

Insights

CLARK AUTHORS ARTICLE IN 'LAW360' ON COURT'S VIEW OF ASSIGNOR ESTOPPEL

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BCLP Senior Trial Counsel Ben Clark authored an article published April 23 by *Law360* regarding the doctrine of assignor estoppel, which is tested by *Minerva Surgical Inc. v. Hologic Inc.*, a case the U.S. Supreme Court is currently considering. "Put generally, that rule holds that one who assigns patent rights may not later challenge their validity," he wrote. "The underlying rationale, sometimes uncharitably labeled bait-and-switch, is that the assignor should not be entitled to receive the pecuniary or other benefits of sale, on the one hand, while being able to attack the legitimacy of that property later, particularly when engaging in activity arguably covered by patent claims stemming from the assigned rights."

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