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*TC Heartland LLC v. Kraft Food Brands Group LLC*, No. 16-341

The Supreme Court today agreed to resolve a dispute regarding venue in patent cases. The patent venue statute, 28 U.S.C. § 1400(b), provides that a patent infringement action “may be brought in the judicial district where the defendant resides.” In *Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222 (1957), the Supreme Court held that a corporate defendant “resides” only where it is incorporated, for purposes of § 1400(b), and that the general venue statute, 28 U.S.C. § 1391, was inapplicable. The Federal Circuit subsequently found that *Fourco* had been abrogated by amendments to § 1391 and that patent infringement actions could be brought where permitted by § 1391. Section 1400(b) separately permits venue “where the defendant has committed acts of infringement and has a regular and established place of business,” but a recent study estimated that 86% of patent cases are filed in judicial districts that would be permitted by § 1391 but not by § 1400(b). Accordingly, the Court’s resolution of this dispute could meaningfully limit where a plaintiff is entitled to file an action for patent infringement.