

## APPENDIX C

### PUBLIC COMMENTS

#### Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy February 6 - November 6, 2002

Primary source: <http://www.ftc.gov/opp/intellect/index.htm>

Name	Title
American Bar Association, Section of Antitrust Law	Testimony (6/28/02)  REPORT ON THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT (2002).  THE ECONOMICS OF INNOVATION: A SURVEY (2002).
American Bar Association, Section of Intellectual Property Law	Statement of Robert P. Taylor (7/11/02)
American Intellectual Property Law Association (AIPLA)	AIPLA Testimony (4/10/02)
American National Standards Institute (ANSI)	FTC/DOJ Hearings on the Implications of Competition and Patent Law and Policy (11/14/02)
Arthur D. Little, Inc.	Arthur D. Little Bio-Pharmaceutical Study Finds Significant Link Between Innovation and Market-Based Drug Pricing (5/09/02)  Executive Summary: Examining the Relationship Between Market-Based Pricing and Bio-Pharmaceutical Innovation (undated)
Aventis Pharmaceuticals, Inc.	Comments of Dr. Nahed Ahmed (7/15/02)
Balto, David A., and Daniel I. Prywes	Standard-Setting Disputes: The Need for Guidelines (undated)

Name	Title
Barnes, E. Bruce	Comments Regarding Competition & Intellectual Property (4/15/02)
Barton, John H.	Reforming the Patent System, previously published as: <i>Reforming the Patent System</i> , 287 SCIENCE 1933 (2000).  International Patent-Antitrust Principles: The United States-European Balances (5/28/02)
Bessen, James, and Eric Maskin	Sequential Innovation, Patents, and Imitation (1/00)
Boyce, John R., and Aidan Hollis	Innovation, Imitation & Preliminary Injunctions in Patents (5/02)
Buddington, Eric	Comments Regarding Competition & Intellectual Property (11/29/02)
Carrier, Michael A.	<i>Unraveling the Patent-Antitrust Paradox</i> , 150 UNIVERSITY OF PENNSYLVANIA L. REV. 761 (2002).  Resolving the Patent-Antitrust Paradox Through Tripartite Innovation (2002), subsequently published as: <i>Resolving the Patent-Antitrust Paradox Through Tripartite Innovation</i> , 56 VANDERBILT L. REV. 1047 (2003).
Casamento, Gregory John	FTC Hearings on Competition and Intellectual Property (2/20/02)
Craft, James A.	Comments Regarding Competition and Intellectual Property (“Patent Pools and Cross-Licensing: When Do They Promote or Harm Competition?”) (4/25/02)
Ellis, Mark	Comments Regarding Competition & Intellectual Property (undated)
Fine, Frank	NDC/IMS: A Logical Application of Essential Facilities Doctrine (undated)
Holleman, Richard J.	A Response: Government Guidelines Should Not Be Issued in Connection with Standards Setting (undated)
Horton, Tom	Patenting Our Lives and Our Genes: Where Does Congress Stand in the Coming Clash? (undated)
Hughes, James W., Michael J. Moore, and Edward A. Snyder	“Napsterizing” Pharmaceuticals: Access, Innovation, and Consumer Welfare (undated)

Name	Title
Hunt, Robert M.	<p>Nonobviousness and the Incentive to Innovate: An Economic Analysis of Intellectual Property Reform (3/99)</p> <p><i>Patent Reform: A Mixed Blessing For the U.S. Economy?</i>, BUSINESS REV., Nov.-Dec. 1999, at 15.</p> <p>Patentability, Industry Structure, and Innovation (8/01)</p> <p><i>You Can Patent That? Are Patents on Computer Programs and Business Methods Good for the New Economy?</i>, BUS. REV., First Quarter 2001, at 5.</p>
Institute of Electrical and Electronics Engineers, Inc.	Comments Regarding Competition & Intellectual Property (4/17/02)
Intellectual Property Owners Association	Comments (11/15/02)
Kahin, Brian	<p>The Expansion of the Patent System: Politics and Political Economy (12/31/00)</p> <p>Comments (undated)</p> <p>A Possible Higher Standard of Nonobviousness (undated)</p>
Kantor, David A., and Sal Ricciardi	Comments Regarding Competition & Intellectual Property Law in the Knowledge-Based Economy (5/10/02)
Katz, Ronald S., and Adam J. Safer	Why is One Patent Court Deciding Antitrust Law for the Whole Country? (undated)
Kieff , F. Scott	Comments Regarding Competition & Intellectual Property: Summary of Proposed Testimony (12/20/01)
Konovalov, Zoe	The Economics of Open Source Software (11/04/02)
Kuester, Jeffrey R., and Lawrence E. Thompson	<i>Risks Associated with Restricting Business Method and E-Commerce Patents</i> , 17 GEORGIA STATE UNIVERSITY L. REV. 657 (2001).
Kulbaski, James J.	Comments on Patent Pools and Standards (1/02)
League for Programming Freedom	Against Software Patents (2/28/91)

Name	Title
Lee, Rusty	Comments Regarding Competition & Intellectual Property (3/24/02)
Leggett, Nickolaus E.	Comments Regarding Competition & Intellectual Property (2/13/02)
Lennros, Hans	Question Regarding Competition & Intellectual Property (1/12/02)
Lerner, Josh	The Patent System and Competition (undated)
Levin, Richard C.	Testimony (2/06/02)
Microsoft Corporation	Statement of Dan Crouse (undated)
Mitchell, John T.	Retailers of Intellectual Property: The Competitive Voice of Consumers (7/02)
Moree, Jeremiah T.	IP Law (1/28/02)
Morgan, Paul F.	Personal Comments (undated)
Mossinghoff, Gerald J.	Statement (2/06/02)
Musacchia, Mary U.	Prepared Remarks (4/09/02)
O'Brien, Vincent E.	<i>Economics and Key Patent Damage Cases</i> , 9 UNIVERSITY OF BALTIMORE INTELLECTUAL PROPERTY L.J. 1 (2000).
Olshove, DonPaul	Comments Regarding Competition & Intellectual Property (4/25/02)
Open GIS Consortium, Inc.	Intellectual Property Rights Policy of Open GIS Consortium, Inc. (5/09/02)
Pharmaceutical Research and Manufacturers of America	Delivering on the Promise of Pharmaceutical Innovation: The Need to Maintain Strong and Predictable Intellectual Property Rights (4/22/02)
Pitofsky, Robert	The Essential Facilities Doctrine Under United States Antitrust Law (undated)
Pritchard, Thomas, Sr.	Untitled (9/20/02)

Name	Title
Quillen, Cecil D., Jr.	<p>Innovation and the U.S. Patent System Today (10/19/92)</p> <p>Proposal for the Simplification and Reform of the United States Patent System (1993), previously published as: <i>Proposal for the Simplification and Reform of the United States Patent System</i>, 21 AIPLA Q.J. 189 (1993).</p> <p>Testimony of Cecil D. Quillen, Jr. Presented at the Public Hearing on the Standard of Nonobviousness at the United States Patent and Trademark Office (7/20/94)</p> <p>Patent Standards and Innovation (2/2/00)</p> <p>The U.S. Patent System: Is it Broke? And Who Can Fix It if It Is? (5/11/01)</p> <p>Cecil D. Quillen, Jr. &amp; Ogden H. Webster, <i>Continuing Patent Applications and Performance of the U.S. Patent and Trademark Office</i>, 11 FEDERAL CIRCUIT BAR J. 1 (2001).</p> <p>Innovators, Innovation, and the U.S. Patent System (10/17/02)</p> <p>Cecil D. Quillen, Jr., Ogden H. Webster &amp; Richard Eichmann, <i>Continuing Patent Applications and Performance of the U.S. Patent Office – Extended</i>, 12 FEDERAL CIRCUIT BAR J. 35 (2002).</p>
Rapp, Richard T., and Lauren J. Stiroh	Standard Setting and Market Power (4/18/02)
Ricciardi, Sal	Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy, Pharmaceutical Distributors Association (4/05/02)
Riches, Robert M., Jr.	Comments Regarding Competition & Intellectual Property (undated)
Rogan, James E.	Prepared Remarks (2/6/02)
Saunders, Kurt M.	<i>Patent Nonuse and the Role of Public Interest as a Deterrent to Technology Suppression</i> , 15 HARVARD J.L. & TECHNOLOGY, Spring 2002, at 1.

Name	Title
Sobel, Gerald	Patent Scope and Competition: Is the Federal Circuit's Approach Correct? (2001), subsequently published as: <i>Patent Scope and Competition: Is the Federal Circuit's Approach Correct?</i> , 7 VIRGINIA J.L. & TECHNOLOGY 3 (2002).
Stallman, Richard	The Danger of Software Patents (3/25/02)
Telecky, Frederick J., Jr.	Statement (6/3/02)
United States Council for International Business	Comments (7/12/02)
Webbink, Mark, Colin Crossman, Thomas Griffin, and David Silverstein	Red Hat's Comments to the Joint FTC/DOJ Hearing On Competition and Intellectual Property Law (3/20/02)
Weitzner, Daniel J.	Supplemental Comments (11/06/02)  W3C Patent Policy (2/5/04)
Weller, Charles D.	<i>Daubert Sounds the Death Knell for Antitrust's Merger Presumption After Baby Foods</i> , 1 EXPERT EVIDENCE REP. 168 (2001).  <i>Harmonizing Antitrust Worldwide by Evolving to Michael Porter's Dynamic Productivity Growth Analysis</i> , 46 ANTITRUST BULL. 879 (2001).  <i>Patent Reform by Daubert Litigation</i> , 2 EXPERT EVIDENCE REP. 232 (2002).
Widge, Alik	Comments Regarding Competition & Intellectual Property (2/9/02)
Willingmyre, George T.	Intellectual Property Rights Policies of Selected Standards Developers (5/02)  Approaches to Influence the IPR Policies and Practices in US and Global Standards Setting (6/14/02)  Comments Regarding Competition & Intellectual Property (6/14/02)  Considerations in Assessing a Standards Developing Organization's Intellectual Property Rights Policies in Advance of Participation (6/14/02)