

SUPREME COURT LIMITS FORUM SHOPPING IN PATENT LAWSUITS

The U.S. Supreme Court issued a unanimous 8-0 decision yesterday limiting the location where patent lawsuits can be filed. In ***TC Heartland LLC v. Kraft Foods Group Brands LLC***, No. 16-341, 581 U.S. ____ (2017), the Court addressed the issue of proper venue for a patent infringement lawsuit brought against a domestic corporation. Relying on a 1957 case (*Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222 (1957)), the Court held that in patent infringement cases, the lawsuit must be brought where the defendant “resides,” and a domestic corporation “resides” only in its state of incorporation.?

This impactful decision will restrict litigants’ previous ability to forum shop. Previously, patent lawsuits could be filed in places where sales have been made. Certain jurisdictions became very popular for patent litigation. For example, it is reported that over one third of patent lawsuits were filed in the Eastern District of Texas. With the Supreme Court’s decision, both Delaware and the Northern District of California – where many technology companies are headquartered and incorporated – may see an increase in patent cases. ?

If you wish to discuss your patent litigation needs, call Hoge Fenton’s experienced IP litigation team at (408) 947-2483.?



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Shella has over 26 years litigation experience focused on complex business disputes involving intellectual property, trade secrets, breach of contract, breach of fiduciary duty, fraud, and unfair business practices.**READ MORE**

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Marianna assists clients with their intellectual property needs and helps to create data security and privacy policies. Prior to Hoge Fenton, Marianna worked in the Legal Policy department at Twitter, Inc., where she identified, drafted, and refined policies related to global legal requests.**READ MORE**