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IN MEMORY OF NICHOLAS DAY WALRATH

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Nick Walrath was a joy: a joy to teach, a joy to know, a joy to work with. His tragic death takes from the world a young man with exceptional intelligence, compassion, imagination, and drive. He was poised to make great contributions. Losing him impoverishes us all.

Nick was astonishingly bright and intensely curious. He wanted to know more about everything. At MIT, he took a dual major in Physics and Philosophy. He was also on the lacrosse team, worked at MIT's Center for Ultracold Atoms, and in its electronics lab. He participated in the MIT-Cambridge University exchange program. And still, he managed to graduate with honors as a member of Phi Beta Kappa and Sigma Pi Sigma, the National Physics Honor Society. After doing graduate work at the University of Colorado in atomic physics, he spent a little over a year at Simon-Kurcher & Partners Marketing and Strategy Consultants, where he analyzed biotechnology and pharmaceutical companies. In 2010, he matriculated at NYU Law School, where he quickly made a name for himself. He was an Articles Editor of the *Journal of Intellectual Property and Entertainment Law* and a Notes Editor on the *Law Review*, which published his Note, *Expanding Standing in Patent Declaratory Judgment Actions*. He graduated magna cum laude and was inducted into the Order of the Coif.

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More important from the viewpoint of the faculty, he was a star student. New ideas excited him. He grasped them instantaneously and would quickly extend them, critique them, or make some other provocative comment. To have him in one's class meant that there was little need to worry about class discussion—he'd carry the day whenever things got dull. His participation in the Innovation Policy Colloquium was especially welcome. If there was one thing Nick enjoyed, it was working with materials in a variety of genres, drawn from diverse literatures. He was terrific with the Colloquium's outside speakers, almost always the one with the most challenging and insightful question.

Nick wanted to write his *Law Review* Note on a substantive patent law topic, but when he started to read the cases, he noticed how well the courts had insulated patents from challenge. So he shifted his focus. Although civil procedure had never been his favorite topic, he realized that he'd make a more valuable contribution if he provided the patent system with a better grasp on the question of standing to assert the invalidity of a patent. In his Note, Nick did a superb job setting out the interests on all sides, considering mechanisms to serve the public interest in the quality of registered rights, protecting rightholders from interminable litigation, and identifying positions that the courts or Congress might take. While writing his Note, Congress debated and then enacted the America Invents Act, which raises many questions involving the right to sue. Nick's Note has already been cited several times within the academy; as these issues arise in the courts, I have no doubt his article will be extremely helpful.

Nick's career trajectory was of a piece with how the NYU faculty saw him. Every setting was of interest. He clerked at both a district court (for Jon S. Tigar of the Northern District of California) and at the appellate level (for Carlos T. Bea of the Ninth Circuit) and had been considering an application to the U.S. Supreme Court. He also managed to work at four of the most influential law firms in the country. During law school, he was a summer associate at Kirkland & Ellis and then Cravath, Swaine & Moore. After graduation and between clerkships, he went to Quinn Emanuel Urquhart & Sullivan. He finally settled down at Durie Tangri, a boutique litigation firm with a phenomenal reputation for creativity and craftsmanship and a client list that includes major firms in Silicon Valley. It was the perfect setting for Nick. Nick was also very proud of his work. I was his supervisor in law school and taught several of the courses he took. But we did not lose touch because from time to time, when he was particularly excited about something he'd written, he'd send a copy to me.

Nick's passions were eclectic: science, philosophy, law, rock climbing, camping, skiing, biking, football, soccer, movies, and more. It is easy to imagine how much he would relish an evening of house music at an artists' collective in a fringy Oakland neighborhood. He is deeply mourned and will be sorely missed.