

Sivinski in Law360: Feds Use Fortress-Backed NPE Suit To Encourage Injunctions

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PRACTICES Intellectual Property Litigation, Patent Litigation, Litigation

The U.S. federal government recently stepped in on a Texas patent case to promote injunctions for nonpracticing entities, according to *Law360*. Haynes Boone Partner [Stephanie Sivinski](#) spoke to the publication about how the company Radian is not a typical nonpracticing entity because it tried to commercialize its technology, making its case more compelling from an antitrust perspective.

Read an excerpt below:

"Radian is not just a typical NPE in the sense that it doesn't practice, but it tried to practice," said Haynes Boone Partner Stephanie Sivinski. "This isn't an investment firm that's buying a patent and asserting it at the end of its life and then wanting to make money off of it, which is what I was afraid was going to be the case when I saw the brief."

That could be the same reason why the case caught the DOJ's attention, Sivinski said.

"If you take at face value the DOJ's interest in this from an antitrust perspective, certainly the story of a little guy, an American innovator, who was shut out of the market — that's a much more compelling story ... from an antitrust perspective than your typical NPE," she said.

[Read the full article from *Law360* here.](#)