

Divided Infringement

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UT CLE's 23rd Advanced Patent Law Institute

November 2, 2018

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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

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

"Divided Infringement"