

17-1657 MISSION PRODUCT HOLDINGS, INC. V. TEMPNOLOGY, LLC

DECISION BELOW: 879 F. 3d 389

LOWER COURT CASE NUMBER: 16-9016

QUESTION PRESENTED:

1. Whether, under §365 of the Bankruptcy Code, a debtor-licensor's "rejection" of a license agreement which "constitutes a breach of such contract," 11 U.S.C. §365(g)-terminates rights of the licensee that would survive the licensor's breach under applicable non-bankruptcy law.

2. Whether an exclusive right to sell certain products practicing a patent in a particular geographic territory is a "right to intellectual property" within the meaning of §365(n) of the Bankruptcy Code.

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 10/26/2018