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IP CASE OF THE WEEK

"Nationwide" Injunctions Are Still Available In Patent Cases, But Its Scope May Be Impacted

Trump v. CASA, Inc., 145 S. Ct. 2540 (2025)

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In patent cases, successful patent owners can obtain an injunction against an infringer to prevent the infringer from making, using, and selling the infringing product in the United States. Recently, there has been a lot of press questioning whether a district court sitting in one circuit (which may arguably be more liberal or conservative than another) can issue a "nationwide" injunction suggesting there should be some territorial restriction on the scope of a district court's injunction. And, in *Trump v. CASA, Inc.* ("*CASA*"), the Supreme Court purportedly held that "nationwide" injunctions were prohibited. The question arises, are district courts still permitted to issue nationwide injunctions in patent cases or are they territorially restricted to the circuit in which the district court resides? In short, yes, "nationwide" injunctions are still available in patent cases in that the term "nationwide injunction" is not a territorial limitation but a party limitation. *CASA* precludes a district court from applying an injunction to a party that was not before it. And in that way, *CASA* may impact the scope of injunctions in patent cases.

In *CASA*, the plaintiffs brought three separate suits for injunctive relief against the United States and executive officials, alleging that the President's Executive Order restricting birthright citizenship was unconstitutional. In each suit, the district court issued a "universal injunction," also known as a "nationwide injunction," that barred executive officals from applying the executive order to anyone in the United States, not just to the parties of the case. The Supreme Court held that these nationwide injunctions were outside of the equitable authority that Congress gave to federal courts under the Judiciary Act of 1789 and were not sufficiently analgous to any relief that was available at the time of the founding of the United States. The Supreme Court also rejected the plaintiffs' argument that nationwide injunctions were merely an application of the court's equitable authority to create a remedy that would award "complete relief" to a party because "complete relief" is not synonymous with "universal relief," which would provide relief to nonparties, whereas "complete relief" only allows relief between the parties.

Currently, nonparties to a patent infringement suit can be enjoined if the nonparty was "abbetting" or "legally identified" with the enjoined party. *Asetek Danmark A/S v. CMI USA Inc.*, 842 F.3d 1350, 1364 (Fed. Cir. 2016). Patent owners will likely argue that nonparties such as suppliers and distributors of an infringing product were abetting the infringer such that they should be covered in any injunction to provide "complete relief" to the patent owner. In constrast, suppliers and distributors will likely argue that they operated independently of the infringer and, in furtherance of the holding in *CASA*, an injunction should not encompass them because the suppliers and distributors were not parties to the litigation. Such a position by any supplier or distributor seemingly aligns with the principle that an injunction may not punish "persons who act independently and whose rights have not been adjudged according to law." *Id*. at 1363. Other nonparties such as directors, officers, and successors of the enjoined party would likely still fall under a court's injunction due to their legally identifiable relationship with the enjoined party. While there is no current answer as to whether a nonparty would still be covered under an injunction in a patent case in view of *CASA*, litigators should be aware of any developments surrounding the *CASA* decision and look for opportunities to apply *CASA* in the patent context.