

Table of Contents

Foreword	V
Acknowledgements	VII
Table of Contents	IX
List of Figures	XIII
List of Tables	XV
Introduction	1
1 Introduction	1
2 What to Buy when Forum Shopping – Determinants of Court Selection in Patent Litigation	9
2.1 Introduction	9
2.2 A Model of Forum Choice	12
2.2.1 The Model	13
2.2.2 Comparative Statics	16
2.3 Patent Litigation in Germany	18
2.3.1 Court Structure	18
2.3.2 The Infringement Proceeding	19
2.4 Data and Construction of Variables	22
2.4.1 Data	22
2.4.2 Construction of Variables	23
2.5 Descriptive Analysis	28
2.6 Empirical Model and Results	34
2.6.1 Empirical Model	34
2.6.2 Results	43

2.7	Conclusion	47
2.8	Appendix to Chapter 2	48
2.8.1	Figures	48
2.8.2	Tables	54
2.8.3	Definition of Product Market Proximity	59
2.8.4	Operationalization of Opportunity Costs	60
3	Invalid but Infringed? An Analysis of Germany's Bifurcated Patent Litigation System	61
3.1	Introduction	61
3.2	Germany's Bifurcated Patent Litigation System	64
3.2.1	Court Structure	65
3.2.2	Interaction of Infringement and Invalidity Proceeding	66
3.3	Effects of Bifurcation	68
3.3.1	Divergent Decisions and Screening Effect	69
3.3.2	Uncertainty and Changes in Opposition Behavior	75
3.4	Data	75
3.4.1	Data Sources	76
3.4.2	Sample Description	77
3.5	Results	79
3.5.1	Divergent Decisions	79
3.5.2	Effect on Oppositions	86
3.6	Conclusion	88
3.7	Appendix to Chapter 3	90
3.7.1	Figures	90
3.7.2	Tables	94
3.7.3	Model Extensions	100
4	The Timing of Patent Transfers in Europe	105
4.1	Introduction	105
4.2	Prior Studies on Patent Transfers	109
4.3	Patent Transfer Taxonomy	112
4.3.1	Relational and Spatial Distance	112
4.3.2	Type of Entity	114
4.4	Data Sources, Structure and Coverage	115
4.4.1	Sources	116

4.4.2	Structure and Variables	117
4.4.3	Coverage and Validity	119
4.5	Determining Transfer Type	121
4.5.1	Methodological Challenges	121
4.5.2	Determination Procedure	122
4.6	Descriptive Analysis	123
4.6.1	Patent Transfers by Type	123
4.6.2	Market for Patents	125
4.7	Uncertainty and the Market for Patents	126
4.7.1	Effect of Grant on Patent Transfer	127
4.7.2	Empirical Model and Results	128
4.8	Conclusion	135
4.9	Appendix to Chapter 4	137
4.9.1	Figures	137
4.9.2	Tables	138
4.9.3	Details on Transfer Type Determination	142
5	Summary	147
	Bibliography	149