



News

James Ryndak Discusses Significance of U.S. Supreme Court Decision Addressing Patent Damages

June 13, 2016

James D. Ryndak was quoted in the article "Attorneys React to High Court's Patent Damages Ruling" published by *Law360* on June 13, 2016.

The article includes commentary from attorneys on the U.S. Supreme Court's June 13, 2016, ruling in the consolidated cases *Halo Electronics, Inc. v. Pulse Electronics, Inc.* and *Stryker Corp. v. Zimmer*. As noted in the article, the high court in this case discarded the U.S. Court of Appeals for the Federal Circuit's strict test for awarding enhanced damages in patent cases, "finding that the circuit's high bar for patent owners was not justified under the Patent Act."

Stated Mr. Ryndak in the article:

The Supreme Court's decision today is a big victory for the U.S. patent system. It removes the 'Seagate stranglehold' that the Federal Circuit announced in its 2007 *Seagate* decision that made enhanced damages extremely difficult to obtain. Today, the Supreme Court took a big step to help restore U.S. patent law to a strong, meaningful system that is supposed to encourage and reward innovation and to punish copyists and unscrupulous infringers. The Supreme Court rejected the Federal Circuit's oppressive clear and convincing evidence standard and its unduly rigid, multiple high bar tests of 'objective recklessness' and risk of infringement that 'was either known or so obvious that it should have been known to the accused infringer' and finally the tripartite appellate review test requirements to obtain enhanced damages in patent infringement cases, finding them contrary to the patent statute and the court's precedent since the 1830s. The court's decision today essentially returns the enhanced damages law to the way it was for the past 180 years before the Federal Circuit put patent enhanced damages law in the *Seagate* stranglehold, similar in some ways to the court's *Octane Fitness* decision, rejecting the Federal Circuit's restrictions on attorneys' fees awards in patent cases.

Read the full article "[Attorneys React to High Court's Patent Damages Ruling](#)" on the *Law360* website. Please note that a subscription is required.

Service Areas

Intellectual Property

Patent

Offices

Chicago