

VFI Executive Briefing
A weekly roundup of technology news
December 5 – 9, 2016

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ARTICLE SUMMARY

The Hill [Join the movement – do an hour of code!](#)

It is often said that education is the great equalizer. And though the world looks much different today than when Horace Mann famously said those words, they are still applicable, particularly with computer science education in our technology-driven world. This year's National Computer Science Education Week (Dec. 5-11, 2016) is an opportunity for all students, parents, and teachers to see how fun and easy coding can be with the Hour of Code. Microsoft is excited to unveil a revamped tutorial based on the highly-popular Minecraft game.

ABC News [Panel Urges Better Cybersecurity to President-Elect Trump](#)

A presidential commission on Friday made 16 urgent recommendations to improve the nation's cybersecurity, including creating a nutritional-type label to help consumers shop wisely and appointing a new international ambassador on the subject — weeks before President-elect Donald Trump takes office. The release of the 100-page report follows the worst hacking of U.S. government systems in history and accusations by the Obama administration that Russia meddled in the U.S. presidential election by hacking Democrats.

Forbes [Supreme Court Takes Up Small Business' Patent Case Against Lexmark](#)

Can a manufacturer use its patents to control how its products are used after it sells them? That's the question raised in a lawsuit brought by the giant printer maker Lexmark International against a small West Virginia company called Impression Products, which buys and refurbishes Lexmark toner cartridges, and resells them on the aftermarket. As we reported a couple weeks ago, Lexmark won its argument earlier this year before an appellate court, but the small business appealed that decision to the Supreme Court. On Friday, the Court agreed to hear Impression's case. At stake are not just the livelihoods of thousands of small business that sell used merchandise, but potentially as well companies that make and sell new products, like electronics, that use patented components from a wide array of sources.

Wired [Trump Taps IBM and GM Chiefs in First-Ever Sign He Gets Tech Matters](#)

FOR ALL HIS talk about bringing jobs back to the United States, President-elect Donald Trump has said virtually nothing about preparing Americans for the increasingly tech-driven jobs of the future. Even as he rails against trade's impact on industries like manufacturing, he's been mostly silent about the impact of automation. During the campaign, he never tried to court the Silicon Valley vote the way Hillary Clinton and many of his primary opponents did.

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The Hill [Top Intel Dem: Congress 'far from consensus' on encryption](#)

Congress is nowhere near passing legislation governing encryption technology, the top Democrat on the House Intelligence Committee said on Tuesday. And he said angry tweets from President-elect Donald Trump's supporters aren't likely to change it. "Whatever [Trump's] views may be — it may cause a few more angry tweets in the direction of the technology sector — I don't think it's going to move the Congress a great deal. At this point, we are very far from a consensus on the encryption issue," Rep. Adam Schiff (D-Calif.) said during remarks at a Christian Science Monitor breakfast.

IPWatchdog [A Patent Year in Review: Looking back on 2016, Forecasting for 2017](#)

It is that time once again when we look back on the previous year in preparation to close the final chapter on 2016 and to look ahead toward 2017. With this in mind, on December 15, 2016, at 2pm ET, we will be hosting a free one-hour webinar conversation that takes a look back on the most important and influential moments of 2016, and a look ahead to the issues that we believe will shape 2017. I will moderate this discussion. Joining me will be Q. Todd Dickinson (former USPTO Director & partner at Polsinelli) and Peter Harter (former director of global government relations for Netscape & founder of The Farrington Group).

Wall Street Journal [EU Clears \\$26 Billion Microsoft-LinkedIn Deal](#)

The European Union on Tuesday approved Microsoft's \$26 billion acquisition of LinkedIn Corp., after the software giant agreed to safeguards to assuage antitrust concerns. The European Commission, the bloc's executive arm, said it was clearing the deal on the condition that, post-merger, Microsoft allowed other professional networking sites access to its Office programs for the next five years. It must also grant computer manufacturers the option not to install the LinkedIn shortcut on desktop devices, the EU said.

The Hill [White House announces boost to computer science education](#)

The White House announced on Monday new initiatives to bolster computer science in K–12 education. Citing the rapidly expanding demand for technology jobs, the Obama administration outlined new efforts by two federal agencies: The National Science Foundation plans to spend \$20 million on computer science education in 2017, on top the the \$25 million it spent in 2016, with an emphasis on training teachers. And the National Science and Technology Council will create a framework to help guide federal efforts "to support the integration of computer science and computational thinking into K–12 education," according to Monday's release.

The Hill [Trump to meet with major tech leaders](#)

President-elect Donald Trump will meet with top tech industry leaders next week, according to multiple reports. The meeting is set to take place Dec. 14, USA Today reported. The list of guests has not been released, but The New York Times reported that Facebook's Mark Zuckerberg, Apple's Tim Cook and Google's Sundar Pichai are expected to attend Trump's tech conference. Cisco CEO Chuck Robbins will also attend the meeting, according to USA Today.

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Trump's incoming chief of staff, Reince Priebus; Trump's son-in-law, Jared Kushner; and transition team member Peter Thiel sent the invitation, USA Today reported.

Wall Street Journal [Apple Supplier Foxconn Plans Expansion in U.S.](#)

Foxconn Technology Group, which manufactures Apple Inc.'s iPhone and other products, said it is in talks to expand in the U.S. The statement comes amid President-elect Donald Trump's push for a return of manufacturing to the U.S. Foxconn said the size and scope of its potential U.S. investment hasn't been determined. "We can confirm that we are in preliminary discussions regarding a potential investment that would represent an expansion of our current U.S. operations," the Taiwanese electronics manufacturer formally known as Hon Hai Precision Industry Co. said Wednesday.

The Verge [The political fight behind Facebook and Google's new terrorist content database](#)

This week, Facebook, Google, Microsoft, and Twitter announced a new database for images and videos that promote terrorism. The database, which is hosted by Facebook, is designed as a defense against propaganda videos and imagery by terrorist groups — a tactic ISIS has aggressively embraced. Flag a single image on a single service, and any of the participating companies will be able to find and remove copies, potentially erasing it from the most popular places on the web in a single stroke. But the implementation of the database is far more fraught, the result of a complex and ongoing negotiation between tech companies and European governments looking to rein them in.

The Intercept [American and British Spy Agencies Targeted In-Flight Mobile Phone Use](#)

Le Monde and The Intercept published a [joint investigation](#) revealing that American and British intelligence agencies are surveilling the communications data of people using in-flight Internet services. The investigation focused on leaked documents from Edward Snowden that revealed that the NSA and GCHQ developed programs to monitor or extract in near real-time the cellular activity, voice communication, data, metadata, and content of calls placed using GSM systems.

The New York Times [The Future of Privacy](#)

The New York Times published an op-ed by novelist William Gibson, exploring the current and historical implications of privacy and pondering the future of privacy in the digital age.

Just Security [Ninth Circuit Upholds 702 Foreign Intelligence Surveillance, But Leaves Open Future Challenges](#)

Just Security reported that the 9th Circuit of Appeals upheld a lower court ruling in [U.S. v. Mohamud](#), rejecting defense arguments that warrantless surveillance under Section 702 violated the defendant's Fourth Amendment rights. American University law professor Jen Daskal analyzed the ruling for Just Security, noting that the court concluded that people have a "limited" expectation of privacy in emails and other communications shared and received by others.

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Notable Quotes

"The 9th Circuit won't be the last court to rule on this issue. The Supreme Court may take Mohamud's case straight away because of its importance, or it may wait to see whether other appeals courts disagree, as I strongly expect they will. Eventually, it's most likely that the justices will tackle the issue. But until the Supreme Court does, it's worth remembering the practical upshot. With no warrant, the government can review your calls and e-mails to people abroad, and use that evidence to investigate you. Think that over the next time you pick up the phone or sit down at the computer."

– [Noah Feldman, professor, Harvard Law School](#)

"Wikimedia alone engages in over a trillion internet communications each year, with individuals located in virtually every country on earth. Given the volume and geographic distribution of these communications, it's indisputable that plaintiffs' communications are ensnared by the NSA. We hope that the Fourth Circuit agrees. With President-elect Trump about to take over, there's simply too much at stake for the judiciary to close the courthouse doors on those harmed by mass surveillance."

– [Ashley Gorski, staff lawyer, American Civil Liberties Union](#)

"The issue of introducing vulnerability by introducing a door in the context of data in motion may be much more difficult to mitigate than the issue of whether a tech company when presented with the actual physical phone can open that phone."

– [Rep. Adam Schiff](#)

"When many people think about privacy they think about their Facebook settings, but privacy is actually the fountainhead of all our rights. It is the right from which all others are derived and is what makes you an individual. It is the right to an independent mind and life. Freedom of speech doesn't have meaning without the protected space to speak freely."

– [Edward Snowden](#)

"If you analogize emails and letters — which I agree is correct — a person maintains full privacy rights in the letter until it is delivered and then has zero privacy rights in it after the letter is delivered. It's an on-off switch, not a sliding scale. You have full privacy or none. Given that, why is the court speaking of "diminished" privacy rights, which implies some privacy rights but not full privacy rights? Cases like Miller, Hoffa, and White aren't about people having "diminished" rights. They're about circumstances in which a person has zero rights. Given that the court assumes that Mohamud had Fourth Amendment rights in the messages, it's not clear it makes sense to rely on doctrines under which Mohamud would have no privacy rights to lower the amount of privacy at stake."

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– [Orin Kerr, law professor, George Washington University regarding *U.S. v. Mohamud*](#)

"Even this simple consideration of privacy confuses me. Is individual privacy and state privacy the same thing? Are they conceptually antithetical? Is it to a state's advantage to permit its citizens to keep secrets? States desirous of citizens' secrets have been known to torture their own people in the course of encouraging them to reveal what they know. We know this historically, and we know it still to be true, though whether we've personally been affected by it largely depends on where we happen to live."

– [William Gibson, author, The New York Times](#)

"I don't see a situation where the government ... is going to force Apple to roll back encryption of the iPhone. I think that ship's sailed. Law enforcement has to deal with the fact that we live in the world of encryption. And the way the feds are dealing with it is embracing the hacking."

– [Chris Soghoian, principal technologist, American Civil Liberties Union](#)

Social Highlights

- @just_security: [|@BrennanCenter's @LizaGoitein: The Ninth Circuit's Constitutional Detour in Mohamud](#)
- @PatrickCToomey: [The @ACLU is in court today challenging the NSA's mass internet spying, on behalf of @Wikimedia and others:](#)
- @ryantate: [The fiction is mass surveillance is to keep us safe. So then why is much of it corporate, as Le Monde reveals?](#)
- @theintercept: [American and British spy agencies targeted in-flight mobile phone use — Le Monde in collaboration with The Intercept](#)
- @theintercept: [The court ruled that Mohamud had "diminished" expectations of privacy, knowing his email would leave the country.](#)
- @OrinKerr: [My take on US v Mohamed, the new 9th Circuit 702 case, and why its 4th Amendment analysis is a little odd.](#)
- @engadget: [2016 claims another victim: Your privacy](#)
- @glynmoody: [Police "legally mug" gang boss to grab unlocked iPhone... another reason #crypto isn't a problem](#)
- @jendaskal: [Rule 41 Has Been Updated: What's Needed Next](#)
- @NPR: ["Law enforcement has to deal with the fact that we live in the world of encryption," says @csoghoian of the ACLU.](#)
- @OrinKerr: [No, magistrate judges can't turn down warrant requests just because the target of the search consented. Here's why.](#)
- @pwnallthethings: [UK police conduct "lawful street robbery" while suspect is on phone to beat device encryption](#)