

Haynes and Boone in Law360: No Sovereign Immunity in Patent Cases

By J. Andrew Lowes, Russ Emerson, Gregory P. Webb, Clint Wilkins, Ph.D. | January 3, 2018

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An expanded Patent Trial and Appeal Board panel ruled Dec. 19 that the University of Minnesota must defend against *inter partes* reviews that Ericsson Inc. brought against five of its patents, finding the university waived sovereign immunity when it sued Ericsson customers such as AT&T Inc. for infringement, *Law360* [reported](#).

A Haynes Boone team of Partners [J. Andrew Lowes](#), [John Russell Emerson](#), [Greg Webb](#) and [Clint Wilkins](#) represent Ericsson in the cases.

The seven-member panel, which included Chief Judge David Ruschke, ruled that state sovereign immunity under the 11th Amendment is waived when an infringement lawsuit has been filed in federal court involving the challenged patent. In a concurring opinion, one of the judges concluded that sovereign immunity does not apply to IPR proceedings. ...

UM's patents relate to wireless communications technology, and Ericsson filed petitions for review earlier in 2017.

To read the full *Law360* article, click [here](#). (Subscription required)