

### **III. PATENT/PERSONAL JURISDICTION/VENUE**

#### **A. CASE LAW**

##### **1. U.S. Courts of Appeal**

- a. *Nuance Communications Inc. v. Abby Software House*  
97 USPQ2d 1351**

The U.S. Court of Appeals for the Federal Circuit ruled on November 12, 2010 that foreign infringement defendant purposely directed its activities at residents of forum state, since defendant imported allegedly infringing software into California, entering into agreement with California company to provide assistance in selling accused products, and received more than 95 percent of profits from sale of software.

- b. *In re Microsoft Corp.*  
81 BNA's PTCJ 308**

The U.S. Court of Appeals for the Federal Circuit on January 5, 2011 transfers a case out of the eastern district of Texas, rejecting a patent owner's attempt to manipulate the venue choice by incorporating an affiliate office in Tyler, Texas, without employees.