

SYMPOSIUM

THE FUTURE OF PATENTS: *BILSKI* AND BEYOND

INTRODUCTION

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The 2011 *Stanford Law Review* Symposium, “The Future of Patents: *Bilski* and Beyond,” explores the impact of the recent Supreme Court case *Bilski v. Kappos*¹ on technological innovation and the patent system. The articles presented in this Issue address the growth of engineering approaches to business and finance and concomitant patenting of inventions in those areas,² the historical and technological underpinnings of the patentable subject matter requirement,³ the relationship between patent eligibility and the scope of the claims to which the patentee is entitled,⁴ the effect of patents on follow-on research in the field of genetic diagnostics,⁵ and the patentability of materials that come from human sources.⁶

The live Symposium at Stanford Law School on January 28-29, 2011, co-sponsored by the Stanford Center for Law, Science, and Technology, further developed these themes. The event brought together the authors published in this Issue as well as Morgan Chu of Irell & Manella, David Jones of Microsoft,

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1. 130 S. Ct. 3218 (2010).
2. John F. Duffy, *Why Business Method Patents?*, 63 STAN. L. REV. 1247 (2011).
3. Peter S. Menell, *Forty Years of Wondering in the Wilderness and No Closer to the Promised Land: Bilski’s Superficial Textualism and the Missed Opportunity to Return Patent Law to Its Technology Mooring*, 63 STAN. L. REV. 1289 (2011).
4. Mark A. Lemley, Michael Risch, Ted Sichelman & R. Polk Wagner, *Life After Bilski*, 63 STAN. L. REV. 1315 (2011).
5. Rochelle C. Dreyfuss & James P. Evans, *From Bilski Back to Benson: Preemption, Inventing Around, and the Case of Genetic Diagnostics*, 63 STAN. L. REV. 1349 (2011).
6. Robin Feldman, *Whose Body Is It Anyway? Human Cells and the Strange Effects of Property and Intellectual Property Law*, 63 STAN. L. REV. 1377 (2011).

Gary Loeb of Genentech, Vern Norviel of Wilson Sonsini Goodrich & Rosati, Marc Pernick of Morrison & Foerster, Jason Schultz of the University of California, Berkeley, and Steven Weiner of SRI International.

Dr. Roberta Morris of Stanford Law School, Professor Michael Risch of Villanova University School of Law, and Dr. Stefania Fusco of Santa Clara Law School moderated the Symposium panels. The mix of academic and practitioner perspectives provided for exciting, wide-ranging debates. The event culminated with a Keynote Address given by the Honorable James Ware, Chief Judge of the United States District Court for the Northern District of California.⁷

The Symposium's success would not have been possible without the work of many *Stanford Law Review* members, particularly the members of the Symposium Committee: Jon Abel, Zack Carpenter, Anyu Fang, Jen Gibson, Justin Goodwin, Cheryl Joseph, Matt Kellogg, Allie Pedrazzi, and Libbey Van Pelt. I would like also to thank Jillian Del Pozo, Jason Estacio, Joe Neto, Roger Williams, and the Stanford Law School Program Group—Jodie Carian, Jackie Del Barrio, Trish Gertridge, and Erin Lee—for their invaluable support.

7. See Hon. James Ware, U.S. Dist. Court for the N. Dist. of Cal., Keynote Address at the Stanford Law Review Symposium: When District Judges Look Beyond *Bilski*, We Still See *Markman* (Jan. 28, 2011), available at <http://www.stanfordlawreview.org/2011-symposium-keynote-address>. Video recordings of all three panels and Judge Ware's Keynote Address are available at http://www.law.stanford.edu/calendar/details/4335/#related_media.