Robert H. Resis represents IPLAC as amicus curiae in U.S. Supreme Court case

Robert H. Resis, chair of the Intellectual Property Law Association of Chicago (IPLAC) Amicus Committee, has joined other intellectual property lawyers in representing the IPLAC as amicus curiae in a case in the U.S. Supreme Court.

IPLAC is contributing to analysis in the case Regeneron Pharmaceuticals v. Merus. IPLAC's amicus brief argues that a finding of intent to deceive the U.S. Patent and Trademark Office (USPTO) by "adverse inference" as a penalty for the tactics of litigation counsel is a departure from past inequitable conduct jurisprudence of such gravity that the U.S. Supreme Court should grant certiorari to consider this issue. IPLAC's amicus brief argues that the Supreme Court should clarify that a ruling of unenforceability for inequitable conduct requires something different than litigation misconduct. A ruling of unenforceability for inequitable conduct requires a careful consideration of the actions, knowledge, and intent of persons involved in the patent prosecution at the USPTO. The wrong remedy was applied by the district court.

Mr. Resis assisted in preparing and filing, and appears as of counsel on, IPLAC's amicus brief in the case.

Click here to view IPLAC's brief.

Click here to read Law360's coverage of the brief.

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