

Andrew Lowes and Debbie McComas in Law360: State Sovereign Immunity Doesn't Apply in IPRs: Fed. Circ.

June 17, 2019 J. Andrew Lowes, Debbie McComas

PRACTICES Intellectual Property, Patents, Appellate

Law360 mentioned Haynes Boone Partners [Andrew Lowes](#) and [Debbie McComas](#) in an article about a Federal Circuit Court ruling in favor of client Ericsson.

Here is an excerpt:

The Federal Circuit ruled that state sovereign immunity does not apply in *inter partes* reviews, allowing challenges to patents belonging to the University of Minnesota to go forward at the Patent Trial and Appeal Board.

The appeals court, in a precedential opinion, said while states are typically shielded from lawsuits from private parties, *inter partes* reviews are more similar to an enforcement action brought by a federal agency, where sovereign immunity typically does not apply.

The ruling is a setback for the University of Minnesota, which is facing challenges from Ericsson to multiple patents covering wireless communications technology. The university previously accused several Ericsson customers, including AT&T and Sprint, of infringement.

Ericsson is represented by Mark Davies, Easha Anand and Edmund Hirschfeld of Orrick Herrington & Sutcliffe LLP and by J. Andrew Lowes and Debra Janece McComas of Haynes Boone.

The case is *Regents of the University of Minnesota v. LSI Corp.*, case number 18-1559, in the U.S. Court of Appeals for the Federal Circuit.

To read the full article, click [here](#).