

# Divided Infringement

*Brian C. Nash*

UT CLE's 23<sup>rd</sup> Advanced Patent Law Institute

November 2, 2018

Pillsbury Winthrop Shaw Pittman LLP

## Overview

- Divided infringement – the what and why
- The *Akamai* test
- *Eli Lilly*
- *Travel Sentry*
- Top 8 takeaways

## Background: What and Why

- Direct infringement involving multiple actors
  - “Divided infringement is where a single act of direct patent infringement occurs through the combined action of two [or more] separate parties.”

*RealSource, Inc. v. Best Buy Co.*,  
514 F. Supp. 2d 951 (W.D. Tex. 2007).
- Method claims, system claims

## Background: What and Why

- Technology increasingly involves multi-party interaction & cooperation
  - APIs
  - IoT
  - Blockchain
  - AI
  - Medical diagnostics & treatments
- Often no formal or direct relationships

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Divided Infringement

Also available as part of the eCourse

[2018 Advanced Patent Law \(Austin\) eConference](#)

First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Advanced Patent Law Institute session

"Divided Infringement"