

# The Disputing Process in Patent Enforcement: Responses, Resistance, and Settlement in the Shadow of IP Law

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# I. The IP Disputing Process

## Strategic Enforcement of Patent Claims Outside of Court

- A. IP Disputing Pyramid/Iceberg
- B. The Disputing Process in the Law and Society Tradition
- C. Contextualizing the Present Study

Enforcing IP Claims: “Naming, Blaming, Claiming”

Responding to IP Claims: Resisting, Negotiating, Settling”

Addressing Literatures in IP, Law and Society, Legal Professions, and Legal Ethics

## II. Research Questions and Issues

- A. What are the Influences and Determinants Affecting Responses to Patent Assertions?
- B. At the Pre-Litigation Stage, Why do Patent Claims Settle—Or not?
- C. How Does Law Matter: Do Patent Law Changes Affect Strategic Disputing Behavior?
- D. Are IP/Patent Rights Over-Enforced?
- E. IP Legal Ethics in Everyday Practice