

Brian Kwok and Nicole Johnson for SVBJ: Should Silicon Valley Companies Get Home Court Advantage in Patent Cases'

By Brian C. Kwok | March 28, 2017

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Next week, the United States Supreme Court is set to hear oral arguments in one of the most important intellectual property cases of the decade.

For years, companies that conduct business across the country have been subject to patent lawsuits practically anywhere, even in jurisdictions to which their connections are extremely limited. Non-practicing entities have taken advantage of this fact to bring suit in what have been historically viewed as plaintiff-friendly venues, such as the Eastern District of Texas, hoping to achieve more favorable results.

This tactic may be nearing its end. The Supreme Court's decision in *TC Heartland LLC v. Kraft Foods Group Brands LLC* could drastically limit where companies conducting business nationwide can be sued in patent cases. Plaintiffs wanting to sue Silicon Valley-based technology companies in perceived plaintiff-friendly venues may instead find themselves stuck in a defendant's home court, such as the Districts of Northern California and Delaware, where many of these companies are headquartered and incorporated.

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