

## Russ Emerson in Texas Lawbook: Federal Circuit Allows EDTX Patent Party to Continue' for Now

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May 13, 2016 Russ Emerson

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**PRACTICES** Patent Litigation, Intellectual Property

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The Eastern District of Texas will remain the patent lawsuit capital of America – at least for now.

The U.S. Court of Appeals for the Federal Circuit issued a decision Friday that effectively ensures that plaintiffs in patent infringement cases can continue to sue in any district where defendants sell their products...

“This decision wasn’t a surprise,” said [Russ Emerson](#), a Haynes Boone partner in Dallas who observed oral arguments before the Circuit Emerson believes TC Heartland will now go to the U.S. Supreme Court, rather than seeking an “en banc” re-hearing before all the Federal Circuit’s active judges.

“I think TC Heartland knows the whole Federal Circuit won’t change its mind, and will take their chances with the Supreme Court,” he said.

On the merits of the case, Kraft should win if the case reaches the Justices, Emerson said.

“However,” he added, “in almost every patent-related oral argument, the whole concept of trolls comes up. Given the culture and trends in Congress and at the Supreme Court, it’s hard to say what will happen. If (the Justices) get caught up in the troll controversy, then who knows what they will do.”

**Excerpted from *Texas Lawbook*. To read the full article, please [click here](#) (subscription required).**