

Intellectual Property Alert

March 13, 2013

What's in the Pipeline for Judicial Vacancies? – March 13 Update

We continue to follow the important changes underway behind the bench at the Federal Circuit and in several district courts where a significant number of patent infringement cases are pending. On March 11, the Senate unanimously confirmed Richard Taranto to the U.S. Court of Appeals for the Federal Circuit. The confirmation comes 17 months after he was first nominated for the position. Taranto, a commercial appellate lawyer, has significant experience in patent law, having argued 19 cases before the U.S. Supreme Court. He has also taught at Harvard Law School.

In addition, on February 14, the Senate Judiciary Committee approved the nomination of Beverly Reid O'Connell to the Central District of California. Judge O'Connell was first nominated by President Obama in November 2012. The administration has expressed frustration regarding the significant number of nominees who have had to wait more than 100 days for a vote. According to the White House, nearly 80 percent of President Obama's circuit court nominees have waited more than 100 days for a vote. By comparison, only 15 percent of President George W. Bush's circuit court nominees waited more than 100 days for a vote. The delay extends to President Obama's district court nominees as well, with 42 percent having waited longer than 100 days for a vote, compared to only 8 percent during the prior administration.

We will continue to track the judicial confirmation process as it progresses. To view the chart of judicial vacancies in jurisdictions with active patent litigation dockets, please click [here](#).

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