



District Court Reaffirms Availability of Laches Defense in Patent Cases Post-Petrella

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The court's original summary judgment order was handed down ten days before the Supreme Court decided *Petrella v. Metro-Goldwin-Mayer, Inc.*, 134 S. Ct. 1962 (2014), regarding laches defenses in copyright cases. The Supreme Court held that a laches defense cannot be used to defeat a claim filed within the Copyright Act's three-year statute of limitations. *Id.* at 1967.

Plaintiff filed his motion to reconsider its prior ruling, arguing that *Petrella* materially changes the controlling law of laches set forth by the Federal Circuit in *A.C. Aukerman Co. v. R.L. Chaides Construction Co.* 960 F.2d 1020 (Fed. Cir. 1992). In its motion, plaintiff contended that he should be able to go forth with his infringement claims because *Petrella* prohibits courts from allowing a finding of laches to shorten a congressionally-defined limitations period.

The court, however, disagreed. In its opinion, the court noted that there were differences between the Copyright Act's statute of limitations and § 286, which only limits damages to six years before the filing of a case. Unlike the Copyright Act's statute of limitations, § 286 does not function to bar patent infringement suits. In addition, the court noted that while the decision in *Petrella* was confined to laches in the copyright context, the Supreme Court explicitly commented on laches with respect to patent law. In doing so, the Supreme Court stated that it did not have occasion to review the *Aukerman* decision. See *Patrella*, 134 S. Ct. at 1974 n.15. Accordingly, Judge Wright held that the Supreme Court left *Aukerman* standing as controlling law, and reaffirmed its previous order granting defendant's laches defense.

Reese v. Spring Nextel Corp., No. 2:13-cv-03811 (C.D. Cal. July 24, 2014, Order) (Wright, II, J.)

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