

Russ Emerson in Texas Lawyer: Federal Circuit Rejects Appeal That Would Have Wrecked the Eastern District's Patent Venue

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PRACTICES Patent Litigation, Intellectual Property

Texas intellectual property attorneys and fans of the Eastern District of Texas can breathe a sigh of relief now that the U.S. Court of Appeals for the Federal Circuit recently rejected a much-watched appeal that could have made it harder to file patent infringement cases in the popular jurisdiction.

The venue case, *In Re TS Heartland*, involved a company that was sued in a Delaware Federal District Court over a patent for flavored water even though the company is not based in that state and has few sales there...

[Russ Emerson](#), a Dallas patent attorney who practices in the Eastern District, was not surprised the Federal Circuit resisted TS Heartland's call to restrict venue given the court's strong precedent on the issue and the relatively minor changes Congress has made to venue laws.

"I don't think anyone thought this was going the other way. I really don't," said Emerson, a partner in Haynes Boone. "The changes to the statute were so minor that they didn't lead to the conclusion that the petitioners urged upon the Federal Circuit."

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