

Employment Agreement Breach: Failure to Assign Can't be Fixed Because of Statute of Limitations

A federal appellate court has denied Google's breach of contract claim relating to assignment of the invention of an employee of another company, reports **Dennis Crouch** in the patent law blog **Patentlyo**.

An employee of a non-profit company developed a personalized information service – the subject of the patent that he filed – as an outside project. Later he sued Google for alleged patent infringement. Google contacted the developer's employer and obtained a quitclaim deed over “any rights” in the patent held by company. Then Google argued in court that the developer had breached his employment agreement by failing to assign rights to the patents to his employer.

The alleged breach of contract was in the 1990s, so the statute of limitations came into play. But the site of the suit, Delaware, has a “discovery rule” that tolls any statute of limitations for the period in which an injury is “inherently unknowable.” The district court and the Federal Circuit found in favor of the developer, Crouch reports.

Read the article.