



Post-Complaint Events or Transactions Cannot Cure Prudential Standing Defects

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Alps South countered that it had prudential standing because the license agreement was amended after the complaint was filed, which retroactively granted Alps South all substantial rights effective as of the date of the original license agreement. Alps South also argued that the complaint was amended to reflect this amended license agreement, which cured Alps South's prudential standing defect existed at the time the complaint was filed.

The Federal Circuit rejected Alps South's arguments, holding that a jurisdictional defect that existed at the time the complaint was filed cannot be cured by postfiling activities or retroactive license agreements. It also held that a supplemental complaint does not become the operative complaint for determining jurisdictional and standing issues.

Alps South then filed a petition for a writ of certiorari challenging the Federal Circuit's holdings, but the Supreme Court denied it without explanation, leaving the Federal Circuit's holdings intact.

Alps South, LLC v. The Ohio Willow Wood Company, No. 15567 (U.S. Supreme Court, Jan. 19, 2016).

Categories

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