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The Missing Stakeholders in Supreme Court Patent Advocacy

Abstract:

The patent laws are increasingly important to the health of the U.S. economy. This research clarifies the nature of patent law advocates who file *amicus* briefs before the U.S. Supreme Court. Four stakeholders are identified and their advocacy levels and positions are examined. The data indicates skewed advocacy levels among two stakeholders with diametrically opposite positions: SME Complex firms and Large Complex firms. The *amicus* data suggests that patent policy reforms and adjustments by the courts should narrowly consider the clashing interests of these two stakeholders. Policy prescriptions for achieving this narrow objective are advanced that avoid upsetting the delicate balance among the remaining stakeholders.