Patent Infringement Claim Exempts Related Counterclaims from Mandatory Arbitration

In reviewing the scope of an arbitration agreement that was part of a supply agreement, the U.S. Court of Appeals for the Federal Circuit affirmed the district court's decision, determining that the defendant's breach of contract counterclaims were related to the plaintiff's patent infringement claims and thus were exempt from compulsory arbitration under the supply agreement, reports **Andrea Coronado** for **McDermott Will & Emery**.

She discussed *Verinata Health, Inc., v. Ariosa Diagnostics, Inc.*, Case No. 15-1970 (Fed. Cir., July 26, 2016) in **an article** published by ***The National Law Review***.

"The Court reasoned that the national policy favoring arbitration when parties contract for that mode of dispute resolution under the Federal Arbitration Act applies only in circumstances where the scope of the agreement is ambiguous as to the dispute at hand, and only where the presumption in favor of arbitration cannot be rebutted," Coronado wrote.

Read the article.