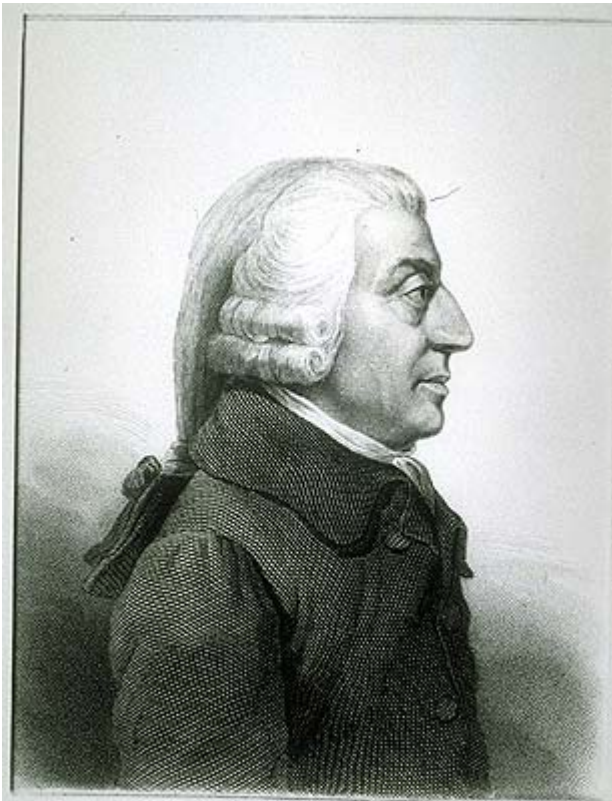


Entrepreneurs: Licensing and Enforcing Patents in IT

Rob Merges
UC Berkeley

The opposing views

(Cartoon) Adam Smith



**Vehement opponents of
software patents**





**You may remember
me from such public
interest campaigns
as “patents will kill
the railroad industry
...**



**... and “patents will
kill the auto industry,
and patents will kill
the telephone
industry . . .”**

My perspective

Adam Smith

**Vehement opponents of software
patents**

- **Markets are great
– BUT**
- **Fair rules for
exchange,
governance of
markets, are
essential**

My perspective

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Vehement opponents of software patents

**Some investors,
stockholders, some
entrepreneurs, large
companies –
constituencies that
support patents,
even in the software
industry**

The Middle Way



- **Reduce the gap between innovation and patent coverage**
- **Reduce the cost of weeding out bad patents**
- **Shut down the trolls: restore incentives, close off rents**

- **Easy “dedication to the public”; sophisticated interoperability policy – e.g., “standards estoppel”**