

The Field of Invention

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Although a number of doctrines in patent law rely on the concept of a field of invention, neither the case law nor the literature currently offer a systematic discussion of how legal actors *can* or *should* identify the field of a particular patented invention. All that is clear is that they *do* make this identification. At times the determination is structured and, at other times, improvised. This Article will describe how the field of invention is determined explicitly or implicitly across patent law, evaluate this descriptive account against principles of classification, and discuss the benefits and costs of potential rules of decision to guide the taxonomic inquiry.