

Submission for IPSC 2009

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University Patent Litigation

Universities have a complex relationship with the patent system. On the one hand, many universities aggressively patent and out-license technologies generated by university research. Some have even gone so far as to suggest that universities are little more than patent trolls. At the same time, university activities, including academic research, clearly create patent infringement liability issues, particularly since the Federal Circuit clarified in *Madey v. Duke University* that there is generally no research use exception shielding university research. In an attempt to better understand the interaction of universities with the patent system, I conducted an expansive search for all patent lawsuits that have been filed in the U.S. involving a university as a party. This encompasses patent infringement suits, declaratory judgment actions, inventorship disputes, and interference appeals. The results of this survey, and a discussion of the policy implications, will be the focus of my presentation and paper.