

# Supreme Court Settles Rights of Trademark Licensee Upon Rejection in Bankruptcy

May 21, 2019 | Client Update

On May 20, 2019, the U.S. Supreme Court issued a significant decision in *Mission Product Holdings, Inc. v. Tempnology, LLC*, holding that the rejection of a trademark license in bankruptcy breaches but does not rescind the license agreement and that the licensee can continue to use the licensed trademarks in accordance with the agreement. The Court's decision resolves a federal circuit split on the issue, puts trademark licensees on surer footing in the event their licenses are rejected in bankruptcy, and will have a variety of implications for practitioners. Below is a link to our memo that provides an analysis of the opinion and a summary of its implications.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

**Frank Azzopardi**

+1 212 450 6277  
frank.azzopardi@davispolk.com

**David R. Bauer**

+1 212 450 4995  
david.bauer@davispolk.com

**Donald S. Bernstein**

+1 212 450 4092  
donald.bernstein@davispolk.com

**Timothy Graulich**

+1 212 450 4639  
timothy.graulich@davispolk.com

**Marshall S. Huebner**

+1 212 450 4099  
marshall.huebner@davispolk.com

**Darren S. Klein**

+1 212 450 4725  
darren.klein@davispolk.com

**Brian M. Resnick**

+1 212 450 4213  
brian.resnick@davispolk.com

**Damian S. Schaible**

+1 212 450 4580  
damian.schaible@davispolk.com

**Pritesh P. Shah**

+1 212 450 4147  
pritesh.shah@davispolk.com

**Eli J. Vonnegut**

+1 212 450 4331  
eli.vonnegut@davispolk.com

*This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.*

## Related materials

[Read the full update](#)