Alfonso Garcia Chan Authors TechInsight Article on University Licensing

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In an article for *TechInsight,* Cahill partner Alfonso Garcia Chan and law clerk Shivani Vikuntam examine what the Federal Circuit's September 14, 2026 decision in *TexasLDPC Inc. v. Broadcom Inc.* means for university technology transfer. The court reversed the district court decision. It held that TexasLDPC, Texas A&M's exclusive licensee, could pursue its infringement claims without joining the university, because the license's operative terms made enforcement a business operation and conveyed all substantial rights in the patents.

The authors explain that the decision raises a structural question: whether a university appears in its licensee's suit is often not the university's choice. The answer depends on two things, the rights the university retained and whether it is a public or private institution. A public university can invoke sovereign immunity, which can put its licensee's suit at risk. A private university can be compelled to join as an involuntary plaintiff. Building on the Federal Circuit's reasoning in *Nutrition 21 v. United States*, the authors propose that courts presume an exclusive licensee expressly authorized to sue in its own name may proceed without the university. That presumption would leave the decision with the university rather than the accused infringer.

The authors also emphasize how enforcement fits within the broader aims of technology transfer.

Read the full article: "License Language and Public vs Private: Promoting University Technology Transfer and Federal Circuit's Ruling in *TexasLDPC v. Broadcom*"

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