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FROM RUSSIA WITH LOVE
DMITRY KARSHTEDT’S PATH TO PATENTS

Andrew W. Torrance
FROM RUSSIA WITH LOVE DMITRY KARSHTEDT’S PATH TO PATENTS

Andrew W. Torrance*

I. INTRODUCTION

Seldom has a law professor risen as quickly as Dmitry Karshtedt did to the top ranks of his academic specialty. From the start of his first tenure track position in 2015 at George Washington School of Law, Dmitry exploded into the legal academy. By the time of his untimely death in the fall of 2022, his scholarship, his name, and his collegiality were all celebrated by his intellectual property colleagues, especially those specializing in patent law. However, Dmitry did not emerge Athena-like, a fully formed scholar. Rather, he grew, step-by-step, as an undergraduate at Harvard College, a doctoral student at University of California-Berkeley, an industry chemist, a Stanford Law School student, an associate at the renowned technology law firm, Wilson Sonsini Goodrich & Rosati, a Court of Appeals for the Federal Circuit clerk, and a Fellow at the Center for Law and the Biosciences at Stanford Law School.¹ This article is what in German is named a Bildungsroman, attempting, as it does, to show how the peripatetic course Dmitry charted before becoming a law professor was important, even vital, to the generous, charming, and brilliant patent law scholar he would eventually become. It ends where most of his law school

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II. COMING TO AMERICA

Dmitry Karshtedt was born in Moscow, in the Union of Soviet Socialist Republics (“USSR”), in 1977. This was two years before the USSR invaded Afghanistan, setting off a chain of events that continue to bedevil Central Asia to this day. As a young boy, Dmitry lived under five Soviet leaders, spanning Nikita Khrushchev, Leonid Brezhnev, Yuri Andropov, Konstantin Chernenko, and, finally, Mikhail Gorbachev. It was under Gorbachev that radical new policies, such as glasnost and perestroika, began to prise open what had been, for the previous seven decades, a closed country. In 1990, taking advantage of lessened restrictions on travel, Dmitry’s family emigrated to the United States, settling in San Francisco.

From an early age, it was clear to all around him that Dmitry’s mind burned brightly. He was a brilliant child, enthusiastically learning how to navigate the culture and folkways of his adopted country. Given his passion for science, invention, and innovation, it is quite appropriate that he spent a year at Benjamin Franklin Middle School. From there, Dmitry was accepted into Lowell High School. Located just east of the San Francisco Zoo and adjacent to San Francisco State University, Lowell was then one of the most prestigious public schools in the country, with admission based on an oversubscribed and extremely challenging academic examination. Prominent alumni, besides Dmitry, included Nobel Prize winner Albert Abraham Michelson, author Daniel Handler (aka “Lemony Snicket”), comedian Margaret Cho, writer Naomi Wolf, and primatologist Dian Fossey. Dmitry thrived, and his intellect blossomed, at Lowell High School. Whenever asked about high school, he would speak fondly, even elegiacally, about Lowell. It seemed to provide him with a glimpse of how
satisfying the life of the mind could be. In later years, when controversy swirled around admissions policies at Lowell High School, Dmitry acknowledged how vital it was to share the wonderful experience he had there with as many children from as many different backgrounds as possible, but he also worried that injudicious changes to what made Lowell special might cause it to lose the magic it had afforded him and other students.10

III. HARVARD COLLEGE AND ELIOT HOUSE

After graduating from Lowell in 1995, Dmitry matriculated at Harvard College.11 There he made friends easily, reveled in the heady intellectual atmosphere, and discovered his love for chemistry. After freshman year, he was assigned to Eliot House, a beautiful red brick student residence at the foot of Dunster Street, in Cambridge, Massachusetts. Built around an expansive courtyard whose grassy lawn was dotted with trees, Eliot House is one of the “River Houses” at Harvard, located right across from the Charles River and the women’s rowing facility, Weld Boathouse. Eliot House was where Dmitry spent countless meals in the Dining Hall discussing and debating any and all subjects of interest to Eliot students or Resident Tutors at that time. Topics ranged from science to politics, films to religion, careers to hobbies, and, of course, chemistry. He loved science, and chemistry in particular. Its challenge, its theory, its precision, and its practical applicability to solving problems humanity faced. He not only loved chemistry but was superb at it as well.

A residential “house” at Harvard College is far more than a place to eat, do homework, and sleep. It serves as a focus for social life as well. Students typically spend large portions of each day in their rooms studying, hanging out with their peers and “Tutors” (Harvard graduate students who represent particular areas of subject matter expertise) in either the Dining Hall, courtyard, the Junior Common Room, or rooms set up for arts, carpentry, music, or fitness. Dmitry was a big presence around Eliot House. This is how I met him. Although he worked hard in his classes, including those taking place in the science area of campus, when he was in Eliot House, he was easy to find. Dmitry would linger over meals, catching up with his many friends, discussing whatever topic happened to be of interest


11 Karshent, supra note 2.
at that particular time. He had many strong, well-informed opinions about the Soviet Union and its successor, Russia. His slight Russian accent would become more defined when pronouncing Russian words or describing Russian people, places, or events. Though he had arrived in the United States when he was in middle school, his many memories of the Soviet Union seemed fresh when he was asked to recount them. It was obvious he was thankful to his family for bringing him to the United States, yet it was possible to discern sometimes an element of nostalgia, perhaps even sadness, about the place, people, and culture he had left behind as a child. However, what he may have viewed as a complication in his life - straddling two cultures - was also a signal strength, because it afforded Dmitry with a deep understanding of the different ways people around the world could live. In my opinion, this fed a vein of humility and tolerance that ran through his personality. No matter how impressive his intellect, how amazing his scholarly or professional accomplishments, or how well put together a person he seemed to others, Dmitry appeared always to view himself as capable of improvement, open to suggestion, and just one among many worthy people.

Dmitry was multitalented. Scratch the surface of his pastimes, and their breadth was clear. As of the writing of this memorial essay, the website Poetry Lovers Page (http://www.poetryloverspage.com/dmitry) describes his interests as follows:

I have broad academic interests outside of the hard sciences, and enjoy reading scholarly works on subjects such as intellectual history, literary theory, and education. To unwind, I enjoy playing ping-pong and lifting weights. Occasionally, I pick up my flute (especially if there is a piano player willing to make it a duet) and play chess. I am also a big baseball fan. I follow the San Francisco Giants religiously and drop everything once Barry Bonds steps up to the plate.12

Some people enjoy breezy conversations about many topics, hopping from one to next without lingering. Dmitry possessed a commitment to intellectual exploration. When he notes “intellectual history, literary theory, and education” as interests, he means interests that could be both deep and wide.13 Start a conversation on Russian novels, and it might explore themes and styles common to many Russian novels, or it might mine deeply into the personal experiences of Dostoyevsky that led him to write about particular topics in particular ways. I remember spending hours sitting with Dmitry and others in the Dining Hall at Eliot House delving more and more deeply into subjects about which he cared. He was resolved not to stop the

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12 Id.
13 Id.
search until the truth was found, or, if that were not possible, agreement was reached that there was no truth there to be found.

IV. BETTER LIFE THROUGH CHEMISTRY

After graduating from Harvard College, Dmitry moved to University of California Berkeley to pursue a Ph.D. in chemistry, and then worked in industry for a bit. It is worth noting that, remarkably, Dmitry managed to become an inventor on the following thirteen patents:

- U.S. Patent No. 8,962,517
- U.S. Patent No. 9,469,577
- U.S. Patent No. 9,556,086
- U.S. Patent No. 9,718,054
- U.S. Patent No. 9,751,818
- U.S. Patent No. 9,670,113
- U.S. Patent No. 10,195,603
- U.S. Patent No. 8,092,867
- U.S. Patent No. 11,078,132
- U.S. Patent No. 8,461,284
- U.S. Patent No. 8,846,507
- U.S. Patent No. 9,045,653

An inventor this successful was destined to make fundamental and important contributions, not only to patent law, but also to the advancement of technology.

V. LAW ON THE FARM

We fell out of touch while Dmitry was pursuing his doctorate and patenting up a storm in industry. Nevertheless, once he became a student at Stanford Law School, we got back in touch. During this time, my wife was leading the Global Scholars program at the Kauffman Foundation that she had created to bring talented students from around the world to the United States to study entrepreneurship. She had designed the program to ensure that her cohorts of foreign students would visit both the biotechnology hub in Boston that had developed around MIT, Harvard, and the Broad Institute, and the high technology capital of the world, Silicon Valley. On one of the Global Scholars visits to Silicon Valley, my wife and I decided to bring all three of our (then) young children. Dmitry suggested we catch

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14 GEO. WASH. L., supra note 1.
up with each other at a wine bar located off University Street in Palo Alto. On our way back to the hotel where we were staying, I asked my wife if it would be alright for me to meet Dmitry for one glass of wine. She kindly agreed, but reminded me that the kids were restless and would need to get back to the hotel soon. So, while she waited with our three young kids in our rental vehicle, I went to the wine bar to join Dmitry.

I had not seen Dmitry for several years, so we were excited to catch up with one another. I told him I could only stay for one glass of wine. However, there was much to talk about, and every time I said I should go, I decided what we were discussing at that point was simply too fascinating to cut short. So, Dmitry and I chatted, and chatted, and chatted. It was like being in the Eliot House Dining Hall again. We discussed family, chemistry, law school, Harvard, San Francisco, industry, religion, and what direction Dmitry hoped to take after law school. He wasn’t sure, but he was keen somehow to marry his Ph.D. to his law degree. We discussed patent law, since I also had a Ph.D., and had practiced patent law both in a firm, Fish & Richardson P.C., and at companies, as in-house counsel at Inverness Medical Innovations and Uhlig LLC. Despite my sincere intention to honor the promise I made to my wife, it took several entire bottles of wine, and two hours of engrossing conversation, before I made it back to my wife and kids. Although my explanation was unpopular, my wife knew Dmitry too, and understood why it was hard to cut our conversation short. We both understood that spending time with Dmitry was a rare pleasure, and his enthusiastic personality magnetic.

Several years after graduating from Stanford Law School, having practiced law with one of the most important technology law firms, Wilson Sonsini Goodrich & Rosati, and served with distinction as a law clerk on the Court of Appeals for the Federal Circuit, under (now Chief) Judge Kimberley Moore, Dmitry returned to Stanford Law School as a Fellow in Law and the Biosciences. As he continues to do now, Professor Hank Greely led the Center for Law and Biosciences. One duty that Fellows in the Center for Law and the Biosciences have is to identify and invite visiting speakers for Law and the Biosciences Workshop. Dmitry kindly invited me to be a visiting speaker and hosted me when I spoke to the Workshop. It was a wonderful experience. Dmitry was a warm and generous host. In fact, when one of the questions I was asked regarding my presentation was asked in a rather aggressive manner, Dmitry immediately intervened, rephrasing the question, and encouraging the questioner to be

15 Id.
most constructive. What could have been an awkward and probably frustrating exchange was transformed into a fruitful, meaningful, and rich discussion. Dmitry had the diplomat’s gift of being able effortlessly to harmonize disparate views. I appreciated his adroitness in managing people and avoiding disputes. In part, he excelled at this because he was brilliant; nevertheless, his warmth and caring nature were also crucial to the positive outcome. I never forgot his kindness.

VI. A GENTLEMAN AND A SCHOLAR

Soon after, Dmitry entered the legal academy. He became a professor at George Washington University Law School.\(^\text{17}\) His law school was blessed to have him join. His productivity and strength of voice in patent law were apparent from the start. Not only did he publish frequently, but his law review articles were also invariably thorough, meaningful, and elegantly written. It was clear he was destined to become one of the leading patent law scholars. By the time he passed away, he was well on the path to such status. However, it was not his obvious brilliance that interested me as much as the opportunity to see him on the academic patent law circuit. In fact, one conference at which I could rely upon seeing Dmitry was PatCon, an annual gathering of patent law scholars from around the world. As one of the cofounders of PatCon, I was obligated to attend; knowing that Dmitry would be there always ensured that this duty was fun, interesting, and fulfilling. When PatCon was held at Northwestern Law School in April 2023, we held a memorial tribute to Dmitry, during which several of his friends and I shared fond and admiring reminiscences about the great contributions he had made to our community.

I had the privilege and joy of knowing Dmitry for much of his life. The undergraduate who took enthusiastic pleasure in living a life of ideas evolved into a brilliant, influential, and passionate patent law scholar. Although his life and career were cut tragically short, Dmitry became a key and influential member of the community of patent scholars. His ideas contributed to the improvement of patent law, both through his teaching of new generations of patent attorneys and through the legacy of his brilliant and influential scholarship. When the patent scholar community lost Dmitry, we lost a wonderful friend and colleague, but the world lost a leading voice in how society can generate better, faster, and cheaper technologies through the patent system. Thank you, Dmitry, for your friendship and your citizenship. Your loss to the patent scholars community

\(^{17}\) GEO. WASH. L., supra note 1.
is immense, though the example of what you achieved and how you achieved it will live on to inspire others.