

Prologue

This book explores the doctrine of patent misuse which was created and exists today to make sure patents are used in ways that are consistent with the purpose and intent of the law. There is probably more general debate about the purpose and intent of patent law now than there has ever been. A study of patent misuse, therefore, not only elucidates an important doctrine but also contributes to the ongoing debate about the role of patents.

This book looks at patent misuse through an historical and empirical lens. It discusses important doctrinal and policy issues. It also looks at patent misuse through the eyes of practitioners, judges and academics. This has never been done before. Hopefully, it will provide a resource for the curious, the expert and all those who are engaged in deciding what patent misuse means and should mean today.