

# INTRODUCTION

## PATENT LAW AND PROGRESS

*Sapna Kumar*<sup>1</sup>

The 2017 IPIL/Houston National Conference is the University of Houston Law Center's 16th year of bringing together top intellectual property scholars from around the country. This year's topic deals with one of the most dynamic and rapidly changing areas of law—patent law. New technology and evolving legal practices forces patent law to evolve at a breakneck speed. This makes it critical for scholars to regularly assess whether patent law continues to promote progress and to examine whether changes need to be made.

The 2017 Conference “Patent Law and Progress” was held on June 2–3, 2017, in Santa Fe, New Mexico. The goal for the event was to provide a seminar-style setting to foster a discussion of the year's topic. Every article received an hour of time for presentation and commentary from the various conference participants. One of the goals of the event was to allow presenters to receive detailed feedback. Another goal was to provide junior and senior scholars with an opportunity to get to better know each other in a beautiful setting. It is my pleasure to briefly introduce four of the scholars and their essays that resulted from this outstanding event.<sup>2</sup>

Andrew Chin has been researching patent law for over a decade. In *Surgically Precise But Kinesmatically Abstract Patents*, Professor Chin provides a critical examination of kinematic claims that impact

---

1. George Butler Research Professor of Law, University of Houston Law Center. Professor Kumar is also the Co-Director of the Law Center's Intellectual Property and Information Law

2. In addition to the presenters whose papers are discussed below, Joshua Sarnoff served as a presenter; Jeremy Bock, Janewa Osei-Tutu, and Sarah Wasserman Rajec all served as fellows. We were also honored to be joined by Meg Boulware and Tamsen Valoir, both of Boulware & Valoir, as well as Irene Kosturakis of BMC Software.

the U.S. surgical robotics industry. In addition to exploring concerns regarding the scope of kinematic claims, his essay raises a fundamental concern regarding inventorship: should we credit the individuals whose movements the robots replicate?

Peter Lee's scholarship focuses on patent law and innovation. His article, *Toward a Distributive Agenda for U.S. Patent Law*, challenges the conception of patent law as a solely utilitarian system. Professor Lee highlights how the patent system is used to distribute the benefits that flow from technological innovation and argues that such an emphasis is consistent with the goals of the U.S. patent system.

Sean Seymore's research explores the interplay between scientific advances and patent law. In *Uninformative Patents*, Professor Seymore discusses the importance of technical disclosures through patents. He observes that the limited disclosures required by the Patent Act results in patents that are uninformative from a technical standpoint and can cause unintended consequences.

Liza Vertinsky researches intellectual property, innovation, the intersection of IP and global health, and law and economics. Professor Vertinsky's article, *Boundary-Spanning Collaboration and the Limits of Joint Inventorship Doctrine*, explores how collaborations among different groups can promote innovation. She examines how the current patent law framework can create difficulties for collaborative endeavors and makes suggestions for changing patent law to foster more social patents.

I am honored to recommend to the academy the works of these tremendous scholars in this 2017 Symposium Issue of the Houston Law Review.