CONTENTS

ARTICLES

TRAGEDY OF THE DATA COMMONS
Jane Yakowitz ................................................................. 1

MUCH ADO ABOUT DATA OWNERSHIP
Barbara J. Evans ............................................................... 69

OPEN SOURCE SEMICONDUCTOR CORE LICENSING
Eli Greenbaum..................................................................... 131

NOTES

STREAM CAPTURE: RETURNING CONTROL OF DIGITAL MUSIC TO THE USERS
Jay Anderson ....................................................................... 159

THE DISPARATE EFFECTS OF GENE PATENTS ON DIFFERENT CATEGORIES OF
SCIENTIFIC RESEARCH
Abigail Lauer ........................................................................ 179

PRIVACY AND THE MODERN GRID
Sonia K. McNeil.................................................................... 199

THE STATUTORY PRESUMPTION OF PATENT VALIDITY IN ANTITRUST CASES
Joseph Vardner .................................................................... 225

Copyright © 2012 by the President and Fellows of Harvard College
EDITORS

Michael Adelman
Deepa Alagesan
Chika Arakawa
Stephanie Beckett
John Bennett
Sarah Blankstein
Jeffrey Bramson
Paul Cathcart
Andrew Crocker
Jonathan J. Darrow

Dorothy Du
Daniel A. Friedman
Amanda Frye
Timothy Grayson
Josh Green
Robyn-Ashley Hall
Lauren Henry
Phillip Hill
Molly Jennings
Xiang Li

Matthew McDonell
Kaethin Prizer
Daniel Robinson
Jacob Rogers
Ellen Shulock
Sam Spears
Charlie Stiernberg
Vivian Tao
George Tsivin
Jennifer Yapp

STAFF

Daniella Adler
Elyka Anvari
Catherine Arney
Curtis Arnold
Joshua Benson
Adam Berry
Alexandria Bradshaw
Tracy Branding
Amanda Brown
James Burrell
Sara Canby
Minal Caron
Sana Chaudhry
Geng Chen
Stanley Chen
Heejin Choi
Richard Cocci
Katie Cohen
Bryce Daigle
Derrick Davis
David Delmar
Alla Digilova
Brendan Donahue
Choralyne Dumesnil

Edward Dumoulin
Thomas Gray
Ritu Gupta
Richard Heaslip
Meryl Holt
Michael Horrell
Brittany Horth
Michael Hoven
Gillian Kassner
Vani Kilakkathi
Jesse King
Karl Kobylecki
Yu-Chi Kuo
Sanghyup Kwak
Mary-Catherine Lader
Christina Lee
Soungun Lee
Sarah Levin
Susanna Lichter
Eusebius Luk
Matthew McCullough
Chris McNett
Christopher Miles
Sonal Mittal
Esther Mulder

Jason Orr
Aseem Padukone
Robert Parisot
Emma Raviv
Jonathan Rhein
Cristina Ros
Alison Rosenblum
Amy Rossignol
Mateen Safaie
Kathryn Schlecker
Nick Schlossman
Alexandra Smith
Lauren Springer
Marsha Sukach
Daniel Switts
Kevin Toh
Kenta Tsuda
Annie Wang
Livingston Watrous
Wesley White
Jennifer Wong
Elizabeth Zhang
Jie Zhang
Olga I. Zverovich

DIGEST STAFF

Raquel Acosta
Elizabeth Akerman
Matthew Becker
Elettra Bietti
Geng Chen
Heejin Choi
Katie Cohen
Andrew Crocker

Julie Dorais
Laura Fishwick
Matthew Gelfand
Ivar A. Hartmann
Michael Hoven
Adam Lewin
Abigail Lauer
Susanna Lichter
Julia Mas-Guindal

Amara Osisioma
Amy Rossignol
Charlie Stiernberg
Marsha Sukach
Chinh Vo
Albert Wang
Heather Whitney
Jennifer Wong
SPONSORS

Baker Botts LLP          Irell & Manella LLP

Cooley LLP               Kirkland & Ellis LLP

Fenwick & West LLP       Morrison & Foerster LLP

Finnegan, Henderson,     Weil, Gotshal &
Farabow, Garrett &       Manges LLP
Dunner, LLP

Fish & Richardson PC     WilmerHale

Fried, Frank, Harris,    Wilson Sonsini Goodrich
Shriver & Jacobson LLP   & Rosati PC

Wolf, Greenfield
& Sacks, PC
The Harvard Journal of Law & Technology is published by Harvard Law School students. While the Journal is an official publication of the Harvard Law School, it receives no funding from the Law School and is funded exclusively by subscriptions and sponsor contributions.

The Journal publishes two issues each year. The domestic subscription rate is U.S. $72.00 (all other countries add U.S. $10.00). Previous issues are also available. Orders for subscriptions or back issues should be addressed to:

William S. Hein & Co., Inc.
Attn: New Orders
1285 Main Street
Buffalo, NY 14209-1987

Toll-Free: (800) 828-7571
Main Line: (716) 882-2600
Fax: (716) 883-8100
E-mail: order@wshein.com

The Journal welcomes the submission of articles, comments, or book reviews addressing the intersection of law and technology. Please see our website at http://jolt.law.harvard.edu for more submissions information.

Individuals and organizations interested in sponsoring the Journal should contact the Managing Editors at the above address at Harvard Law School.

The views expressed in the Journal do not necessarily reflect the views of the Editorial Board or the sponsors of the Journal.

Cite as: 25 HARV. J.L. & TECH. ___ (2011)

Featuring Coverage of and Commentary on Developments in Law & Technology