

LIDIYA A. MISHCHENKO

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ACADEMIC EXPERIENCE

Duke University School of Law Durham, NC
Visiting Assistant Professor of Law 2020–current
Research Fellow, Center for Innovation Policy

- Teaching upper-level administrative law seminar focused on transparency and accountability
- Co-teaching introductory patent law and policy course

EDUCATION

The George Washington University Law School (GW Law) Washington, DC
J.D., GPA: 4.054, *summa cum laude*, top 1% rank 2016

- Order of the Coif
- GW Law Merit Scholar
- Articles Editor for *The George Washington Law Review*

Harvard University, School of Engineering and Applied Sciences (SEAS) Cambridge, MA
Ph.D., Applied Physics (Materials Chemistry), GPA: 3.73 2012

- Department of Homeland Security Fellow
- Pierce Fellow
- Co-authored 8 peer reviewed publications and presented at 6 international research conferences
- Contributed as co-inventor to 2 patent applications
- Designed experiments with nanoscale material fabrication and characterization techniques
- Dissertation: Biomimetic Engineering of Patterned Surfaces to Control Crystallization: From Colloids to Ice

University of Maryland, Baltimore County (UMBC) Baltimore, MD
B.S., Physics, GPA: 4.00, *summa cum laude* 2007

- Phi Beta Kappa
- University Scholar
- 2007 Outstanding Graduating Senior in Physics

CLERKSHIPS

U.S. Court of Appeals for the Federal Circuit Washington, DC
Judicial Clerk, Chambers of Judge Timothy B. Dyk 2019-2020

U.S. District Court for the Eastern District of New York Brooklyn, NY
Judicial Clerk, Chambers of Magistrate Judge Steven L. Tiscione 2018-2019

LAW JOURNAL PUBLICATIONS

- Lidiya Mishchenko, *A Functional Approach to Agency (In)Action*, 75 SMU L. REV. 117 (2022), <https://scholar.smu.edu/smulr/vol75/iss1/9>.
 - Advances an alternative approach for judicial review of Patent Office institution of post-grant proceedings that considers the comparative institutional competence of the agency versus the courts
- Lidiya Mishchenko, *Thank You for Not Publishing (Unexamined Patent Applications)*, BYU L. REV. (forthcoming 2022).
 - Argues that the current Patent Office practice of publishing unexamined patent applications creates a tradeoff between timely notice and increased uncertainty in the patent system

- Lidiya Mishchenko, *The Internet of Things: Where Privacy and Copyright Collide*, 33 SANTA CLARA HIGH TECH. L.J. 90 (2016), <https://digitalcommons.law.scu.edu/chtlj/vol33/iss1/1/>.
 - Proposes an amendment to the Digital Millennium Copyright Act that would allow circumvention of technological protection measures on personal internet of things devices for privacy protection purposes
- Lidiya Mishchenko, Essay, *In Defense of Churches: Can the IRS Limit Tax Abuse by “Church” Impostors?*, 84 GEO. WASH. L. REV. 1361 (2016), <https://www.gwlr.org/in-defense-of-churches-can-the-irs-limit-tax-abuse-by-church-impostors/>.
 - Proposes improvements to the Internal Revenue Service’s tax filing requirements for church entities in order to narrow a tax avoidance loophole for fraudulent religious entities
- Lidiya Mishchenko, *Alice: Through the Formalist Looking-Glass*, 97 J. PAT. & TRADEMARK OFF. SOC’Y 214 (2015), <https://heinonline.org/HOL/LandingPage?handle=hein.journals/jpatos97&div=17&id=&page=>.
 - Suggests an alternative, factor-based patent eligibility analysis and explains how congressional action can prompt the Supreme Court to change its current approach

ACADEMIC PRESENTATIONS

- *AI Techniques to Analyze Written Description and Enablement Rejections*, Intellectual Property Scholars Conference (with Dean Alderucci) (August 12, 2021)
- *Thank you for Not Publishing*, Junior Scholars Weekly Workshop (January 28, 2021)
- *Thank you for Not Publishing*, Association of American Law Schools 2021 Annual Meeting, New Voices in IP, Virtual (January 6, 2021)
- *Clearing the Clutter: Patent Disclosure Overload*, Works-in-Progress Intellectual Property Colloquium, Santa Clara, CA (February 7, 2020)
- *Clearing the Patent Clutter: Reinventing Patent Disclosure*, The George Washington Law School Wednesday Lunch Series, Washington, DC (September 18, 2019)

PROFESSIONAL EXPERIENCE

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| <p>Fish & Richardson P.C. Associate</p> <ul style="list-style-type: none"> • Drafted over 10 and prosecuted over 20 patent applications for Silicon Valley clients • Prepared infringement and invalidity arguments for 2 potential patent litigation filings | <p>Redwood City, CA 2017-2018</p> |
| <p>Jones Day Associate</p> <ul style="list-style-type: none"> • Researched and drafted a joint pretrial statement, a motion to transfer venue, 7 <i>Daubert</i> motions, and a portion of a motion for summary judgment for a patent litigation matter • Drafted research memos relating to pleading standards, scope of injunctions, and unfair competition claims | <p>San Francisco, CA 2016-2017</p> |
| <p>U.S. Court of Appeals for the Federal Circuit <i>Fall Extern, Chambers of Judge Kathleen M. O’Malley</i></p> | <p>Washington, DC 2015</p> |
| <p>International Trade Commission, Office of Unfair Import Investigations <i>Spring Intern/Law Clerk</i></p> <ul style="list-style-type: none"> • Assisted in creating patent infringement charts and drafting portions of substantive motions for ongoing investigations | <p>Washington, DC 2015</p> |
| <p>WilmerHale <i>Technology Specialist, Patent Agent</i></p> <ul style="list-style-type: none"> • Drafted over 10 and prosecuted over 30 patent applications in U.S. and foreign jurisdictions • Interacted directly with 24 inventors from 4 universities and 6 alternative energy companies | <p>Boston, MA 2012-2013</p> |

OTHER TEACHING EXPERIENCE & ACADEMIC SERVICE

- Research Assistant to Prof. Robert Tuttle, Professional Responsibility and Ethics, GW Law 2016
- Articles Editor for *The George Washington Law Review* 2015-2016
- Teaching Assistant, Introduction to Electricity and Magnetism (Physics II), UMBC 2005-2006

U.S. PATENT AND PATENT APPLICATION (NAMED INVENTOR)

- Aizenberg et al., U.S. Patent No. 9,851,310, Manipulation of Fluids in Three-Dimensional Porous Photonic Structures with Patterned Surface Properties (issued Dec. 26, 2017)
- Hatton et al., U.S. Patent App. Pub. No. 2013/0227972, Patterned Superhydrophobic Surfaces to Reduce Ice Formation, Adhesion, and Accretion (published Sept. 5, 2013)

MEMBERSHIPS

- California (Bar No. 313590)
- U.S. Patent and Trademark Office (Patent Bar No. 71,171)

SCIENTIFIC PUBLICATIONS IN PEER REVIEWED JOURNALS

- Vasquez, Y.; Kolle, M.; Mishchenko, L.; Hatton, B. D.; Aizenberg, J., Three-Phase Co-assembly: In Situ Incorporation of Nanoparticles into Tunable, Highly Ordered, Porous Silica Films. *ACS Photonics* **2014**, 1 (1), 53-60.
- Mishchenko, L.; Hatton, B.; Aizenberg, J., Spatial Control of Condensation and Freezing on Superhydrophobic Surfaces with Hydrophilic Patches, *Adv. Funct. Mater.* **2013**, 23 (36), 4577-84.
- Mishchenko, L.; Hatton, B.; Kolle, M.; Aizenberg, J., Patterning Hierarchy in Direct and Inverse Opal Crystals, *Small* **2012**, 8(12), 1798.
- Mishchenko, L.; Hatton, B.; Burgess, I. B.; Davis, S.; Sandhage, K.; Aizenberg, J., Colloidal Co-assembly Route to Large-Area High-Quality Photonic Crystals. *Proc. SPIE* **2011**, 7946, 79460K.
- Burgess, I. B.; Mishchenko, L.; Hatton, B. D.; Kolle, M.; Loncar, M.; Aizenberg, J., Encoding Complex Wettability Patterns in Chemically Functionalized 3D Photonic Crystals. *J. Am. Chem. Soc.* **2011**, 133 (32), 12430-12432.
- Bahadur, V.; Mishchenko, L.; Hatton, B. D.; Taylor, J. A.; Aizenberg, J.; Krupenkin, T., Predictive Model for Ice Formation on Superhydrophobic Surfaces. *Langmuir* **2011**, 27 (23), 14143-50.
- Mishchenko, L.; Hatton, B.; Bahadur, V.; Taylor, J. A.; Krupenkin, T.; Aizenberg, J., Design of Ice-Free Nanostructured Surfaces Based on Repulsion of Impacting Water Droplets. *ACS Nano* **2010**, 4 (12), 7699-7707.
- Hatton, B.; Mishchenko, L.; Davis, S.; Sandhage, K. H.; Aizenberg, J., Assembly of Large-area, Highly Ordered, Crack-Free Inverse Opal Films. *PNAS* **2010**, 107 (23), 10354-10354.
- Hatton, B.; Mishchenko, L.; Norwood, R.; Davis, S.; Sandhage, K.; Aizenberg, J., An Evaporative Co-Assembly Method for Highly Ordered Inverse Opal Films. *Proc. SPIE* **2009**, 7205, 72050F.