

Insights



Whip Laches: IP Managers Beware. Litigation Attorneys Michael Ng and Daniel Zaheer Explain Why

November 2, 2015

Publication: *Intellectual Property Magazine*

In a recent article published by *Intellectual Property Magazine*, Michael Ng and Daniel Zaheer explore the implications of a Federal Circuit ruling that preserves and expands laches in patent litigation. The ruling not only upholds the laches defense, it extends it as a bar to retroactive damages as well as to injunctive relief and ongoing royalties. “Patent holders and IP managers should be careful of the potential pitfalls created by laches,” Ng and Zaheer explain. They further note that “laches will ... always pose a significant risk when there has been any substantial delay between the start of infringement and the filing of suit, creating a strong incentive for patentees to focus on litigation from the very outset.” The article proceeds to examine whether the ruling will be challenged by the U.S. Supreme Court, which in recent years has granted certiorari and reversed rulings on a number of patent cases. The authors outline several key factors that suggest the potential for a review.

Read the full article [here](#).