

Brian Kwok in the Daily Journal, Law360 on Patent Suit Shifts After TC Heartland

May 23, 2018 Brian Kwok

PRACTICES Patent Litigation, Patents, Intellectual Property

The *Daily Journal* and *Law360* quoted Haynes Boone Partner [Brian Kwok](#) on patent lawyers' continuing adjustment a year after the U.S. Supreme Court's *TC Heartland* ruling limiting where patent lawsuits can be filed.

Here's a *Daily Journal* [excerpt](#):

The Supreme Court ruled the defendant being sued must have a physical presence in the district where the case is filed. Attorneys say filings in the Eastern District of Texas have plummeted in the wake of the decision and attorneys in California have benefited as some of those case have migrated to the Northern and Central District courts, along with the District of Delaware, where many companies are incorporated.

"We have seen a decrease in litigation in some of the locations historically viewed as plaintiff-friendly jurisdictions," said Brian C. Kwok, who represents defendants.

Kwok said the trend of cases leaving the Eastern District of Texas "is industry-wide, and it relates to all patent cases." ...

Kwok said there's also an open question of how long a company has to be out of a jurisdiction before it is officially considered to no longer have an "established place of business" there. The only guidance is it must be "a reasonable amount of time," but that has yet to be defined.

"The issue of reasonable time will come to a crux," Kwok explained. "It's a significant question because we had a record number of brick and mortar stores closing in 2016 and 2017." ...

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