

**Akin Gump**  
STRAUSS HAUER & FELD LLP

# IP Newsflash



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## FEDERAL CIRCUIT CASES

### Federal Circuit Reversed a District Court's Grant of Summary Judgment for Lack of Standing in an Inventorship Dispute

On October 2, 2015, the Federal Circuit reversed a district court's grant of summary judgment for lack of standing in an inventorship dispute when it held that "concrete and particularized reputational injury can give rise to Article III standing."

In this case, Dr. Alexander Shukh, a scientist in the field of semiconductor physics, brought suit against his former employer, Seagate Technologies, under 35 U.S.C. § 256 for correction of inventorship on six patents and four pending patent applications. The district court granted summary judgment in Seagate's favor, finding that Dr. Shukh did not suffer reputational harm for not being an inventor, and therefore, lacked standing to bring suit.

The Federal Circuit reversed, and held that being an inventor is an important mark of success that can impact employment and cause reputation injury with a sufficient economic component to demonstrate Article III standing. The court went on to find that multiple factual disputes existed regarding the possible reputation harm suffered by Dr. Shukh. Specifically, the court found that Dr. Shukh's omission as an inventor from the patents could influence his reputation in the field and cause his reputation as an employee to suffer. Dr. Shukh was described as having a negative reputation for seeking credit for his inventions, and the court found that a dispute of fact existed as to whether Dr. Shukh's negative reputation was traceable to Seagate's failure to name him an inventor on the patents. The court also found that factual disputes existed as to whether Dr. Shukh could rehabilitate his reputation as a person known for accusing others of stealing his work to an inventor who was wronged by his employer and who properly sought credit for his inventions. Finally, the court found that Dr. Shukh's inability to secure employment since his 2009 termination by Seagate could lead a trier of fact to conclude that his employment prospects were harmed due to the reputational impact of his omission as an inventor from the patents, and that such harm included an economic component.

*Shukh v. Seagate Technology, LLC*, No. 2014-1406, (Fed. Cir. Oct. 2, 2015).

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