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Figures of invention: a history of modern patent law

Pottage, Alain (2010) *Figures of invention: a history of modern patent law*. Oxford University Press, Oxford
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Abstract

Taking the invention as its object of study, this book develops a radical new perspective on the making and the first extended historical and conceptual exploration of the invention in modern patent law. It examines the figures that make inventions material, and on how to overcome the intangibility of ideas, this intellectual history makes explicit a dimension of patent law that is not commonly found in traditional commentaries, treating the history of patent law from the perspective of the material media in which the intangible form of the invention is made manifest: texts, drawings, and biological specimens. This approach brings to light for the first time some essential aspects of the history of patent law. For example, *Figures of Invention* describes the central role that scale models played in nineteenth-century patent jurisprudence, the largely mythical character of the nineteenth-century theories of invention, the function as a means of disclosing inventions, and the profound conceptual changes that emerged from the first biological inventions. At the same time, this historical inquiry also reveals the architecture of modern patent law. The story of how inventions were represented is also the story of the evolution of the concept of invention, or of the historical processes that shaped the terms in which patent lawyers still argue about the form of the invention. Although the analysis focuses on the history of patent law in the United States, it also illuminates the evolution of patent regimes in Europe. In combining close historical analysis with broad interdisciplinary debates about the constitution of patent law and of intellectual property in general, *Figures of Invention* makes a distinctive contribution both to the field of patent law scholarship and to the broader interdisciplinary debates about the constitution of patent law and of intellectual property in general.

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The role of patent law in knowledge codification, the law of the excluded third slows down the initial centre of the force.