

13th Annual Advanced Patent Law Institute
March 1-2, 2018
at the
United States Patent and Trademark Office
Alexandria, VA

Venue Considerations after TC Heartland

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Patent Venue Statute (Specific)

- §1400. Patents and copyrights, mask works, and designs
- (a) Civil actions, suits, or proceedings arising under any Act of Congress relating to copyrights or exclusive rights in mask works or designs may be instituted in the district in which the defendant or his agent resides or may be found.
- (b) Any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.

General Venue Statute

- 28 U.S. Code § 1391 - Venue generally
- (a) Applicability of Section.—Except as otherwise provided by law—
- (1) this section shall govern the venue of all civil actions brought in district courts of the United States; and
- (2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

General Venue Statute (continued)

- (b) Venue in General.—A civil action may be brought in—
 - (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
 - (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
 - (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

General Venue Statute (continued)

- (c) Residency.—For all venue purposes—
 - (1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;
 - (2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court’s personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and
 - (3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

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First appeared as part of the conference materials for the

13th Annual Advanced Patent Law Institute session

"Changes to the Patent Venue Rules and Enforcement"