



Intellectual Property Alert

What's in the Pipeline for Judicial Vacancies? – November 11 Update

November 11, 2011

As we noted in our [initial Client Alert last week](#), there are important changes underway behind the bench at the Federal Circuit and in several districts courts where significant numbers of patent infringement cases are pending. A number of long-serving judges are retiring or taking senior status, and new judges are being selected to fill those vacancies. The chart below summarizes the status of the vacancies. They are listed in order of the date that a replacement was nominated to fill the vacancy.

Confirmation of judicial nominees has been a very slow process in this Congress. However, in October 2011, a total of fifteen judicial nominees were confirmed, perhaps signaling a thawing in the glacial pace of judicial confirmations. This trend has continued in November with two of the nominees on our watch list being confirmed by the Senate in the first eight days of the month. On November 3, 2011, the U.S. Senate confirmed Judge Richard Andrews to fill the vacancy left by retired Judge Joseph Farnan, Jr. in the District of Delaware. On November 8, 2011, the U.S. Senate confirmed Judge Evan Wallach by a vote of 99 to 0 to fill the vacancy on the U.S. Court of Appeals for the Federal Circuit created when Judge Arthur Gajarsa took senior status in July 2011. Judge Wallach is currently a judge on the Court of International Trade.

On November 9, 2011, Edward DuMont, an appellate litigation partner at Wilmer Cutler Pickering Hale and Dorr, withdrew his nomination to the U.S. Court of Appeals for the Federal Circuit. DuMont was originally nominated in April 2010, but in the 18 months that followed, the Senate Judiciary Committee failed to schedule a hearing on his nomination. On November 10, 2011, after DuMont's withdrawal, Richard Taranto, a partner at Farr & Taranto, in Washington, D.C., was nominated to fill Judge Michel's seat.

We will update this chart periodically as the nomination process moves forward for various nominees.

To view the chart, please [click here](#).

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