

No. 20-

IN THE

Supreme Court of the United States

MINERVA SURGICAL, INC.,

Petitioner,

v.

HOLOGIC, INC., CYTYC SURGICAL PRODUCTS, LLC,

Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Federal Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In the Patent Act, Congress established that invalidity is a “defense[] in *any* action involving the validity or infringement of a patent.” 35 U.S.C. § 282(b) (emphasis added). There is no textual exception to this command. The Federal Circuit nonetheless applies a judge-made “equitable” exception to the statute’s unqualified language known as “assignor estoppel.” Assignor estoppel prevents an inventor who has assigned a patent from later contesting the patent’s validity.

The question is whether a defendant in a patent infringement action who assigned the patent, or is in privity with an assignor of the patent, may have a defense of invalidity heard on the merits.

(i)

**PARTIES TO THE PROCEEDING AND RULE
29.6 STATEMENT**

Petitioner Minerva Surgical, Inc. (“Minerva”) has no parent corporation. Boston Scientific Corporation, a publicly traded company, holds 10 percent of Minerva’s stock. No other publicly held company owns 10 percent or more of Minerva’s stock.

Respondents are Hologic, Inc. and Cytoc Surgical Products, LLC.

RELATED PROCEEDINGS

There are no proceedings directly related to this case within the meaning of Rule 14.1(b)(iii). Other proceedings that are not directly related to this case but involve the same parties are:

Minerva Surgical, Inc. v. Hologic, Inc. et al., No. 1:18-cv-00217-JFB-SRF (D. Del.);

Hologic, Inc. et al. v. Minerva Surgical, Inc., No. 1:20-cv-00925-JFB-SRF (D. Del.).

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