

Supreme Court Limits Venue in Patent Cases in TC Heartland

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On May 22, 2017, the Supreme Court of the United States, in *TC Heartland LLC v. Kraft Foods Group Brands LLC*, held that a domestic corporation may be sued for patent infringement only in its state of incorporation or where it has allegedly committed infringement and has a regular or established place of business. This decision dramatically limits a patent plaintiff's choice of venue, which until now allowed filing suit in any state where a defendant was subject to personal jurisdiction – which was often almost anywhere due to state long-arm statutes and the national nature of the sale of goods and services, especially online. The Court expressly avoided disturbing its earlier ruling, in *Brunette Machine Works v. Kockum Industries*, on proper venue for foreign corporations, which may be sued in any district.

The *TC Heartland* decision will significantly reduce the number of patent cases filed in the Eastern District of Texas and increase those filed in Delaware and New York. White and Williams has offices in Wilmington, DE and New York, NY. Our attorneys have experience litigating patent matters in those venues and are well-positioned to handle the influx of new and transferred cases. If you have questions or would like more information, please contact Frank Bruno (brunof@whiteandwilliams.com; 215.864.6225) or another member of our Intellectual Property Group.

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