

### Identifying Information

Name:	Robinson, Keith
School:	SMU

### Paper Information

Title:	Used Inventions
Abstract:	<p>Emerging technologies are allowing billions of everyday devices to connect with each other via the Internet. This phenomenon is referred to as the Internet of Things (“IoT”). The IoT is a technology that allows everyday devices to (1) become “smart” and (2) communicate with other smart devices. Estimates indicate that the market for smart appliances, such as wearables, will grow to \$70 billion dollars in the next ten years. Like many other emerging technologies, the entrepreneurs and companies developing these applications will seek patent protection for their inventions. In turn, the current U.S. patent system will present challenges for IoT technologies. Many of the patent issues that were prevalent for Internet Age inventions will also be of concern for IoT technology. Specifically, IoT technology raises questions concerning divided infringement. Divided infringement occurs when more than one party performs every step of a method claim such that their collective performance infringes the claim. In the last ten years, the Federal Circuit has changed the law to make it easier for patent owners to assert method claims infringed by divided performance. What it means for an alleged infringer to “use” an invention has changed. This article assesses the Federal Circuit’s application of its expansive used invention doctrine. In doing so it asks what impact the expansion will have on innovation.</p>