Telecommunications Policy Entrepreneurship Intellectual Property

Silicon Flatinons A Center for Law, Technology, and Entrepreneurship at the University of Colorado



Letter from the Executive Director

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The Silicon Flatirons Center (SFC) began 2010 with a celebration of our tenth anniversary in connection with our annual Digital Broadband Migration Conference. The 2010 conference examined the internet's ecosystem and brought together a number of knowledgeable and thoughtful leaders from government, academia, and industry. With tremendous support from our sponsors, fellows, board members, and staff, Silicon Flatirons continued to grow during 2010 and we even took on new frontiers.

Last March, SFC continued its support for FCC reform with a conference in Washington DC entitled, "An FCC for the Internet Age: Reform and Standard-Setting". Our Adjunct Fellow and partner Gigi Sohn was terrific in leading that effort. Following on the heels of that conference, SFC embarked upon a new initiative in exploring the role of Information and Communication Technologies (ICTs) for improving the lives and increasing the independence of people with disabilities. In conjunction with the FCC, we held an event that focused on "The National Broadband Plan and Accessibility for People with Disabilities". We continued this initiative in October when, in partnership with the Coleman Institute for Cognitive Disabilities, we held an event entitled, "Implications of Cloud Computing for People with Cognitive Disabilities".

Building on our three principal initiatives- telecommunications, intellectual property/privacy, and entrepreneurship-we held events focused on "Wireless Broadband: Markets, Models and Spectrum" and "From Broadcast to Video-Anywhere" here in Boulder. Then in November we headed back to DC, where our Adjunct Fellow, Pierre de Vries, spearheaded an event on "The Unfinished Radio Revolution: New Approaches to Handling Wireless Interference". Paul Ohm and Brad Bernthal have made great strides in our efforts in intellectual property/privacy and entrepreneurship respectively. During the year, for example, Paul held two notable events. The first was entitled, "Privacy and the Press: Scoops, Secrets, and Ethics in the New Media Landscape" and papers from that conference will be published in the next Journal on Telecommunications and High Technology Law. The second event was a well attended conference on "Patents and Free and Open Source Software". Brad's efforts in the entrepreneurship area have resulted in our being recognized as a catalyst in Colorado for start-up community professionals as well as for students across the University of Colorado Boulder campus. It has received coverage in various sources ranging from the New York Times to FOX Business News. In addition to holding over 30 events under this initiative, Brad was also responsible for our annual Mile High Tech Entrepreneurship Conference on the "The Role of Place: Entrepreneurial Immigration, Iteration and Innovation" last March.

In terms of our Fellows, we were very pleased to welcome Preston Padden as a new Senior Fellow. Not only is Preston helping us forge our activity in the disabilities area and contributing to the success of various conferences, he is teaching two courses on campus: Telecom Law and the Future of Video. We also welcomed two bright, motivated Research Fellows in 2010, Kaleb Sieh and Elizabeth Hartman. They have helped tremendously with both our telecom and entrepreneurship initiatives. Ray Gifford has continued to lead our Institute for Regulatory Law and Economics (IRLE) program, organized our technology advisory group workshop which led to the founding of the Broadband Internet Technical Advisory Group (BITAG), and acted as the master of ceremony at our 10th anniversary celebration. Jonathan Sallet and Gigi Sohn organized an engaging discussion on the topic of "The Future of Digital Music Licensing" at a roundtable event in DC last fall. Bryan Tramont continued to play a leadership role in raising donations for the Hatfield Scholars and Research Fund in addition to co-teaching a popular spectrum management course over the summer. Tom Lookabaugh played a key role in organizing our video programming conference last October and Mark Cooper continues to be a captivating guest speaker in both classes and conferences. Finally, Dick Green has been a huge asset to our executive board and also co-taught "the Future of Video" course with Preston and me last fall.

While more details are contained in the balance of this annual report, I want to reiterate that none of this could have been accomplished without the tremendous support from our sponsors, fellows, board members, and staff. I welcome and encourage all of those within our community to pass along their suggestions and interest in being more involved.



Cheers,

Well M. Hagueil

Dale N. Hatfield

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Annual Report photos compliments of w3w3.com and Ian Carter

This year marked the 10th anniversary of Silicon Flatirons. Over the last ten years Silicon Flatirons has continued its mission of elevating the debate on technology policy issues. In 2010, Silicon Flatirons held eleven conferences and eight roundtables, summits and workshops with a number of thoughtful leaders from government, academia, and industry who debated technology policy issues now being addressed in Washington, D.C.

"At Silicon Flatirons conferences, I value hearing industry experts discuss the issues of today and of the future and the opportunity to interact with professionals shaping telecom policy."

-Attorney, Patton Boggs LLP

Conferences

The Digital Broadband Migration: Examining the Internet's Ecosystem January 31-February 1, 2010 in Boulder, CO Keynote Speakers: Meredith Attwell

Baker, Commissioner, Federal Communications Commission

Larisa Herda, Chairman, CEO & President, tw telecom inc.

Michael Powell, Former Chairman, FCC

Larry Strickling, Assistant Secretary for Communications and Information, NTIA

Phil Weiser, Senior Advisor for Technology and Innovation, National Economic Council From Broadcast to Video-Any October 4, 2010 in Denver, CO Keynote Sneaker: Michael Frie

An FCC for the Internet Age: Reform and Standard-Setting March 5, 2010 in Washington, D.C.

The National Broadband Plan and Accessibility for People with Disabilities

March 10, 2010 in Washington, D.C. Keynote Speakers: Kareem Dale, Special Assistant to the President, Disability Policy

Julius Genachowski, Chairman, Federal Communications Commission

Mile High Tech Entrepreneurship Conference: The Role of Place: Entrepreneurial Immigration, Iteration and Innovation March 18, 2010 in Boulder, CO Patents and Free and Open Source Software

April 29, 2010 in Boulder, CO

Keynote Speaker: Pamela Samuelson,
Professor of Law, University of
California-Berkeley

The Future of Cable
June 17, 2010 in Denver, CO

Wireless Broadband: Markets, Models and Spectrum

September 8, 2010 in Boulder, CO

From Broadcast to Video-Anywhere October 4, 2010 in Denver, CO Keynote Speaker: Michael Fries, President & Chief Executive Office, Liberty Global, Inc.

Implications of Cloud Computing for People with Cognitive Disabilities October 20, 2010 in Boulder, CO

The Unfinished Radio Revolution: New Approaches to Handling Wireless Interference

November 12, 2010 in Washington, D.C. **Keynote Speaker: Dale Hatfield,**

Executive Director, Silicon Flatirons Center; Former Chief Engineer, Federal Communications Commission

Privacy and the Press: Scoops, Secrets, and Ethics in the New Media Landscape December 3, 2010 in Boulder, CO Keynote Speaker: Jeffrey Rosen, Professor of Law, George Washington

University Law School



Dale Hatfield, Meredith Attwell Baker, Brad Feld, Larissa Herda, Michael Powell, Lisa Tanzi, Phil Weiser



Larry Strickling

Roundtables

The Silicon Flatirons Roundtable Series on Entrepreneurship, Innovation, and Public Policy is an important means of furthering Silicon Flatirons' goal of elevating the debate around technology policy issues. At these events a small group of experts from diverse backgrounds sit around one table considering multiple facets of controversial issues.

Public Safety: With Special Guest Jeff Cohen, Senior Legal Counsel to the Chief of the Public Safety and Homeland Security Bureau, FCC

April 22, 2010 in Boulder, CO.

Cloud Computing and Disability Communities: How Can Cloud Computing Support a More Accessible Information Age and Society?

July 30, 2010 in Boulder, CO

Law 2.0: Intelligent Architecture for Transactional Law August 13, 2010 in Boulder, CO

The Future of Digital Music Licenses September 24, 2010 in Washington, D.C.

The Intersection of Accessibility Enhancing Applications and Copyright and Privacy Concerns
October 19, 2010 in Boulder, CO



Michael Powell and Kathryn Brown

Workshops & Summits

Institutional Responses to Network Management Issues *March 31, 2010 in Boulder, CO*

Institute for Regulatory Law & Economics May 15-19, 2010 in Aspen, CO

State Regulatory Opportunities and Impediments to Smart Grid

August 25, 2010 in Boulder, CO

USTTI

Managing Effectively in the Changing Telecommunications Environment July 12-16, 2010

Silicon Flatirons and the ATLAS Institute in partnership with The United States Telecommunications Training Institute (USTTI), brought 21 telecommunications regulators and executives from developing countries around the world to join University of Colorado students for a one week intensive course taught by Dale Hatfield and Jill Van Matre. Guest lecturers included: Ambassador Philip Verveer, U.S. Coordinator for International Communications & Information Policy; Dick Green, Former CEO, CableLabs; Bryan Tramont, Partner, Wilkinson Barker Knauer and Former Chief of Staff at the FCC; Paul Ohm, Law Professor, University of Colorado; Mark Cooper, Director of Research, Consumer Federation of America; and Preston Padden, Former Executive Vice President, The Walt Disney Company.

Media coverage in 2010, ranging from the New York Times to Fox Business News to the Denver Post, underscored that Boulder rates among the nation's best places to start a business. This media exposure provides a national signal that SFC's E.I. offerings are making an impact in this scene and, moreover, that Colorado Law and CU Boulder are a go-to place for students interested in entrepreneurship.



Entrepreneurs Unplugged

The Entrepreneurs Unplugged Series showcases the variety of individual career paths that can lead to successful ventures, providing aspiring entrepreneurs with role models and mentors as they pursue their own ideas. Each program offers an opportunity for students, faculty, and community members to establish meaningful networks, thereby helping to galvanize entrepreneurism at the University and in the community.

Ryan Martens, Founder & CTO and Tim Miller, CEO, Rally Software January 25, 2010

Krista Marks, CEO & Co-Founder, Kerpoof February 22, 2010

Tyler Tysdal, Managing Director, Mantucket Capital March 15, 2010

Howard Diamond, CEO, Diamond Consulting Inc. April 19, 2010

Executives Leading the Front Range's Resurgence of Telecom and Internet Infrastructure June 22, 2010

Andre Durand, Chairman & CEO, Piing Identity September 20, 2010

Greg Maffei, President & CEO and Michael Zeisser, Senior Vice President. Liberty Media October 11, 2010

Nathan Seidle, CEO, SparkFun Inc. November 15, 2010

Tech Law & Policy Clinic

The Samuelson-Glushko Technology Law & Policy Clinic (TLPC), led by Professor Brad Bernthal, provides students an opportunity to get involved in technology, law and regulation. Clinic students tackle projects which impact policy and, thanks to support from Patton Boggs LLP, visit policy makers in Washington DC.

An illustrative project from 2010 promoted constitutional protections associated with e-mail communications. Student attorneys Devin Loojen and Nicole Friess, supported by Professor Paul Ohm, filed amici briefs in two important cases. In City of Ontario v. Quon, the Supreme Court of the US considered the scope of constitutionally-based privacy rights for government employees that use employer-provided communications equipment. The TLPC assisted with an amicus brief which promoted the right of privacy for government employees using employer-provided equipment. In Rehberg v. Paulk, a three-judge panel for the Eleventh Circuit made a decision that e-mail communications were not entitled to the protections of the Fourth Amendment. An amicus brief was written to the Eleventh Circuit, discussing the importance of digital communications in modern society, and urging rehearing of the decision.

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Entrepreneurial Law

Clinic

Colorado Law's Entrepreneurial Law Clinic (ELC), led by Associate Clinical Professor Brad Bernthal, provides law students with unique, practical experience in transactional law while offering valuable legal services without charge to local businesses that lack access to venture capital or angel investor resources. By assisting entrepreneurs when they need help the most, the ELC provides Colorado Law students hands-on opportunities to make a difference in the community. The Clinic assisted over 25 clients in 2010, including start up companies founded by graduate students and local entrepreneurs. The Clinic also provided community outreach presentations on legal topics for micro-business entrepreneurs, especially women starting businesses with ELC was led by Cooley LLP attorney Mike admitted to Boulder's prestigious TechStars it a truly cross-campus initiative.

CU New Venture Challenge

Now in its third year, the CU New Venture Challenge is an entrepreneurial launchpad for CU-Boulder. The NVC, a campus-wide business plan competition, provides students with hands-on experience in developing a successful business plan. Through a series of workshops and team-building events, as well as by working with mentors from the community, students gain awareness of the entrepreneurial process, furthering our goal of helping to foster viable start-ups and nurture the creative spirit of entrepreneurship within the university and surrounding community. The New Venture Challenge also provides one of CU's best examples of cross campus collaboration. It is supported by several academic centers and departments on campus in addition to Silicon Flatirons, including limited resources in Denver. The summer the Deming Center for Entrepreneurship, the E-Ship Program at the College of Platt and focused on assistance to companies Engineering, ATLAS, ITP and TTO, making



Crash Courses

How to Build a Company

With Jason Mendelson, Managing Director, Foundry Group January 13, 2010

Intellectual Property for Entrepreneurs

With Jason Haislmaier, Partner, Holme, Roberts & Owen February 3, 2010

Tech Meetups

Every month, New Tech Meetups hosted by Boulder-based entrepreneur Robert Reich attract over 275 people to the CU Law School to see emerging businesses demonstrate their latest technology. With more than 6,000 members and counting, these events serve as a nerve center for area start-ups, attorneys, business professionals, investors, and others in the Front Range entrepreneurial community.

"Silicon Flatirons provides students with a unique combination of academic research and real-world experience from distinguished practitioners. I have been fortunate to study influential legal scholarship while making valuable contacts in the technology telecommunications fields."

-Eric Schmidt, Colorado Law Class of 2011

Flatirons conferences."

-Attorney, Google Inc.

Dale Hatfield Scholars & Research Program

Summer Internship at the **Federal Communications Commission By: Eric Schmidt**

The summer of 2010 was a landmark time at the Federal Communications Commission, and the Hatfield Scholars program allowed me to experience this history firsthand as an intern for FCC Chairman Julius Genachowski. Thanks to the program's generous support, I spent the summer in Washington, D.C. Perhaps more importantly, Dale's well-deserved reputation as a voice of reason and civility in an increasingly politicized world afforded me numerous opportunities to interact with - and learn from - national leaders in the telecommunications and regulatory fields.

At University of Colorado Law School, I have been fortunate to study telecommunications law under outstanding professors and distinguished guests at Silicon Flatirons Center conferences. Still, I wondered if I would be prepared to work in the federal government alongside graduates of elite law schools and prominent policymakers who had helped shape the very laws I spent the past year studying. Luckily, I found myself with a solid foundation of skills for the job, and I believe that speaks extremely well for Silicon Flatirons and Colorado Law's interdisciplinary approach to telecommunications. The Hatfield Scholars program has been a tremendous benefit to my education and career, and I cannot thank enough the donors who have made it possible.

Eric's full report is available at siliconflatirons.org.

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BRONZE

Baseline Telecom **NBC** Universal Cisco **NENA** DISH Network Owest Shared Spectrum Greenwood Telecommunications Company Consultants LLC Sprint James Casserly Tim Wirth K&L Gates Wiley Rein LLP Mobile Future WilmerHale

Writing Competition

We are pleased to announce that the winner of this year's Writing Competition is Eric Schmidt, J.D. Candidate 2011. Schmidt's paper, "Hot News Misappropriation in the Internet Age", will be published in the next Journal on Telecommunications and High Technology Law issue. To subscribe to the Journal send an email to ithtl@colorado.

Each year, Silicon Flatirons accepts submissions of papers written about a topic involving law and technology in order to promote and encourage among students the continued pursuit of the research, the planning, the organization, the writing, and the editing of scholarly papers in this field. This



Paul Ohm and Eric Schmidt

year's papers were read and judged by a panel of attorneys at Faegre & Benson, the sponsor of this contest. The winner receives a check for \$500 and an opportunity for publication in a future issue of the Journal on Telecommunications and High Technology Law published by CU Law.

JTHTI

The Journal on Telecommunications and High Technology Law (JTHTL) in 2010 continued to contribute to the debate over communications and Internet policy while expanding its involvement in the field of information privacy. The student-run journal's staff and editorial board worked hard to maintain JTHTL's reputation in the field and increase its influence among academics and policymakers.

In February, the annual Silicon Flatirons Digital Broadband Migration symposium sparked lively discussions about the "Internet ecosystem" and allowed speakers to present papers for the next volume of JTHTL. Issue 9.1, published in winter 2011, featured groundbreaking scholarship by conference authors Phil Weiser, Mark Cooper, Ellen Goodman, Mark Lemley, Pierre de Vries, Michael Froomkin, Frank Pasquale, and Lawrence Strickling.

Led by Professor Paul Ohm, Silicon Flatirons and JTHTL in December 2010 hosted a conference titled "Privacy and the Press" examining how social networks and electronic media are changing the traditional concept of private information. As part of its increasing focus on privacy scholarship, JTHTL will publish six papers from this conference in the spring 2011 issue. The journal's editors and faculty hope the privacy conference will become an annual tradition positioning JTHTL as a leader in an important and growing field of high technology law.

2010 Board of Editors

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LLM Program

In 2010, Silicon Flatirons and Colorado Law welcomed the inaugural classes of the newly launched LLM in Entrepreneurial Law and LLM in Information Technology & Intellectual Property Law. These two programs leverage the strength of Silicon Flatirons in these substantive areas. They are led by Silicon Flatirons faculty Professor Brad Bernthal, who directs the Entrepreneurial Law LLM, and Professor Paul Ohm who directs the IT & IP LLM.

The LLM in Entrepreneurial Law is one of the only LLM programs of its kind nationwide and provides the expertise needed to serve emerging companies as both outside and in-house counsel. It has already received national media attention in the The Wall Street Journal Law Blog and The National Law Journal. The program focuses on critical aspects of transactional practice such as intellectual property, securities, deals, and general corporate law. Rigorous academics are combined with experiential learning opportunities through the Entrepreneurial Law Clinic and substantial legal research and scholarship.

The LLM in IT & IP Law provides graduates a competitive advantage as technology and intellectual property attorneys who are legitimate scholars in their fields and have a superior understanding of their clients' needs. The program provides the full range of transactional practice areas such as copyright, patent, trademark, telecommunications, information privacy, and computer law. LLM students will produce a significant work of scholarship and connect with future clients through the Technology Law & Policy Clinic.



"I really enjoy the opportunity to speak with students during the networking breaks and receptions at Silicon

Faculty Publications

Dale Hatfield: The Challenge of Increasing Broadband Capacity, Federal Communications Law Journal, Vol. 63, No. 1 (2010)

Hearing on a Bipartisan Staff Discussion Draft of the Public Safety Broadband Act of 2010, and H.R. 4829, the Next Generation 911 Preservation Act of 2010

Paul Ohm: Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization, 57 UCLA Law Review

The Argument Against Technology-Neutral Surveillance Laws, 88 Tex. L. Rev. 1685 (Symposium: Law at the Intersection of National Security, Privacy, and Technology)

Probably Probable Cause: The Diminishing Importance of Justification Standards, 94 Minn. L. Rev. 1514 (Symposium: Cyberspace & the Law: Privacy, Property, and m Crime in the Virtual Frontier).

Phil Weiser: Towards an International Dialogue on the Institutional Side of Antitrust, 66 NYU Annual Survey of American Law

What Carrier Doesn't Address, 61 Ala. L. Rev. 571 (Review: Innovation for the 21st Century: Harnessing the Power of Intellectual Property and Antitrust Law)

Beyond Fair Use, (with Gideon Parchomovsky), 96 Cornell L. Rev.

The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation (with Gastil, Deess, and Simmons) (Oxford University Press 2010)



Jud Cary, James Assey, Paul Liao, Brad Bernthal

Silicon Flatirons Reports

Institutional Responses to Network Management Issues March 31, 2010

Rapporteur: Kaleb Sieh

Cloud Computing and Disability Communities: How Can Cloud Computing Support a More Accessible Information Age and Society July 30, 2010

Rapporteur: Jeffrey Hoehl & Kaleb Sieh

Law 2.0: Intelligent Architecture for Transactional Law August 13, 2010 Rapporteur: Kaleb Sieh

State Regulatory Opportunities and Impediments to Smart Grid

Rapporteurs: Elizabeth Hartman & Kaleb Sieh

The Three Ps: A Resulting Energy Approach to Radio Operating

November 12, 2010

Rapporteurs: Pierre de Vries & Kaleb Sieh

Full reports can be found at silicon-flatirons .org.



Mark Lemley, Howard Shelanski, Dale Hatfield, Phil Weiser

January 2010

Crash Course: How to Build a Company Entrepreneurs Unplugged: Ryan Martens & Tim Miller Student Event: Technology Law and Working in Government

New Tech Meetup

February 2010

Conference: Digital Broadband Migration: Examining the

Internet's Ecosystem

Crash Course: Intellectual Property for Entrepreneurs

Entrepreneurs Unplugged: Krista Marks

New Tech Meetup

March 2010

Conference: An FCC for the Internet Age: Reform and Standard-

Conference: The National Broadband Plan and Accessibility for People with Disabilities

CU New Venture Challenge: Mentor Reception

CU New Venture Challenge: Finals Entrepreneurs Unplugged: Tyler Tysdal

Conference: The Role of Place: Entrepreneurial Immigration,

Iteration and Innovation

Student Event: What I Wish I Knew in Law School

Workshop: Institutional Responses to Network Management Issues New Tech Meetup

April 2010

Workshop: Law.Gov, Putting the Law Online Entrepreneurs Unplugged: Howard Diamond

Roundtable: Public Safety

Conference: Patents and Free and Open Source Software

New Tech Meetup

May 2010

Workshop: Institute for Regulatory Law & Economics New Tech Meetup

June 2010

Workshop: Entrepreneurial Workshop with Bill Joos

Conference: The Future of Cable

Entrepreneurs Unplugged: Telecom Executives Leading the Front

Range

New Tech Meetup

July 2010

Roundtable: Cloud Computing and Disability Communities: How Can Cloud Computing Support a More Accessible Information Age and Society?

USSTI: Managing Effectively in the Changing Telecommunications

Environment New Tech Meetup

August 2010

Roundtable: Law 2.0: Intelligent Architecture for Transactional

Summit: State Regulatory Opportunities and Impediments to Smart

New Tech Meetup

September 2010

Conference: Wireless Broadband: Markets, Models and Spectrum Entrepreneurs Unplugged: Andre Durand

Roundtable: The Future of Digital Music Licenses

Dale Hatfield Scholars and Research Program Honorary Reception New Tech Meetup

October 2010

Conference: From Broadcast (MULTICAST) to Video-Anywhere

Entrepreneurs Unplugged: Greg Maffei & Michael Zeisser Workshop: Internet Architecture and Innovation, A Talk with Barbara van Schewick

Roundtable: The Intersection of Accessibility Enhancing Applications and Copyright and Privacy Concerns Workshop: Implications of Cloud Computing for People with

Cognitive Disabilities Student Event: Women and Technology Law CU New Venture Challenge: Kick Off

New Tech Meetup

November 2010

CU New Venture Challenge: Pitch Day Student Event: Exploring a Career in Transactional Law Conference: The Unfinished Radio Revolution: New Approaches to Handling Wireless Interference Entrepreneurs Unplugged: Nathan Seidle New Tech Meetup

December 2010

Conference: Privacy and the Press: Scoops, Secrets, and Ethics in the New Media Landscape New Tech Meetup

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Founder, Silicon Flatirons Center
Professor of Law, University of Colorado (on leave)
Senior Advisor for Technology and Innovation,
National Economic Council



Gigi Sohn, Mark Cooper, Brad Feld



Brad Bernthal



Preston Padden, Dale Hatfield, Phil Weiser, Richard Green

-Fernando Laguarda, Time Warner Cable

"Thank you to everyone at Silicon Flatirons for all the work

you do to lift the level of dialogue in this industry. I am

happy my company can be counted among the many sup-

porters of your important work."

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Associate, Faegre & Benson

David St.John-Larkin*

Attorney, Merchant & Gould P.C.

Nancy Stevens[^]

Chairman, First Western Trust Bank

Harry Surden*

Associate Professor of Law, University of Colorado

Jill Van Matre*

Associate Director, ATLAS Institute

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Communications Board Chair President, Jivaro Group and JivaroCXO

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Door LLP Zayo Group Silicon Flatirons Center University of Colorado Law School 401 UCB, Wolf Law Building Boulder, CO 80309 303.492.5442 sf@colorado.edu www.silicon-flatirons.org

Dale Hatfield

Executive Director Dale.Hatfield@colorado.edu

Brad Bernthal

Entrepreneurship Initiative Director Brad.Bernthal@colorado.edu

Paul Ohm

Director of Information Technology and Intellectual Property Initiative Paul.Ohm@colorado.edu

Anna Noschese

Program Director Anna.Noschese@colorado.edu

Jamie Stewart

Program Administrator Jamie.L.Stewart@colorado.edu

