

Patent Law's Era of Normalcy

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An unusual and surprising thing is happening in patent law of late: very little. The four decades beginning in 1980 saw almost constant turmoil in patent law, with dramatic changes to the statute, a brand-new court in charge of patent appeals, Supreme Court interest not seen since before the invention of the writ of certiorari, dramatic growth in patent applications, patent grants, and patent lawsuits, unprecedented media and public attention, and two distinct swings in public policy, the first (in the 1980s and 1990s) strengthening patent rights after a period of perceived weakness and the second (in the 2000s and early 2010s) cutting back on the perceived excesses of the first. But in the last several years, patent law has settled down. That's not to say there aren't interesting and important questions still being addressed, or that there aren't people pushing for policy changes. But patent law in the last several years has entered an era of normalcy.