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Fed. Circ. Should Clarify Irreparable Harm In Patent Cases

Day Pitney IP attorneys Jon Tropp, Beth Alquist and Cecilia Zhang Stiber wrote an article entitled "Fed. Circ. Should Clarify Irreparable Harm In Patent Cases" in the December 2 issue of *Law360*. The article asserts that discrepancies in injunctions granted in recent patent cases, such as eBay v. MercExchange and Broadcom v. Emulex, demonstrate the need for the Federal Circuit to clarify what constitutes "irreparable harm" in patent cases. The circuit's reasoning in some recent cases "bodes well for patentees in future cases, but departs from other recent, less plaintiff-friends decisions that establish a 'casual nexus' requirement," according to the article.

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