

Do Academic Researchers Care About Patent Infringement? A PCR Case Study

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Because much cutting-edge academic research involves building on other new technologies, university research often involves making or using a patented invention. The problem of how patents affect academic researchers has attracted considerable scholarly attention and legal scholars are split on the magnitude of patents' potential impact. Many scholars fears that patents will entirely hobble academic scientific research, while others find that academic researchers entirely ignore patents and thus that they have little impact. This Article adds a piece of empirical evidence to the debate by studying the example of polymerase chain reaction ("PCR") technology. In the early 1990s, PCR was involved in patent litigation. The lawsuit was between but corporations, but academics were individually named (but not sued) as patent infringers. I show that academics adjusted their behavior in response to the PCR lawsuit, evidence that, at least in this specific context, university researchers were enormously sensitive to patents, even before the Federal Circuit's 2002 decision in *Madey v. Duke University*.