curriculum Committee
- Member, Lateral Hiring Committee
- Member, Contract Renewal Committee
- Member, Curriculum Committee
- Member, By-Laws Committee
- Students' Advisor for Intellectual Property Courses
- Initiator and Organizer, Law and Film Series

### **ADDITIONAL ACTIVITIES**

- Peer reviewer for: The New England Journal of Medicine; National Science Foundation; National Institute of Health; Stanford University Press; Studies in Law Politics and Society; Jurimetrics: the Journal of Law, Science and Technology; Journal of Law, Culture and Humanities; Journal of Empirical Legal Studies; Yale Journal of Health Law and Policy; Genome Magazine; and Journal of Law and Bioscience
- Guest blogger on Concurring Opinions, TechTheory, Prawfsblawg, Bill of Health and the Conglomerate

### **ASSOCIATION MEMBERSHIP**

- New York Bar Association since 1996
- Israel Bar Association since 1997