

## Case Brief

Civ Pro Unit B2 (federal question jurisdiction)

1/17/2015

### Identity of Case

Gunn v. Minton 133 S. Ct. 1059 (2013)

Page 108 of the casebook.

### Summary of Facts/procedural history

Minton is suing his former atty for legal malpractice.

Former legal issue/timeline:

1. Minton develops software, leases it to TEXCEN
2. Later patents it (more than a year)
3. Patent in hand, sues two other companies for violation. This is in federal court (all patent law is). They object based on the sale bar, if an item purported to be patented was on sale a year or more before the thing was patented, it cannot be patented.
4. On appeal, Minton('s attorney) argues for the first time that the lease of patent to TEXCEN was for experimental purposes, and therefore an exception to the sale bar.
5. Minton loses, prepares for his suit against his attorney

This legal issue:

1. Minton loses at TC. On appeal, attempts to raise federal question issue
2. In order to win his malpractice case, he has to show that if an "experimental use" defense was raised initially in response to the "sale bar" defense, the outcome most likely would've been different (along with some other malpractice issues).
3. The trial w/in a trial arises under federal law (patent law).

### Statement of the Issue

Because the trial within a trial arises under federal law, does this case raise federal questions?

### Holding

Because in this case, the federal issue is not substantial (see explanation below), it does not qualify for federal question jurisdiction.

### Reasoning

Federal question jurisdiction when the claim itself does not arise under federal law but turns on an important federal question requires the following 4 elements.

1. A federal issues is necessarily raised
2. Actually disputed
3. Substantial
4. Capable of resolution in federal court without disrupting the federal state balance approved by congress.

Minton meets the first 2, but fails on "substantial." It is substantial that it affects his outcome, but substantial actually means that it *affects* federal law or other cases, that it could be precedent setting or something like that. Minton does not meet that level.

Evaluation