

## UNCLEAN HANDS

“Holding that an unconscionable act must have “immediate and necessary relation to the equity that he seeks””

Peters v. UBS AG, 13 Civ. 3098 (PAC) (S.D.N.Y. Jan. 15, 2014)

“Holding that where a party may be denied equitable relief where that party has made sworn statements that directly contradict each other so that it is clear that the party fabricated some testimony”

IN RE MURPHY, 331 B.R. 107 (Bankr. S.D.N.Y. 2005)

“Denying relief to an intellectual property holder due to its unclean hands”

MERCK CO. v. SMITHKLINE BEECHAM PHARM., 15443-NC (Del.Ch. 8-5-1999), C. A. No. 15443-NC. (Del. Ch. Aug. 5, 1999)

“Affirming dismissal of suit”

THERASENSE v. BECTON, DICKINSON AND CO, 649 F.3d 1276 (Fed. Cir. 2011)

“Noting the court’s discretion in applying the unclean hands doctrine when a plaintiff’s alleged misconduct “has no relation to anything involved in the suit””

SANOFI-SYNTHELABO v. APOTEX, 470 F.3d 1368 (Fed. Cir. 2007)

“Involving an agreement to suppress evidence in the course of litigation”

NOBELPHARMA AB v. IMPLANT INNOVATIONS, 141 F.3d 1059 (Fed. Cir. 1998)

“Noting that “[t]he governing principle [of the unclean hands doctrine] is that whenever a party who, as actor, seeks to set the judicial machinery in motion and obtain some remedy, has violated conscience, or good faith, or other equitable principle, in his prior conduct, then the doors of the court will be shut against him. . . .””

WEATHERS v. UNIVERSITY OF N.C. AT CHAPEL HILL, 1:08CV847. (M.D.N.C. Dec. 4, 2008)

“Discussing unclean-hands maxim in patent case and reasoning maxim should only be applied for “the advancement of right and justice” and when “some unconscionable act of one coming for relief has immediate and necessary relation to the equity” sought”

TILLAMOOK COUNTRY SMOKER v. TILLAMOOK COUNTY CREAMERY ASSOC, 333 F. Supp.2d 975 (D. Or. 2004)

“Stating that “[courts of equity] are not bound by formula or restrained

by any limitation that tends to trammel the free and just exercise of discretion””

SMITHKLINE BEECHAM v. MERCK CO., INC, 766 A.2d 442 (Del. 2000)

But courts of equity do not make the quality of suitors the test. They apply the maxim requiring clean hands only where some unconscionable act of one coming for relief has immediate and necessary relation to the equity that he seeks in respect of the matter in litigation. They do not close their doors because of plaintiff's misconduct, whatever its character, that has no relation to anything involved in the suit, but only for such violations of conscience as in some measure affect the equitable relations between the parties in respect of something brought before the court for adjudication. Story, *id.*, § 100. Pomeroy, *id.*, § 399. They apply the maxim, not by way of punishment for extraneous transgressions, but upon considerations that make for the advancement of right and justice. They are not bound by formula or restrained by any limitation that tends to trammel the free and just exercise of discretion.

Keystone Co. v. Excavator Co, 290 U.S. 240, 245-46 (U.S. 1933)