Robinson+Cole

Appellate News

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Welcome to the Summer 2014 Issue of Appellate News!

Jeffery J. White, *Chair*

Last month, Robinson+Cole's Appellate Group was honored to be named **Litigation Department of the Year in the Appellate Law category** by the *Connecticut Law Tribune*. 2013 was a special year as our Appellate Group prevailed in the United States Supreme Court in *The Standard Fire Insurance Company v. Knowles*, 133 S. Ct. 1345 (2013). This was the first case that the Supreme Court has reviewed involving the Class Action Fairness Act of 2005 (CAFA). In addition, the *Connecticut Law Tribune* recognized our group's victories in several other noteworthy cases.

Yet, I was most pleased by the fact the *Law Tribune* recognized that our Appellate Group functions as a cohesive team of 12 very talented lawyers. As evidence of our depth, this edition of the newsletter contains articles from two of our talented associates, Tyler Butts and Jim Nault. In addition, Linda Morkan returns with an article about the changes in the Connecticut appellate courts.

This newsletter is a work in progress. Please feel free to contact any of our team members with comments, questions, or suggestions for future topics.

MORE CHANGE AT THE TOP

By Linda L. Morkan

Due to recent mandatory retirements, Connecticut Governor Dannel P. Malloy has once again had the opportunity in 2014 to fill some pretty important chairs, one on the Supreme Court and two on the Appellate Court.

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CHOOSING WHEN TO APPEAL – EXCEPTIONS TO THE FINAL JUDGMENT RULE

UNITED STATES SUPREME COURT STRIKES TRIPLE BLOW AT NONPRACTICING ENTITIES AND THE FEDERAL CIRCUIT

By James R. Nault

The subject of much debate and recent Congressional activity, "nonpracticing entities," referred to by some as "patent trolls," have appeared often in the headlines lately. The focus has been on parties that, while not practicing their patents, sue others for allegedly practicing the patents. These patent holders are now the focus of both Congress and the courts. Three aspects of the patent system, which some say nonpracticing entities have

By J. Tyler Butts

Before carefully crafting an appellate brief, and long before stepping up to the podium at oral argument, one of the most challenging aspects appellate practitioners confront is finding the right procedural mechanism to initiate an appeal in the first place. How and, more importantly, when to take an appeal present critical choices replete with traps for the unwary.

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exploited, have recently been addressed by the United States Supreme Court. These aspects include the existence of arguably vague or indefinite patents, the difficulty in obtaining attorneys' fees in the district court under the federal statute that allows them for "exceptional" patent cases, and the Federal Circuit's review *de novo* of such attorneys' fee awards.

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FOR MORE INFORMATION

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