

MEDIA MENTION

Richard Simpson Comments on Supreme Court Review of Patent Malpractice Jurisdiction

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Richard A. Simpson, a partner in Wiley Rein's Appellate and Insurance Practices, was quoted in a January 16 *Law360* article about a U.S. Supreme Court hearing on whether patent malpractice suits should be heard in state or federal court.

The case, *Gunn v. Minton*, stems from a malpractice suit in which attorneys were accused of mishandling a patent infringement case. The Texas Supreme Court ruled last year that it lacked jurisdiction over the \$100 million suit because while malpractice is typically a state law issue, federal courts have exclusive jurisdiction over patent law. The appeal to the U.S. Supreme Court was filed by the patent attorneys who were named in the malpractice suit.

Mr. Simpson, who attended the Supreme Court hearing, said it was difficult to determine how the justices were leaning on the issue. He said the court's eventual ruling could either limit patent malpractice cases to state court or bring them to federal court when the case involves patent law on the merits, which would require a determination of what constitutes a substantial issue of patent law.

"In that case, the key thing is that there wouldn't be a per se rule, it would be a case-by-case analysis," Mr. Simpson told *Law360*.

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