

Patents

ENFORCING PATENT RIGHTS

Patent Law

- Patent Law of 1790: This law guarantees exclusive rights to inventors. Does not give them the right to practice inventions.
- If infringement occurs, the patent holder (“patentee”) can sue the infringer in federal court.

Enforcement of Patent Rights

- The *patentee* must bring the lawsuit against the infringer.
- The USPTO only issues and examines the patents.

Patent Litigation

- Courts determine the validity of disputed patent ownership.
- Lawsuits can result in damages awarded against infringers.
- Modernly, patent lawsuits are very costly and time consuming.

Patent Infringement

- Strict liability violation
- The infringer does not need to know that he or she is infringing; the infringement can be unintentional.

Alternatives to Litigation

- Demand that the infringer stop and pay damages.
- Enter into a licensing agreement with the infringer in which the patentee offers the infringer a license to practice the invention in exchange for a fee.
- Patentee can ignore the infringement.