

List of Works Cited

Books, Journal Articles and Statutes (In Order of Appearance)

- Jeremy J. Ramsden**, *What is nanotechnology?*, Nanotechnology Perceptions 1, p3–17, 2005.
- Allhoff, Fritz**, Nanotechnology & Society: Current and Emerging Ethical Issues, Lin, Patrick, 2008.
- Principles for Nanotech Oversight, ICTA, AFL-CIO, FoE, IUF, ETC Group, Third World Network, Loka Institute, July 2007.
- Dan L. Burk** and **Mark A. Lemley**, *Is Patent Law Technology-Specific?*, UC Berkeley Public Law Research Paper No. 106; and Minnesota Public Law Research Paper No. 02-14, 2002.
- Convention on the Grant of European Patents (European Patent Convention), 13th Edition, 2007.
- Jane Calvert** and **Ben R. Martin**, Changing Conceptions of Basic Research? Science and Technology Policy Research, University of Sussex, 2001.
- Hans Poser**, *On Structural Differences Between Science and Engineering*, PHIL & TECH 4:2, 1998.
- D. R. Basset**, *Nanoscience and Nanotechnology: an Overview*, Center for Workforce Development, University of Washington, 2006.
- G. Binasch, P. Grünberg, F. Saurenbach, and W. Zinn**, *Enhanced Magnetoresistance in Layered Magnetic Structures with Antiferromagnetic Interlayer Exchange*, Phys. Rev. B 39, 4828, 1989.
- T. Yoshida et al.**, *Magnetoresistance effect of InAs deep quantum well structures grown on GaAs substrates by molecular beam epitaxy*, 1997 International Conference on Solid-state Sensors and Actuators, Chicago, June 16-79, 1997.
- Regulation (EC) No 726/2004.
- M. Correa**, The International Dimension of the Research Exception, AAAS, 2005.
- Dr. Bernhard Hertel Bernhard**, Class lecture, Max Planck Innovation GmbH, Course Science, IP & Start Ups, Munich Intellectual Property Law Center, Munich, Germany, at MIPLC, Germany, April, 2008. Bayh-Dole Act, 35 U.S.C. § 200-212.

- Mowery, David C., Nelson, Richard R., Sampat, Bhaven N. and Ziedonis, Arvids A.**, *The Growth of Patenting and Licensing by U.S. Universities: An Assessment of the Effects of the Bayh-Dole Act of 1980*, Research Policy, Vol. 30, pp. 99-119, 2001.
- Wagner, R. Polk**, *Of Patents and Path Dependency: A Comment on Burk and Lemley*, Berkeley Technology Law Journal, Vol. 18, p. 1341, 2004.
- Commission de l’Ethique de la Science et de la Technologie, *Ethic, Risk and Nanotechnology: Responsible Approaches to Dealing with Risk*, 2008.
- David M. Berube**, *Intuitive Toxicology: The Public Perception of Nanoscience, Nanotechnology and Society: Current and Emerging Ethical Issues*, F. Alloff, P. Lin, 2008.
- ETC, *Principles for the Oversight of Nanotechnologies and Nanomaterials*, 2008.
- Guidelines for Examination in the European Patent Office, European Patent Office, December 2007.
- F. Scott Kieff**, *IP Transactions: On the Theory & Practice of Commercializing Innovation*, Stanford Law and Economics Olin Working Paper No. 311, October 2005.
- F. Scott Kieff and Troy A. Paredes**, *Engineering a Deal: Toward a Private Ordering Solution to the Anticommons Problem*, Stanford Law and Economics Olin Working Paper No. 330, November 2006.
- James Bessen**, *Patent Thickets: Strategic Patenting of Complex Technologies*, Boston University School of Law, March 2003.
- F. Scott Kieff**, *On Coordinating Transactions in Information: A Response to Smith’s Delineating Entitlements in Information*, 117 YALE L.J. POCKET PART 101, 2007.
- Mark Lemley**, *Patenting Nanotechnology*, Stanford Law School, John M. Olin Program in Law and Economics Working Paper No. 304, June 2005.
- Joseph Straus**, *Biotechnology and patents*, 54 CHIMIA, No. 5, 293-298, 2000.
- ETC Group, *Nanotech’s Second Nature Patents: Implications for the Global South*, Special Report N0. 87, 2005.
- Communication from the Commission, *Towards and European strategy for nanotechnology*, European Communities, 2004.
- Oscar M. Dunens et al.**, *Inconsistencies in the Carbon Nanotube Patent Space: A Scientific Perspective*, Nanotechnology Law & Business, p25-40, Spring 2008.
- K. D. Raju**, *The Debacle of Novartis Patent Case in India: Strict Interpretation of Patentability Criteria Under Article 27 of the Trips Agreement*, November 2007.
- Directive 98/44/EC.
- Steven Hildebrand**, *Patenting of Human Genes in Europe; Prerequisites and Consequences*, Diploma Paper, Zurich, 2001.

Christian Kallinger and others, *Patenting Nanotechnology: A European Patent Office Perspective*, Nanotechnology Law & Business, p95-105, Spring 2008.

Thorsten Beyerlein, *The Need and Purposes of a “Nanotechnology Act“ in Germany and Europe*, Nanotechnology Law & Business, p 545, December 2007.

Caroline Pallard, Nederlandsch Octrooibureau, *Novelty of biotechnological inventions and further therapeutic use in Europe*, IP in the life sciences industries 2008, IAM Magazine, p 35-36, 2008.

Case Law of the Boards of Appeal of the European Patent Office, European Patent Office, 2006.

Nicola Dagg, *The European Perspective and Regulatory Concerns of the Nanotechnology Movements*, 2004.

Court Decisions (In Order of Appearance)

V 0008/94 “HOWARD” (OJ EPO, 1994 388).

T 0619/02 “Odour selection/QUEST INTERNATIONAL” (OJ EPO 2006).

T 0870/04 “BDP1 Phosphatase/MAX-PLANCK” (OJ EPO 2005).

G 0002/88 “Mobil Oil III” (OJ EPO, 1990 093).

In re Cortright, 165 F.3d 1353 (Fed. Cir. 1999).

T 0356/93 “PLANT GENETIC SYSTEMS” (OJ EPO, 1995 545).

T 767/95 “Interleukin 1/IMMUNEX CORPORATION” (OJ EPO 2000).

T 444/88 “Japan Styrene Paper” (EPO CLBA 1996).

T 198/84 “Hoechst” (OJ EPO, 1985 209).

T 0292/85 “Genentech” (OJ EPO, 1989 275).

T 0990/96 “Erythro-compounds/NOVARTIS” (OJ EPO 1998).

In re Kratz, 592 F.2d 1169, 1174 (CCPA 1979).

In re Bergstrom, 57 C.C.P.A. 1240, 427 F.2d 1394, 1401-02

T 0218/02 “Sputter coated glass article/GUARDIAN” (OJ EPO 2006).

Verdegaal Bros., Inc. v. Union Oil Co. of Cal., 814 F.2d 628, 631 (Fed.Cir.1987).

Cf., Schering Corp. v. Geneva Pharm., Inc., 339 F.3d 1373, 1379 (Fed. Cir. 2003).

In re Best, 562 F.2d 1252, 1254, 195 USPQ 430, 433 (CCPA 1977).

Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

Schering Corp. v. Geneva Pharm., 68 USP2d 1760 (CAFC 2003).

T 0116/90 “Beecham-Wuelfing” (EPO CLBA 1996).

T 0070/99 “Analytical devices/UNIVERSITY OF PENNSYLVANIA” (OJ EPO 2003).

47 C.C.P.A. 795, 274 F.2d 944, 124 U.S.P.Q. 502 (1960).
725 F.2d 1338, 220 U.S.P.Q. 777 (1984).
T 953/94 “functional analysis/BREDFORD” (OJ EPO 1996).
T 179/01 “Herbicide resistant plants, MONSANTO” (OJ EPO 2005).
T 718/96 “Safety Cap System” (OJ EPO 1998).