

IP MARKETPLACE®

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August 2017

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[Patent Licensor May Not Be Sued in Texas Merely Because It Has an Exclusive Licensee in Texas](#)

by [John C. Paul](#), [D. Brian Kacedon](#), and [Ryan V. McDonnell](#)

The Federal Circuit held that a Texas court did not have personal jurisdiction over a Delaware patent licensor who sent cease and desist letters to a Texas company, and that the Delaware licensor may not be sued in Texas merely because it has an exclusive licensee in Texas. For an exclusive license to establish personal jurisdiction, the license must contain additional provisions showing sufficient minimum contacts within the forum, such as a continuing obligation to enforce or defend the patent.

[Activity in a State Prior to a Patent Grant Does Not Create Jurisdiction for an Infringement Suit in That State](#)

by [John C. Paul](#), [D. Brian Kacedon](#), and [Christopher B.](#)

Anderson

In determining that a Kansas court did not have personal jurisdiction over an accused patent infringer, the Federal Circuit found that the accused infringer's activities prior to the date the patent was granted were irrelevant to the question of whether the infringer had sufficient activity in Kansas such that the Kansas court had personal jurisdiction over the accused infringer. The court also found a forum selection clause in an end user license agreement accepted by the accused infringer did not apply and could not be used in the patent infringement suit to dictate the court in which the case would be heard.

[Damages Expert May Compute Reasonable Royalty on Infringing Product without Apportioning the Value Between Patented and Unpatented Technologies](#)

by [John C. Paul](#), [D. Brian Kacedon](#), and [Robert C. MacKichan](#)

III

In declining to exclude a damages expert's opinion that Intel should pay patent infringement damages of \$6.16 billion, a Delaware court permitted a damages expert to compute a reasonable royalty rate for infringing computer

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chip products without requiring him to apportion the entire market value of the products between patented and unpatented technologies in those products.

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