



## Federal Circuit Denies Petition for Writ of Mandamus to Impose New Limits on Venue in Patent Infringement Lawsuits

Apr 29, 2016

Reading Time : **1 min**

By: Michael P. Kahn

In its petition to the Federal Circuit for a writ of mandamus, TC Heartland argued that Congress's 2011 amendments to the general venue statute (28 U.S.C. § 1391) effectively overruled the Federal Circuit's 1990 *VE Holdings* decision, which held that the definition of corporate residence in the general venue statute applied to the patent venue statute (28 U.S.C. § 1400). The effect of *VE Holdings* was to allow patent infringement lawsuits to be filed in any district where the defendant makes sales. TC Heartland argued that this holding was overruled by the 2011 amendments, and that patent lawsuits could only properly be filed where the defendant is incorporated or has its principal place of business and has allegedly infringed.

The Federal Circuit denied the petition and held that the 2011 amendments were minor and broadened the applicability of the definition of corporate residence. The court found no evidence to support TC Heartland's contentions that Congress and the Supreme Court had effectively overruled *VE Holdings*, and held that where a defendant "resides" for purposes of venue in patent cases continues to be defined by the general venue statute.

*In re: TC Heartland LLC*, Case No. 2016-105 (Fed. Cir. April 29, 2016).

### Categories

© 2025 Akin Gump Strauss Hauer & Feld LLP. All rights reserved. Attorney advertising. This document is distributed for informational use only; it does not constitute legal advice and should not be used as such. Prior results do not guarantee a similar outcome. Akin is the practicing name of Akin Gump LLP, a New York limited liability partnership authorized and regulated by the Solicitors Regulation Authority under number 267321. A list of the partners is available for inspection at Eighth Floor, Ten Bishops Square, London E1 6EG. For more information about Akin Gump LLP, Akin Gump Strauss Hauer & Feld LLP and other associated entities under which the Akin Gump network operates worldwide, please see our Legal Notices page.