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Gunn v. Minton: Supreme Court Removes Federal Court Welcome Mat

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Raymond Pinkham, an associate in the Vorys Washington, D.C. office, authored a column for the Spring 2013 *American Bar Association Professional Liability Litigation E-Newsletter*. The article was about the U.S. Supreme Court's unanimous decision in *Gunn v. Minton*. According to Pinkham, the Court held that federal law does not deprive state courts of subject-matter jurisdiction regarding patent-related legal-malpractice claims.

After outlining the decision, Pinkham discussed its implications. The article states:

"Gunn makes clear that patent-related legal-malpractice claims will be litigated in state courts. The parties will not benefit from federal judges' familiarity with patent law. Undoubtedly, state-court judges interpret federal law all the time. However, given the highly technical nature of patent law, this may increase the likelihood of an incorrect application and/or interpretation of the law. Although this may have little, if any, precedential value for future federal cases, that is likely of little comfort to the parties involved in such a case. A likely greater concern, however, is the use of such a state-court decision in a separate, factually related, patent case. As the majority indicated in the denial of the petition for rehearing en banc in Byrne, '[d]enying federal jurisdiction over these cases would allow different states to reach different conclusions as to the requirements for federal patent law in the context of state malpractice proceedings.' Byrne, 676 F.3d at 1027. "

To read the entire article, visit the American Bar Association [website](#).