Contents

Preface vii

PART I The Problem

1	The Gathering Storm	3			
2	Foundations of the Patent System				
3	Cracks in the Foundation				
	PART II The Diagnosis				
4	The Diversity of Innovation	37			
5	The Industry-Specific Nature of the Patent System				
6	Heterogeneity in Patent Theory Why We Can't Agree Why We Patent				
7	Parts of the Elephant How Industry Perspective Drives Patent Theory	79			
	PART III The Solution				
8	Why Courts and Not Congress Offer a Way Out of the Crisis	95			
9	Policy Levers in Existing Patent Cases	109			
10	More We Can Do Potential New Policy Levers	131			
11	Levers in a Specific Industry—Biotechnology	142			
12	Levers at Work—the IT Industry	156			
	Conclusion: New Directions	167			

Notes 171 Index 211