OPENING THE BLACK BOX OF PATENT SCOPE: INSIGHTS ON PATENT LITIGATION IN THE CHEMICAL INDUSTRY

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Abstract

We examine the relative impact of various dimensions of patent scope on patent litigation. Patent scope is suggested to comprise both established dimensions (number of patent claims, applicability of an invention in different fields) and, to date, under-researched dimensions associated with patent claim structures. Our findings from a sample of US patents from the chemical industry provide a more nuanced understanding of which dimensions of patent scope drive patent litigation. More specifically, we find that patents with many independent claims and greater family size are litigated more often, as are patents with ‘simple’ claim structures such as substance patents. Interestingly, particularly broad patents with so-called Markush claim structures are litigated significantly less, which seems to be influenced by the patentees’ perception of patent validity.
Thank you for your interest in our paper on patent scope determinants and their impact on patent litigation.

The document is available only upon request, so in case you are interested reading it, please drop us a line:

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We appreciate any feedback.

Best regards,

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