

**20-440 MINERVA SURGICAL, INC. V. HOLOGIC, INC.**

DECISION BELOW: 957 F.3d 1256

LOWER COURT CASE NUMBER: 2019-2054, 2019-2081

QUESTION PRESENTED:

In the Patent Act, Congress established that invalidity is a “defense[] in any action involving the validity or infringement of a patent.” 35 U.S.C. § 282(b) (emphasis added). There is no textual exception to this command. The Federal Circuit nonetheless applies a judge-made “equitable” exception to the statute’s unqualified language known as “assignor estoppel.” Assignor estoppel prevents an inventor who has assigned a patent from later contesting the patent’s validity.

The question is whether a defendant in a patent infringement action who assigned the patent, or is in privity with an assignor of the patent, may have a defense of invalidity heard on the merits.

CERT. GRANTED 1/8/2021