

Defending Against Willful Infringement In A Post-Halo World

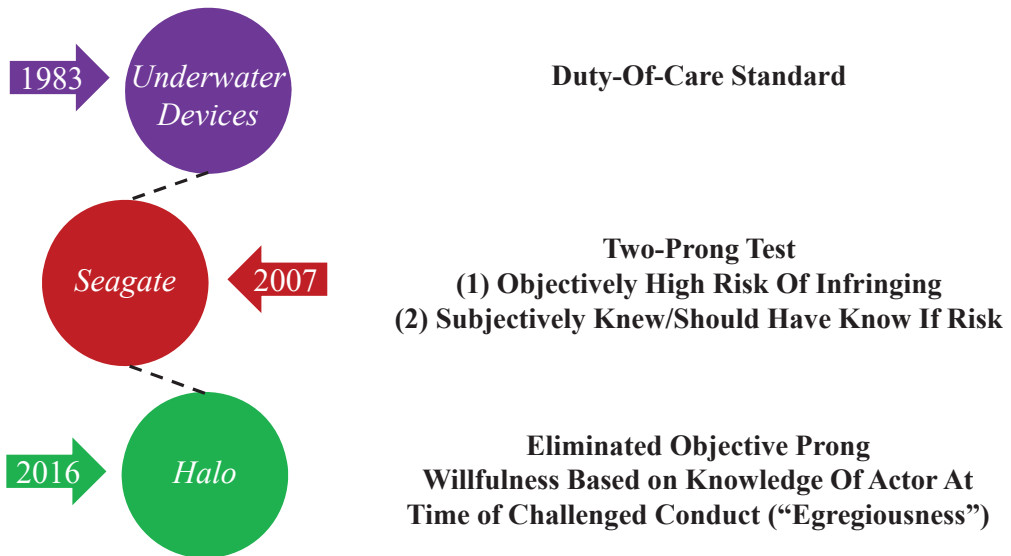
Ross Spencer Garsson

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 \(utcle.org/elibrary\)](http://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
23rd Annual Advanced Patent Law Institute session

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