Licenses

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Treatment of Assignments and Licenses

• Assignor Estoppel
  – *Diamond Scientific* (CAFC 1988)

• No licensee estoppel
  – *Lear* (1969)

• No assignee estoppel

• Permissible duration of licenses
  – *Brulotte* (US 1964)
Treatment of Assignments and Licenses

Patentee
Treatment of Assignments and Licenses

Diagram:
- Patentee
- License
- Licensee
Treatment of Assignments and Licenses

Diagram:
- Patentee
- License
- Licensee
- Breach
Treatment of Assignments and Licenses

Patentee

License

breach

Licensee
Licensee is not estopped to challenge validity of the patent
Assignee is not estopped to challenge validity of the patent
Treatment of Assignments and Licenses

Patentee

Assignee

Assignment

Infringement suit
Assignor is estopped to challenge validity of the patent.