

Energy and the Environment

The Energy and Environment blog includes updates on a wide array of environmental and energy issues that can impact commercial endeavors , such as critical issues in the emerging arenas of climate regulation and green building law.

August 29, 2013

California Narrows the Right of Insureds to Independent Counsel

By: Aaron P. Allan

On March 21, 2017 the Supreme Court issued an opinion that abrogated the equitable defense of laches, for unreasonable and prejudicial delay in filing suit, in patent cases. *SCA Hygiene Prod. Aktiebolag v. First Quality Baby Prod., LLC*, No. 15-927, 2017 WL 1050978 (U.S. Mar. 21, 2017). In that case, Appellant SCA Hygiene argued that the Supreme Court's 2014 *Petrella* decision, which conclusively eliminated laches as a defense in copyright cases, also mandated the elimination of laches as a defense to patent infringement. The Supreme Court agreed, reversing the Federal Circuit's holding of unenforceability due to laches, and remanding for trial on infringement and Appellee First Quality's equitable estoppel defense.

TAGS: California Civil Code Section 2860, California Court of Appeal, cumis counsel, environment, independent counsel, insurance