

## Basis for Venue will be “Fact-Intensive”

The requirement for establishing venue in patent cases, “a regular and established place of business” has been kicked around the courts ever since it was introduced in [TC Heartland](#). Now Chief Judge Leonard Stark has offered some well-thought-out guidance for cases seeking to be brought in Delaware.

**Read the recent opinions from Chief Judge Leonard Stark and a practice note on dealing with Patent Trolls under TC Heartland.**

**Bristol-Myers Squibb Co.  
v. Mylan Pharms., Inc.,  
2017 U.S. Dist. LEXIS 146372**

**Boston Sci. Corp. v. Cook Grp., Inc.,  
2017 U.S. Dist. LEXIS 146126**

**Patent Litigation Strategies Against  
NPEs (Patent Trolls)**



### Some Physical Presence Needed

"It seems clear that there has to be some sort of physical connection to the district, and it has to be the company, not an individual who works for the company," said Doug Stewart of Bracewell LLP. It remains to be seen how the analysis will be applied in future cases. But Judge Stark's emphasis on cases with real ties to the state and seeming distaste for creative arguments that out-of-state companies have a "place of business" in Delaware "gets rid of a lot of the nuisance cases that people might want to bring here," Kraft said. [3 Takeaways From Delaware's TC Heartland Venue Guidance, Law360, September 18, 2017](#)