

05-608 MEDIMMUNE, INC. V. GENENTECH, INC.

DECISION BELOW:427 F3d 958

LOWER COURT CASE NUMBER: 04-1300, 04-1384

QUESTIONS PRESENTED:

Does Article III's grant of jurisdiction of "all Cases ... arising under ... the Laws of the United States," implemented in the "actual controversy" requirement of the Declaratory Judgment Act, 28 U.S.C. § 2201(a), require a patent licensee to refuse to pay royalties and commit material breach of the license agreement before suing to declare the patent invalid, unenforceable or not infringed?

Cert. Granted 2/21/2006