

**By: Thomas McKiernan and Michael Badagliacca**

**Ecolab, Inc. v. FMC Corp.**

**Decided June 9, 2009**

**District Court Abuses Discretion by Failing to Consider eBay Factors for Injunctive Relief**

The U.S. Court of Appeals for the Federal Circuit (Federal Circuit or CAFC) held that the U.S. District Court for the District of Minnesota abused its discretion by failing to consider the factors for assessing injunctive relief in patent disputes. These factors were set forth in *eBay Inc v. MercExchange, L.L.C.*, 547 U.S. 388 (2006) and include 1) that the patentee has suffered irreparable injury; 2) that remedies available at law are inadequate to compensate for that injury; 3) considering the balancing of hardships between both sides, an injunction is warranted; and 4) that the public interest would not be disserved by a permanent injunction. The Federal Circuit remanded the case to the District Court to decide whether injunctive relief is warranted based on the four *eBay* factors.