



Preclusion's Effect On Settlement

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Akin Gump lawyers published a new article in their ongoing series with *Law360*, “Overlooked Patent Cases.” The U.S. Court of Appeals for the Federal Circuit expanded the century-old Kessler doctrine in the 2020 *In re: PersonalWeb Technologies LLC* decision to give preclusive effect to issues that were not actually litigated but were finally decided through voluntary dismissal with prejudice in a prior litigation. As recent, potentially overlooked district court decisions demonstrate, parties must consider the potentially long-reaching preclusive impact of dismissing a litigation with prejudice when drafting terms of settlement agreements. To read the full article in *Law360*, please click [here](#).

Categories

Federal Circuit

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