



NYIPLA Reports On Partner Charles R. Macedo's Speaking At President's Forum On Patent Venue

NYIPLA Presidents Forum

Patent Venue After TC Heartland: Application and Policy Considerations

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(Spring 2018, NYIPLA The Report) On Tuesday, April 24, 2018, the subject of the Annual President's Forum at the Thurgood Marshall Courthouse of the Southern District of New York was "Patent Venue After TC Heartland." This invitation-only event was moderated by NYIPLA's immediate Past President Walter E. Hanley and featured three point-counterpoint discussions. First, Brian Ledahl (Russ August & Kabat) and Tim Wilson (SAS Institute Inc.) led a discussion of how Section 1400(b) was being applied and should be applied in the "clicks-and-bricks" business world that has come to pass in the 30 years since the last operative test for patent venue. Second, Henry Haddad (Bristol-Myers Squibb Co.) and Colman Regan (Teva Pharmaceutical Industries Ltd.) led a discussion on the application of Section 1400(b) in the context of ANDA litigation under the Hatch-Waxman Act.

Finally, [Charles Macedo](#) (Amster Rothstein & Ebenstein LLP) and Robert Isackson (Leason Ellis LLP) discussed whether the holding in *Brunette Machine Works, Inc. v. Kockum Industries, Inc.*, 406 U.S. 706 (1972), that, as a general rule, foreign defendants do not have venue rights applied in patent litigation, remains (or should remain) good law after TC Heartland. Spirited questioning and conversation was guided by Senior Judge Loretta A. Preska.