

Federal Circuit Tightens Standards for Excessive Patent Damage Awards

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Recently, the Federal Circuit has issued a number of important decisions affecting the determination of damages for patent infringement. By statute, a prevailing patent owner may seek two categories of compensation: lost profits and/or a reasonable royalty for the sale of infringing products. The Federal Circuit has signaled significant changes in the methodologies for determining a royalty base, the valuation of patents, and the evidence admissible for such determinations.

Winston & Strawn partner [David Enzminger](#) and attorney Jeff Phillips led this practical, interactive discussion that examined these recent decisions and their implications for the changing landscape for calculating patent infringement damages. The program reviewed:

- determination of the appropriate royalty base;
- developments in the application of the “entire market value rule” allowing compensation lost value beyond a patented component;
- changing evidentiary standards for expert reports, including the demise of the 25% rule of thumb; and
- new approaches for assessing patent damages.

An eLunch is a complimentary, interactive seminar where participants watch and listen to a presentation given by Winston & Strawn attorneys over the Internet.

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