

# *Defending Against Willful Infringement In A Post-Halo World*

*Ross Spencer Garsson*

*November 2, 2018*

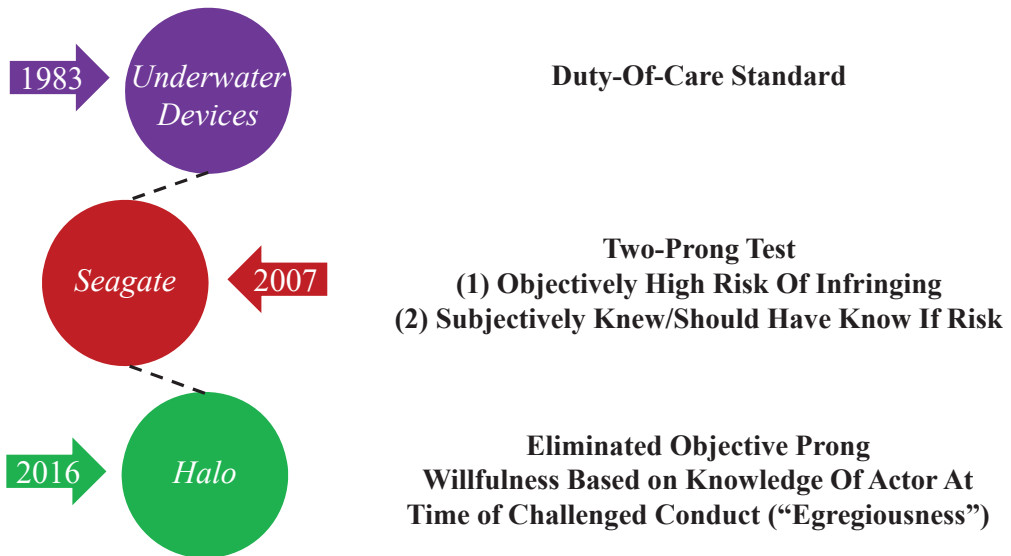
## Overview

---

- Changing Standards Of Willfulness
- Additional Post-*Halo* Implications
- Why Else Alleged Infringers Need To Be Careful
- Best Practices - Generally
- Best Practices – Opinions of Counsel
- Conclusions and Questions

# Changing Standards Of Willfulness

---



# Changing Standards Of Willfulness

---

“The subjective willfulness of a patent infringer, intentional or knowing, may warrant enhanced damages, *without regard to whether his infringement was objectively reckless.*”

*Halo Electronics, Inc. v. Pulse Electronics, Inc.*, 136 S. Ct. 1923, 1933 (2016).

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Defending Against Willful Infringement in a Post-Halo World

Also available as part of the eCourse

[2018 Advanced Patent Law \(Austin\) eConference](#)

First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Advanced Patent Law Institute session

"Defending Against Willful Infringement in a Post-*Halo* World"