



The Patent Crisis and How the Courts Can Solve It

By Dan L. Burk, Mark A. Lemley

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Patent law is crucial to encourage technological innovation. But as the patent system currently stands, diverse industries from pharmaceuticals to software to semiconductors are all governed by the same rules even though they innovate very differently. The result is a crisis in the patent system, where patents calibrated to the needs of prescription drugs wreak havoc on information technologies and vice versa. According to Dan L. Burk and Mark A. Lemley in *The Patent Crisis and How the Courts Can Solve It*, courts should use the tools the patent system already gives them to treat patents in different industries differently. Industry tailoring is the only way to provide an appropriate level of incentive for each industry.

Burk and Lemley illustrate the barriers to innovation created by the catch-all standards in the current system. Legal tools already present in the patent statute, they contend, offer a solution—courts can tailor patent law, through interpretations and applications, to suit the needs of various types of businesses. *The Patent Crisis and How the Courts Can Solve It* will be essential reading for those seeking to understand the nexus of economics, business, and law in the twenty-first century.

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The Patent Crisis and How the Courts Can Solve It By Dan L. Burk, Mark A. Lemley Bibliography

- Sales Rank: #219714 in Books
- Published on: 2011-09-23
- Released on: 2009-05-15
- Ingredients: Example Ingredients
- Original language: English
- Number of items: 1
- Dimensions: 9.00" h x .70" w x 6.00" l, .70 pounds
- Binding: Paperback
- 232 pages

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Review

"There is no disputing that *The Patent Crisis and How the Courts Can Solve It* is a descriptive tour de force. No one else has done as comprehensive a job of summarizing today's patent theories nor done more to bring them together than Burk and Lemley. This book will certainly be a success on almost any terms."-Thomas B. Nachbar, Professor of Law and Class of 1963 Research Professor, University of Virginia School of Law -- Thomas B. Nachbar (07/01/2008)

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Dan L. Burk is Chancellor's Professor of Law at the University of California, Irvine. **Mark A. Lemley** is the William H. Neukom Professor of Law at Stanford University and a partner at Durie Tangri.

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