

MEDIA MENTION

James Wallace and Alexander Owczarczak Comment on AIA's Patent-Related Counterclaims Provision

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James H. Wallace, Jr., partner and chair emeritus of Wiley Rein's Intellectual Property Practice, and Patent Practice associate Alexander B. Owczarczak were quoted in a July 22 article in *BNA's Patent, Trademark & Copyright Journal* about a recent federal court decision in *Univ. of Fla. Research Found., Inc. v. Medtronic PLC*.

The U.S. District Court for the Northern District of Florida ruled that the America Invents Act (AIA) didn't change the University of Florida Research Foundation, Inc.'s right to seek a claim of Medtronic subsidiary Covidien's breach of a patent license in state court, according to the article. Although the AIA has a provision allowing cases with patent-related counterclaims to be brought before a federal district judge, the court held that state immunity under the 11th Amendment would still be in effect.

Mr. Wallace and Mr. Owczarczak commented, "The counterclaim—rather than a defense—was a ploy to get the case into federal court."

Related Professionals

Alexander B. Owczarczak
Associate
202.719.7134
aowczarczak@wiley.law

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