JUNE 29, 2021

Assignor Estoppel Comes with Limits: Consistency is Key

Kilpatrick Townsend's Post-Grant Team is pleased to feature a recent post from our Firm's Biopharma MEMO Blog.

> **Assignor Estoppel Comes with Limits: Consistency is Key**
>
> In earlier posts, we reported that the Supreme Court granted Minerva Surgical, Inc's petition for a writ of certiorari on the question of "whether a defendant in a patent infringement action who assigned the patent, or is in privity with an assignor of the patent, may have a defense of invalidity heard on the merits," and outlined Minerva's arguments for abolishing or severely constraining the doctrine. The Supreme Court refused Minerva's proposal to eliminate the doctrine in its entirety, but found credence in its position that the doctrine is too far reaching.
>
> Please click here to read the full post.

Our Post-Grant Team wants to highlight the *Minerva* decision since it bears on who can challenge the validity of a patent, whether in district court or before the PTAB.