

# Intellectual property of lasik surgery

Law



The procedure of Lasik Surgery is an innovative technique that could provide life lasting changes to individuals afflicted with ophthalmic disorders. Patents continue to develop and new and improved technologies released. In considering and evaluating the intellectual property of Lasik surgery, it is important to look at the procedure from a variety of angles so as to better understand the complexity of the process.

Lasik surgery is a privately owned business. Additionally, private as well as public owned corporations have the ability to research and investigate new procedures in Lasik Surgery. As a procedure is released, individual practitioners are eligible to practice the business if they have the correct licensures. The procedure of Lasik Surgery is FDA approved, and all patents to further develop and improve upon Lasik surgery procedures must also be approved by the FDA. Furthermore, while the Lasik Surgery business is privately owned, it is still subject to the legal regulations of the Federal trade commission.

There are countless patents involving Lasik Surgery and its technological improvements. As of Fall 2003, VISK and Summitt were the only two companies authorized by the FDA to hold Lasik Surgery patents. Recently, the companies of SummittTechnology and VISX were charged with price fixing and violating the standards of the Federal Trade Commission. As a result of the price scandals revealed by the FTC, patents became released to the patent pool, but were still subject to veto power by VISK and Summitt (Perry, 2003). As a result of the release to the public pool, the competing patents would no longer be held by a single entity (FTC. gov, 1998).

There are several individual physician that can also hold ophthalmic patents. For example, Dr. Richard Lindstrom, Founding Manager of Minnesota Eye Consultants, holds twenty-eight patents involving ophthalmology and improvements in laser procedures (Minnesota Eye Consultants, 2006).

At current time, there is no approval for the development of generic Lasik procedure products. This is due to the sensitive nature of the industry, as a generic procedure may cause harm to the patient and may not comply with all FDA regulated standards.

One recently released patent related to Lasik Surgery was patent number 6,951,556. This patent was issued to an individual by the name of Robert L. Epstein, MD. Dr. Epstein is the director of 800-I-CAN-SEE, the Mercy Center for Corrective Eye Surgery in McHenry, Illinois. The release of the patent provides a new way for physicians to correct off-center laser ablations that periodically occur as a result of the Lasik procedure. As a result of the patent, correction of off-center laser ablations can now be incorporated into newer laser correction machines (Epstein, 2005).

The Lasik Surgery industry is an evolving and constantly improving technology. It is important to understand the intellectual property laws and patent regulations so as to determine what the future holds for the industry. It will be interesting to see what changes result from the increased privatization of the Lasik Surgery process.

## References

<https://assignbuster.com/intellectual-property-of-lasik-surgery/>

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