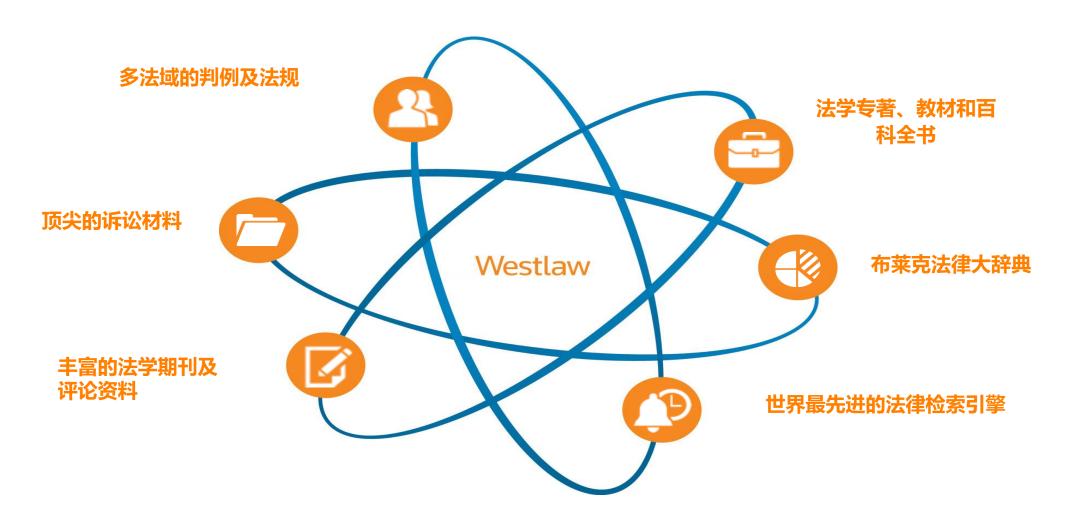


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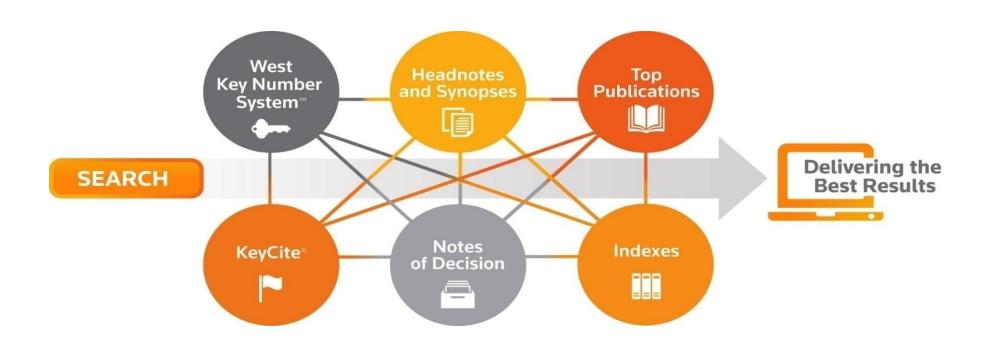


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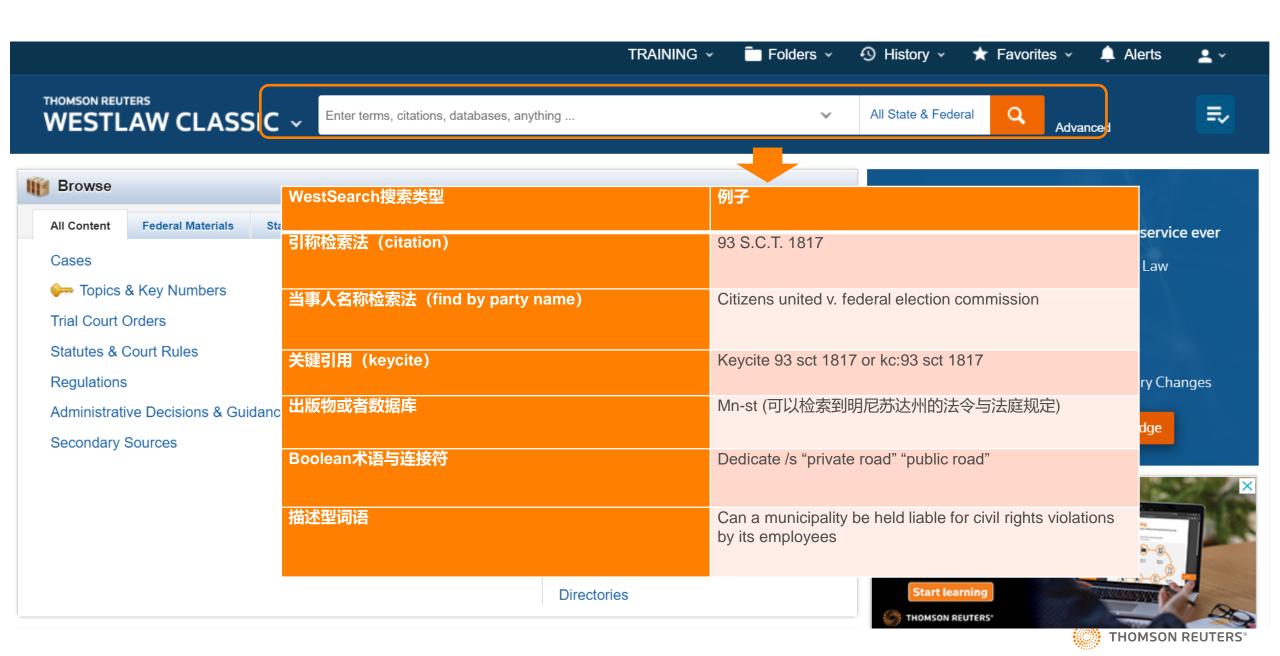


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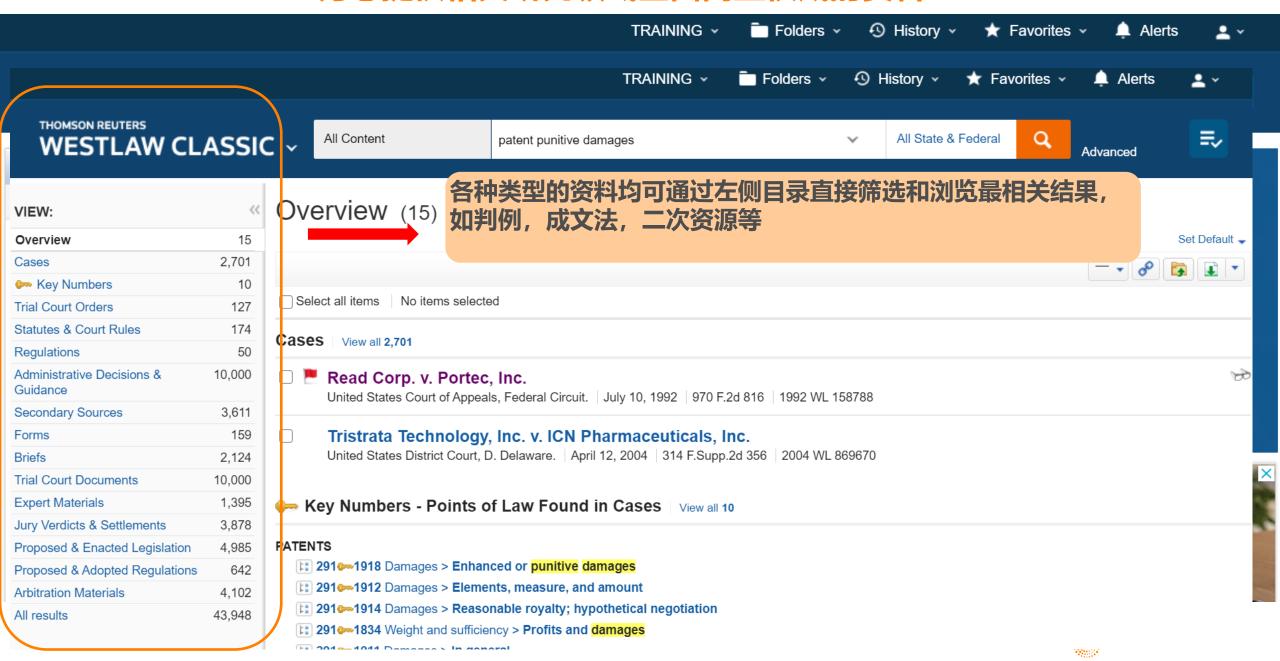


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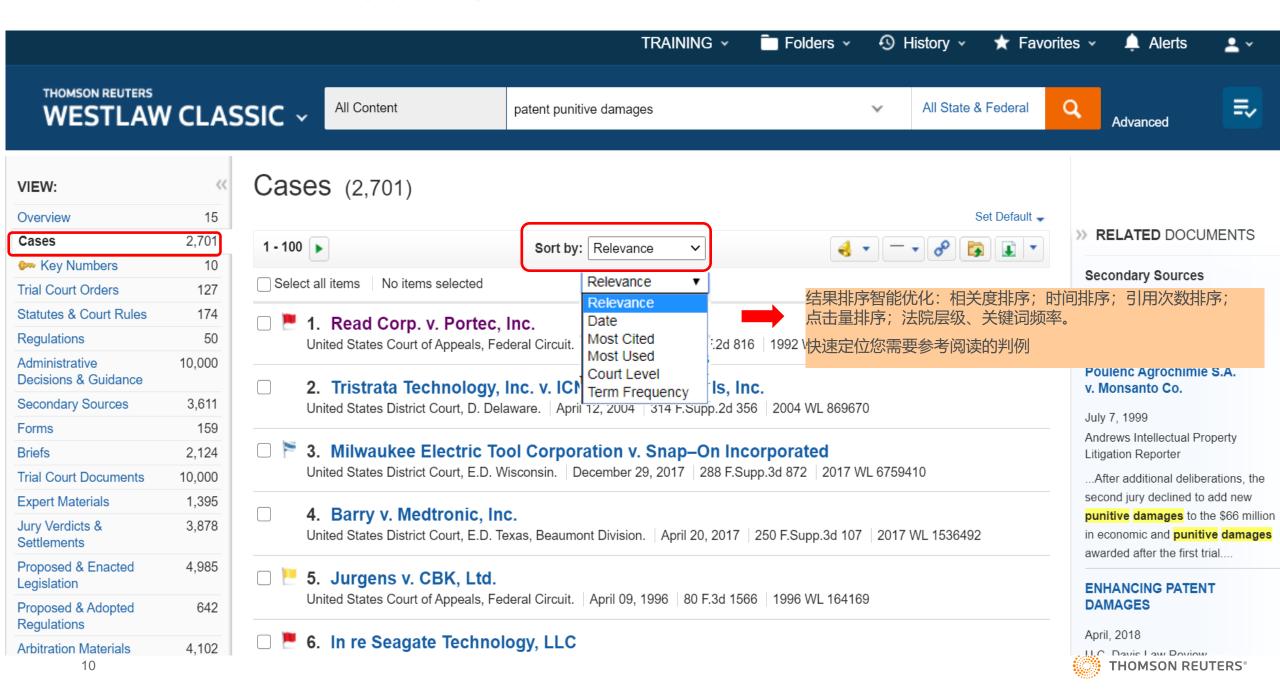


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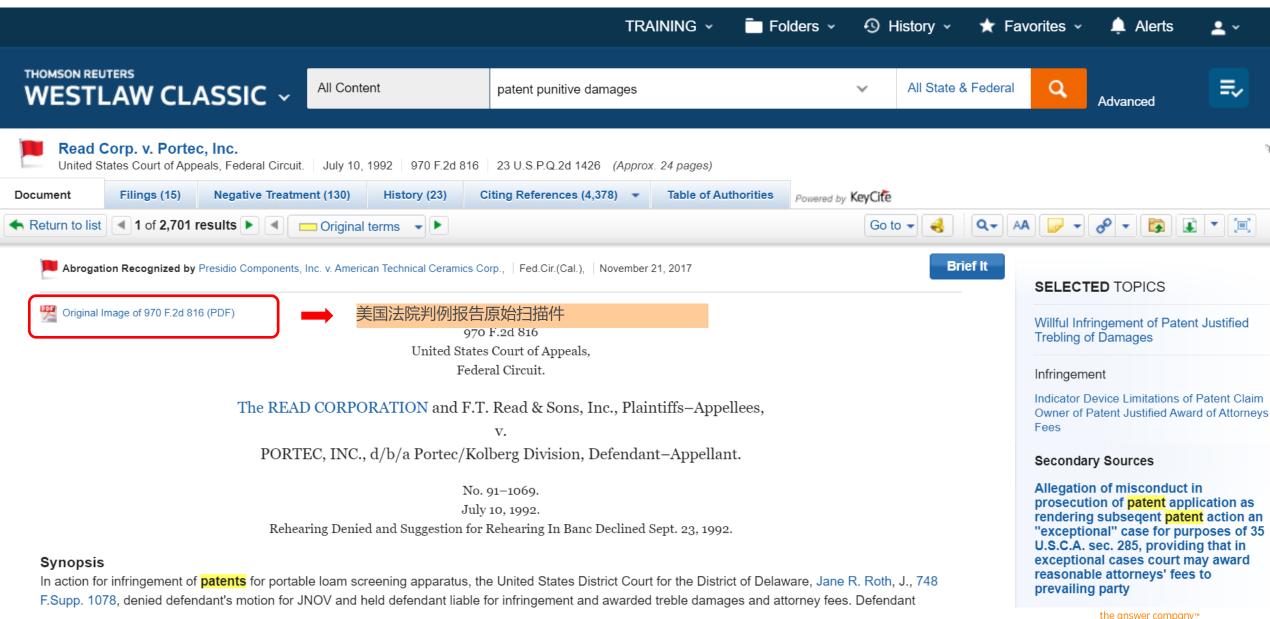




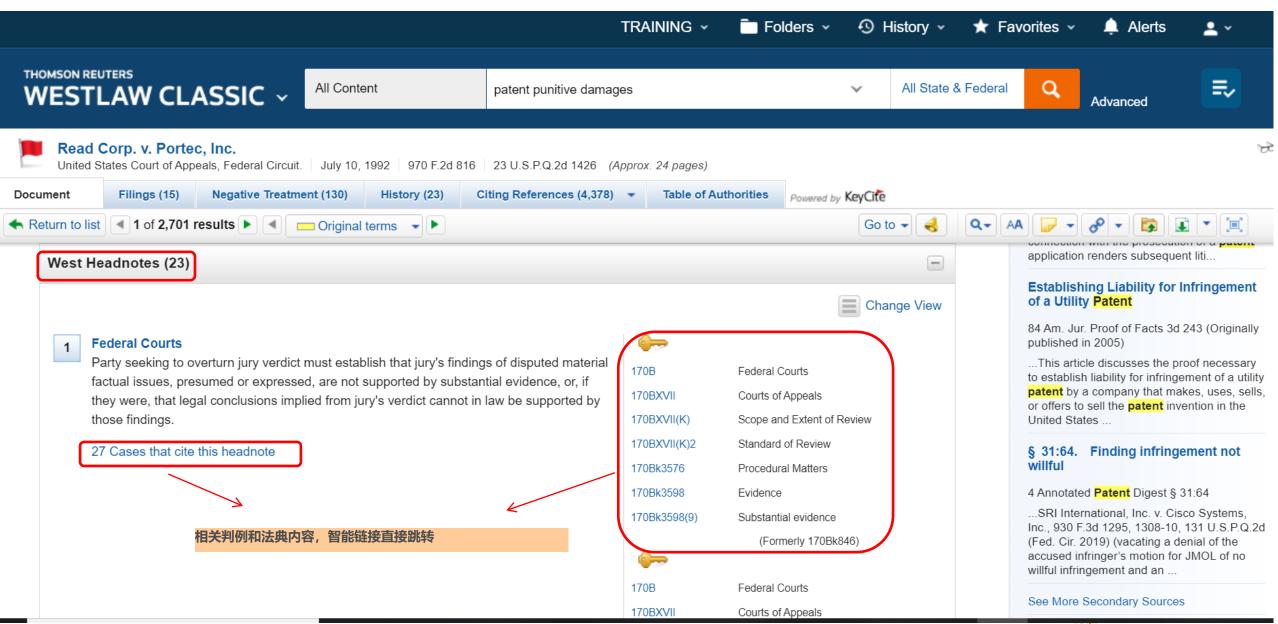
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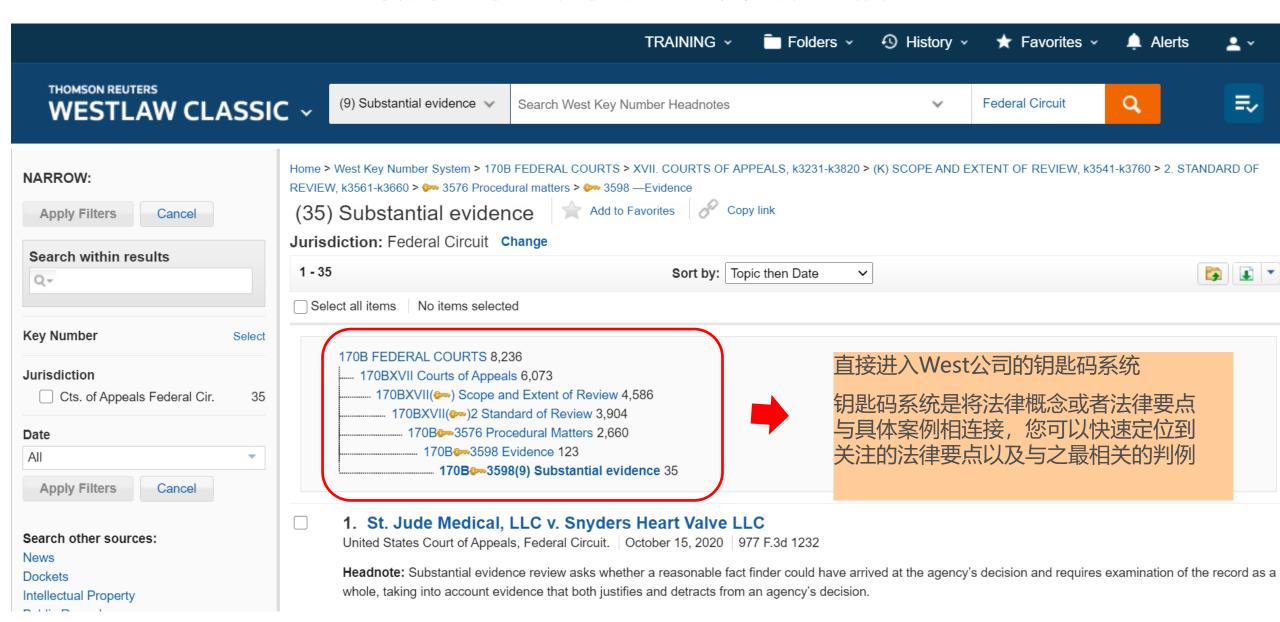
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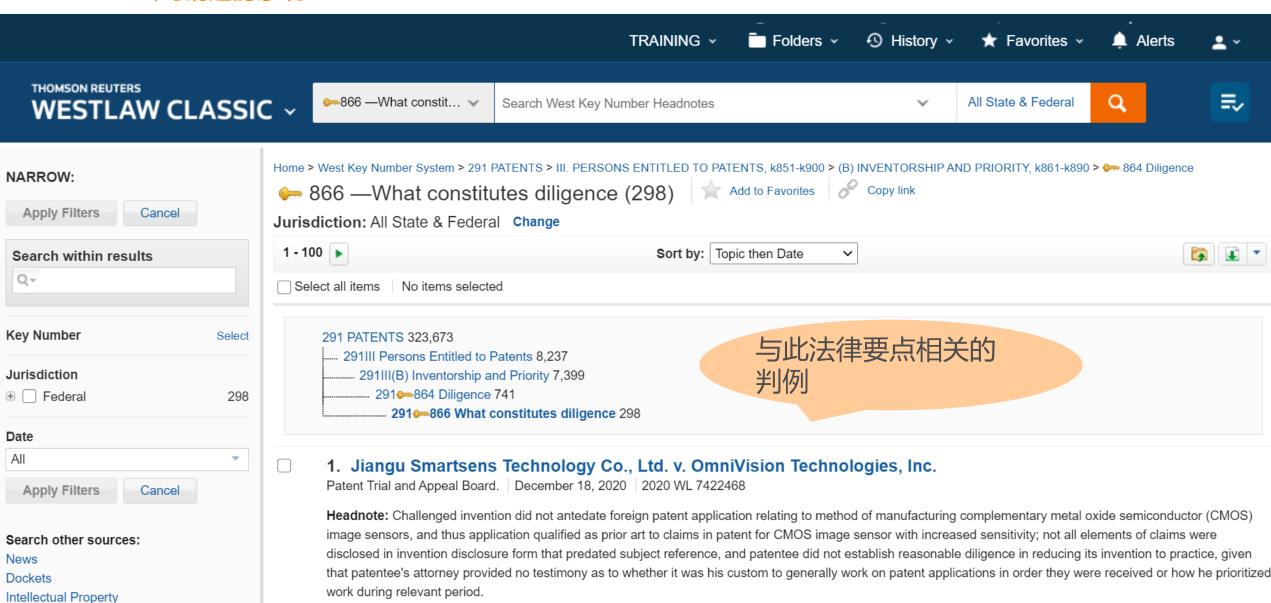


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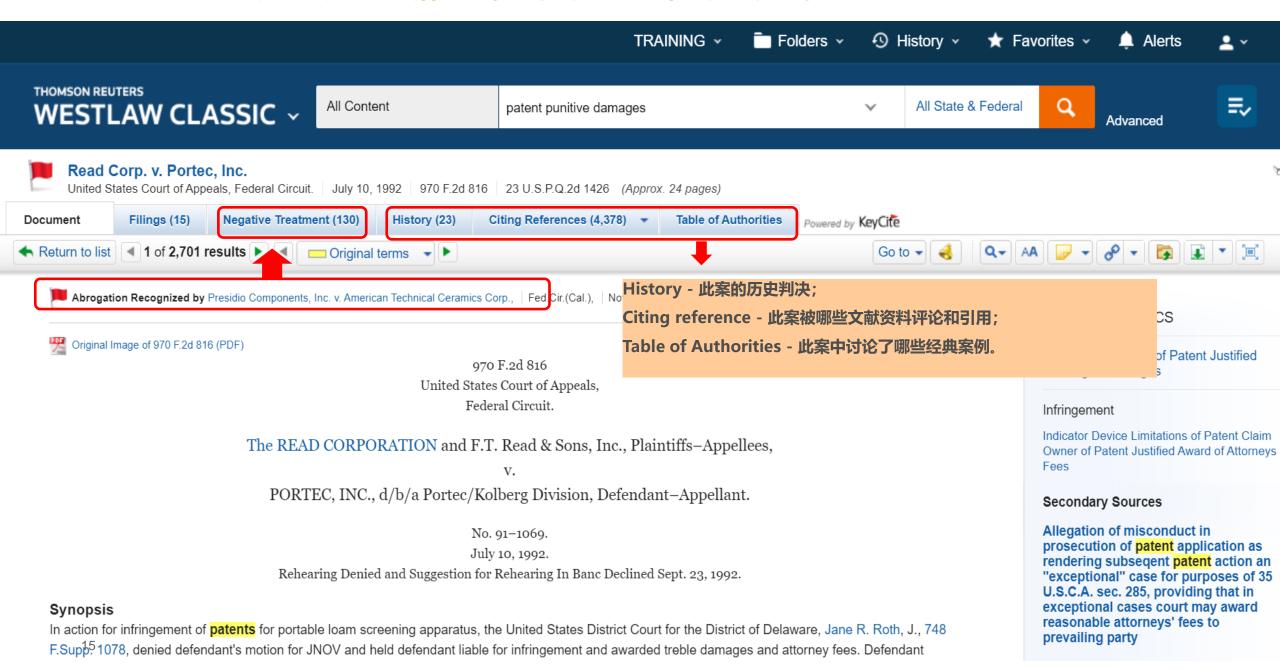


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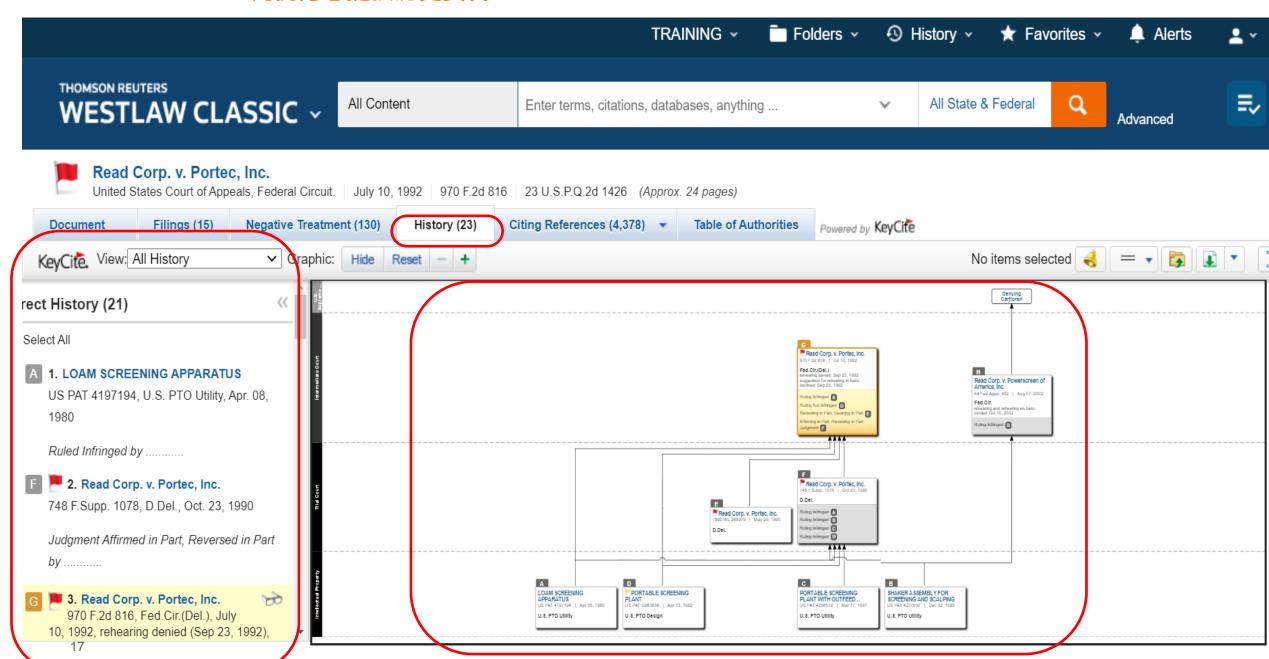
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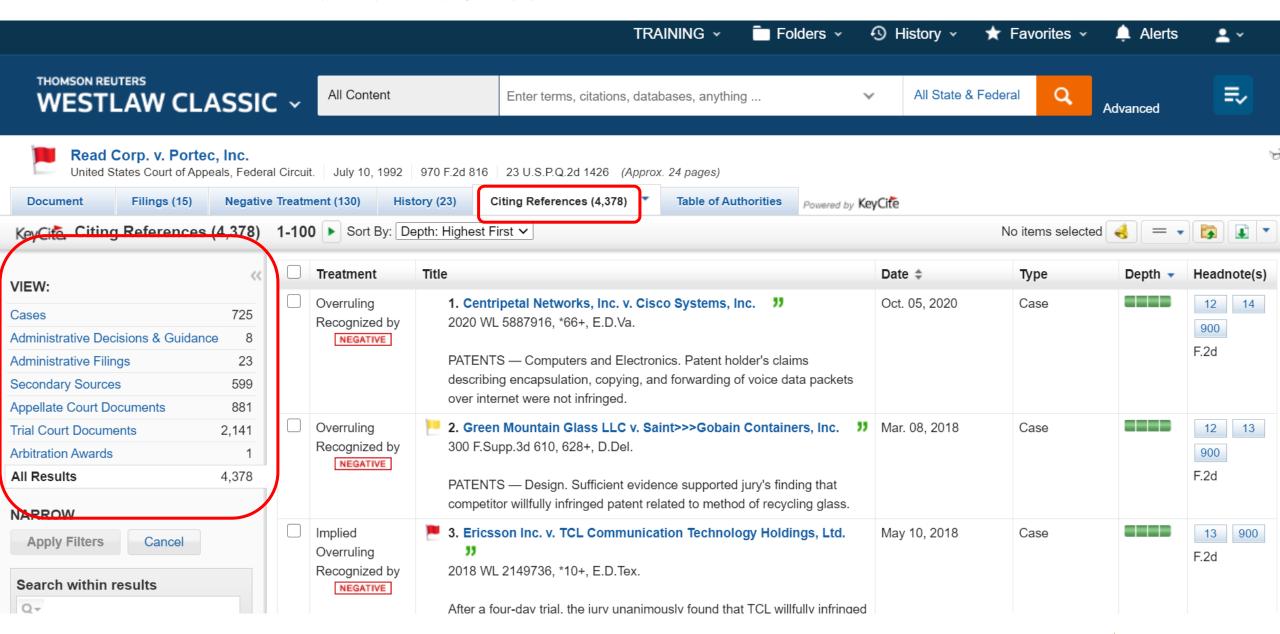
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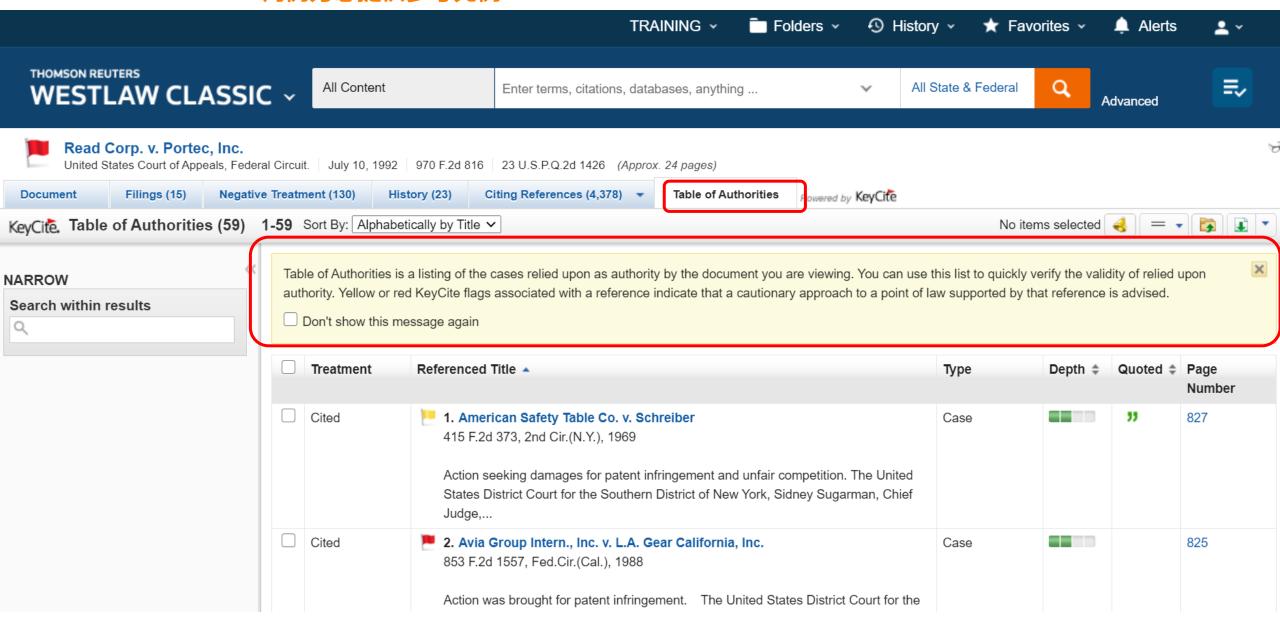
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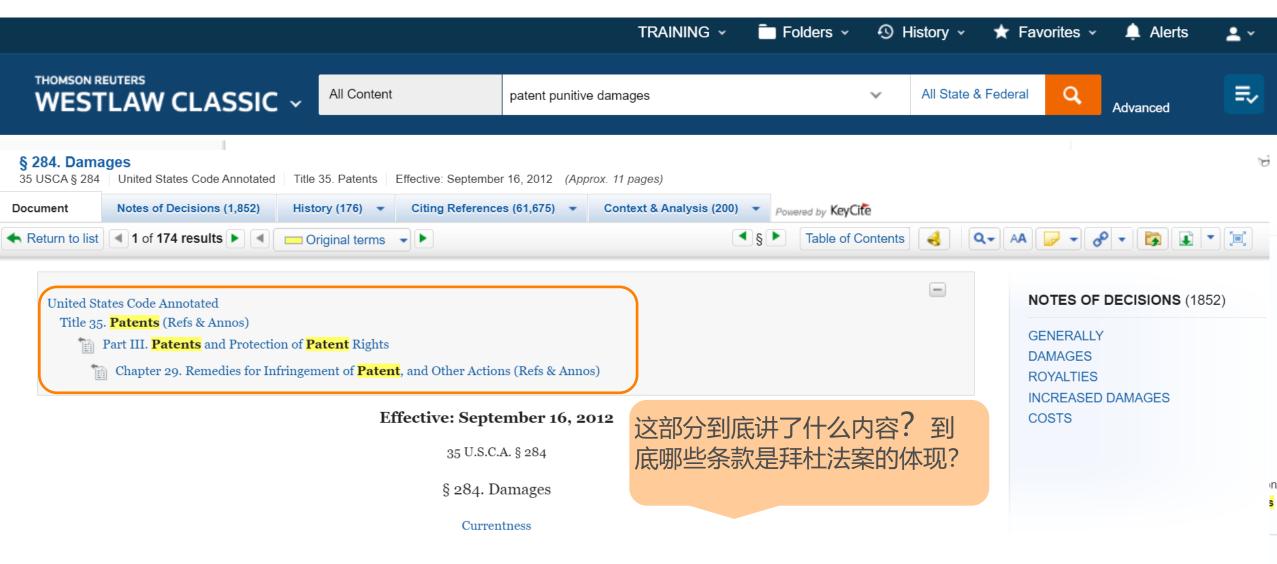


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立法层面 – 美国法典的原文



Upon finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the court.

When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to three times the amount found

Note of Decision提供了法庭对法案条款适用的准确解释以及快速定位您需要关注的该条款涉及的最重要判例



Persons liable

Patentee who obtained has patent without full disclosure to the Patent Office [now Patent and Trademark Office] and who used upon the invalid patent was the wrongdoer and was properly ordered to pay defendants' taxable costs, regardless of the fact that the manufacturer of the allegedly infringing device was footing defendants' litigation and thus was paying their costs.

Pickering v. Holman, C.A.9 (Cal.) 1972 459 F.2d 403, 173 U.S.P.Q. 583. Patents 2003

District court in allowing plaintiff, in patent infringement suit, which had filed disclaimers as to certain of claims sued on, to recover only one-half of its costs, and in taxing defendant \$5 for each of its overruled exceptions to the master's report, did not abuse its discretion. General Tire & Rubber Co. v. Fisk Rubber Corp., C.C.A.6 (Ohio) 1939, 104 F.2d 740, certiorari denied 60 S.Ct. 101, 308 U.S. 581, 84 L.Ed. 487. Costs • 13; Patents • 1983

Defendant, appealing from decree in patent infringement suit, was liable for costs up to time of appeal where defendant, by its answer to plaintiffs' interrogatories requiring a drawing of devices manufactured by defendant, presented a drawing and plan wholly different from that actually used, even though presentation was the result of a mistake. Shull Perforating Co. v. Cavins, C.C.A.9 (Cal.) 1938, 94 F.2d 357.

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立法层面 - 立法进程



§ 202. Disposition of rights

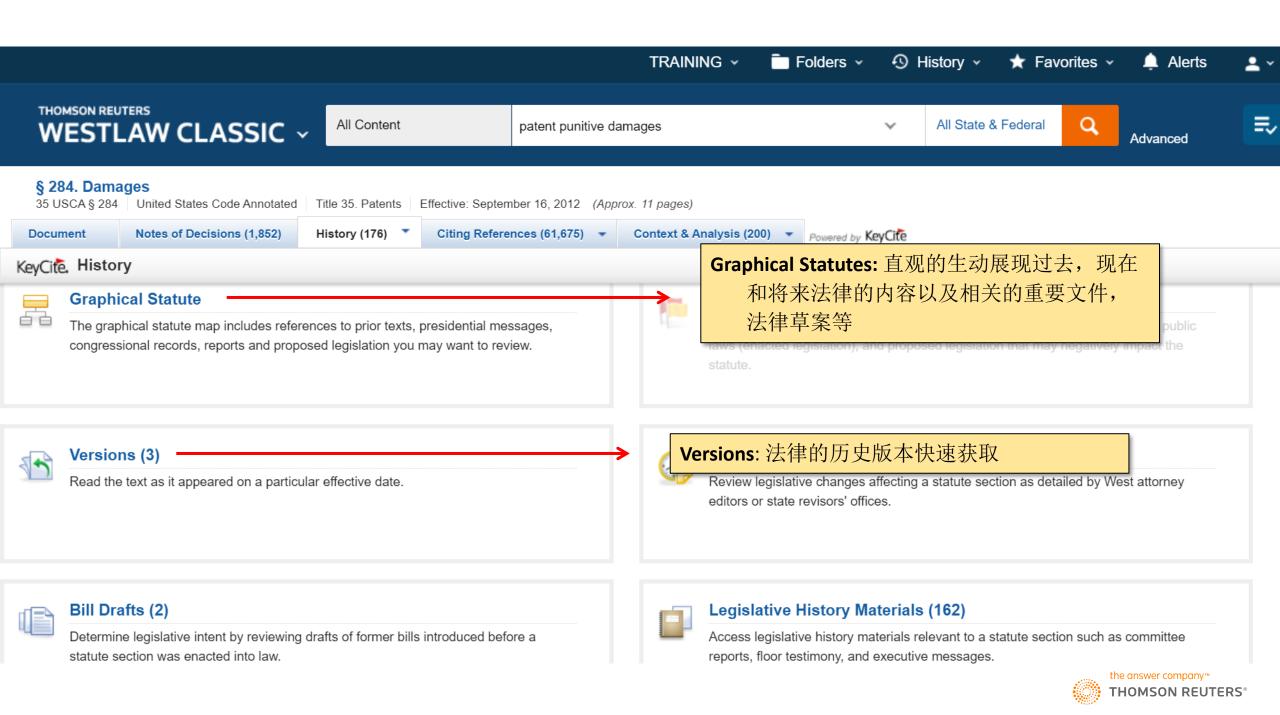
Currentness

(a) Each nonprofit organization or small business firm may, within a reasonable time after disclosure as required by paragraph (c)(1) of this section, elect to retain title to any subject invention: Provided, however. That a funding agreement may provide otherwise (i) when the contractor is not located in the United States or does not have a place of business located in the United States or is subject to the control of a foreign government, (ii) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of this chapter (iii) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities or, (iv) when the funding agreement includes the operation of a Government-owned, contractor-operated facility of the Department of Energy primarily dedicated to that Department's naval nuclear propulsion or weapons related programs and all funding agreement limitations under this subparagraph on the contractor's right to elect title to a subject invention are limited to inventions occurring under the above two programs of the Department of Energy. The rights of the nonprofit organization or small business firm shall be subject to the provisions of paragraph (c) of this section and the other provisions of this chapter.

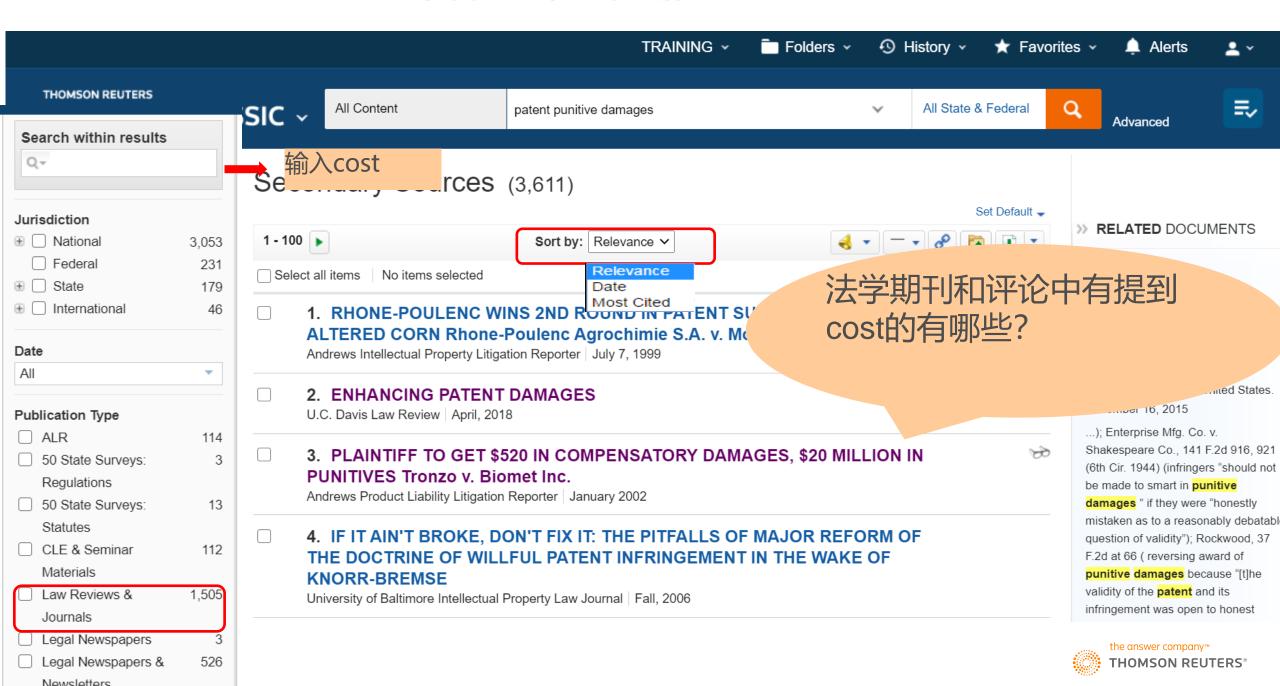
(b)(1) The rights of the Government under subsection (a) shall not be exercised by a Federal agency unless it first determines that at least one of the conditions identified in clauses (i) through (iv) of subsection (a) exists. Except in the case of subsection (a)(iii), the agency shall file with the Secretary of Commerce, within thirty days after the award of the applicable funding agreement, a copy of such determination. In the

Assignment Disclosure of invention Licensing Right of action Sharing of royalties State regulation and control Summary judgment





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All results

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Secondary Sources (1,316)



1. ENHANCING PATENT DAMAGES

U.C. Davis Law Review April, 2018 51 U.C. Davis L. Rev. 1427

Many policymakers, judges, and scholars justify patent law on economic-utilitarian grounds. It is therefore unsettling that when it comes to damages for patent infringement in excess of the compensatory baseline, courts have followed an approach that reflects primarily moral, rather than economic, considerations. In order to obtain enhanced damages...

...current doctrine's perverse effect of discouraging reading of patents, promote cost-effective patent searches, and take account of significant differences in...

...and Jury 1529 IV. Objections 1535 A. Litigation and Adjudication Costs 1535 B. Overdeterrence 1536 C. Harm from Patent Infringement 1538...

2. IF IT AIN'T BROKE, DON'T FIX IT: THE PITFALLS OF MAJOR REFORM OF THE DOCTRINE OF WILLFUL PATENT INFRINGEMENT IN THE WAKE OF KNORR-BREMSE

University of Baltimore Intellectual Property Law Journal Fall, 2006 15 U. Balt. Intell. Prop. L.J. 37

Frankly, I don't know why I'm so excited about trying to bring this patent suit to closure. It goes to the Federal Circuit afterwards. You know, it's hard to deal with things that are ultimately resolved by people wearing propeller hats. But we'll just have to see what happens when we give it to them. I could say that with impunity because...

...the perceived benefits of the reform proposals, concluding that the costs associated with diminished deterrence outweigh the expected efficiency gains under...

>> RELATED DOCUMENTS

Briefs

Brief of Amicus Curiae Askeladden LLC in Support of Neither Party

...): Enterprise Mfa. Co. v.

Halo Electronics, Inc. v. Pulse Electronics, Inc. Supreme Court of the United States December 16, 2015

Shakespeare Co., 141 F.2d 916, 92 (6th Cir. 1944) (infringers "should no be made to smart in punitive damages " if they were "honestly mistaken as to a reasonably debatal question of validity"); Rockwood, 37 F.2d at 66 (reversing award of

punitive damages because "[t]he validity of the patent and its infringement was open to honest doubt")....

Brief Of Amicus Curiae Huawei Technologies Co., Ltd. Supporting Respondents

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D. Halo and Its Aftermath

1. Halo

The Supreme Court eventually overturned the Seagate framework. The writing was on the wall when, in two unanimous companion opinions issued in 2014, the

The Supreme Court eventually overturned the Seagate framework. The writing was on the wall when, in two unanimous companion opinions issued in 2014, the Court rejected an analogous approach the Federal Circuit adopted for awarding attorney's fees in pathukeword文件中,自动生成脚注,为您节省了很多查询文 to take an opportunity for course-correction of its

284 cases and, again, unanimously vacated the Federal Circuit judgments, putting an end to Seagate.

Dmitry Karshtedt, Enhancing Patent Damages, 51 U.C. Davis L. Rev. 1427, 1462 (2018)

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Many policymakers, judges, and scholars justify patent law on economic-utilitarian grounds. It is therefore unsettling that when it comes to damage infringement in excess of the compensatory baseline, courts have followed an approach that reflects primarily moral, rather than economic, consideration to obtain enhanced damages, the prevailing plaintiff must show--among other things--that the defendant actually knew of the existence of the patent-in-suit. The subjective standard stems from pre-industrial tort actions designed to *1428 punish egregious interpersonal behaviors such as assault, piracy, libel, and seduction, and to preserve the public order. But as the law developed to cover "depersonalized" torts committed by corporate defendants and expanded from its moral

alty" for

age Award

66 A.L.R. Fed. 186 (Originally published in 1984)

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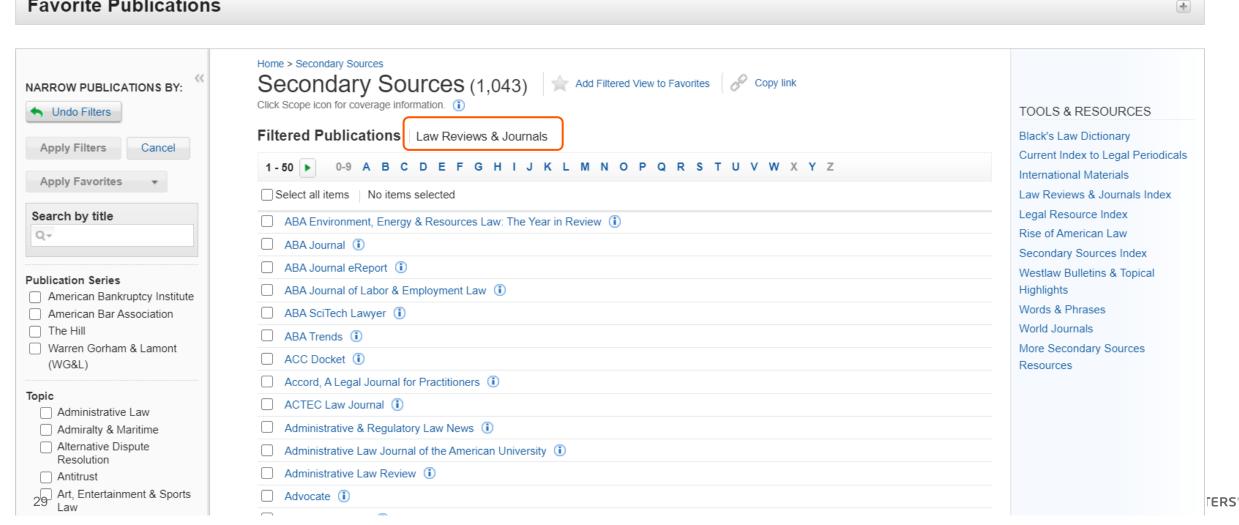
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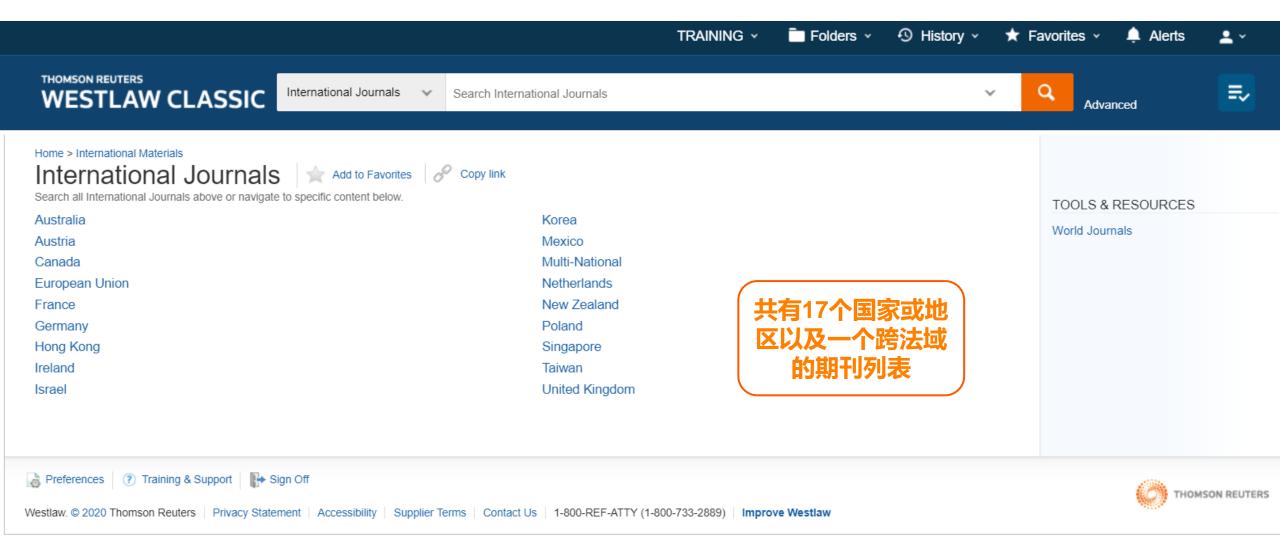
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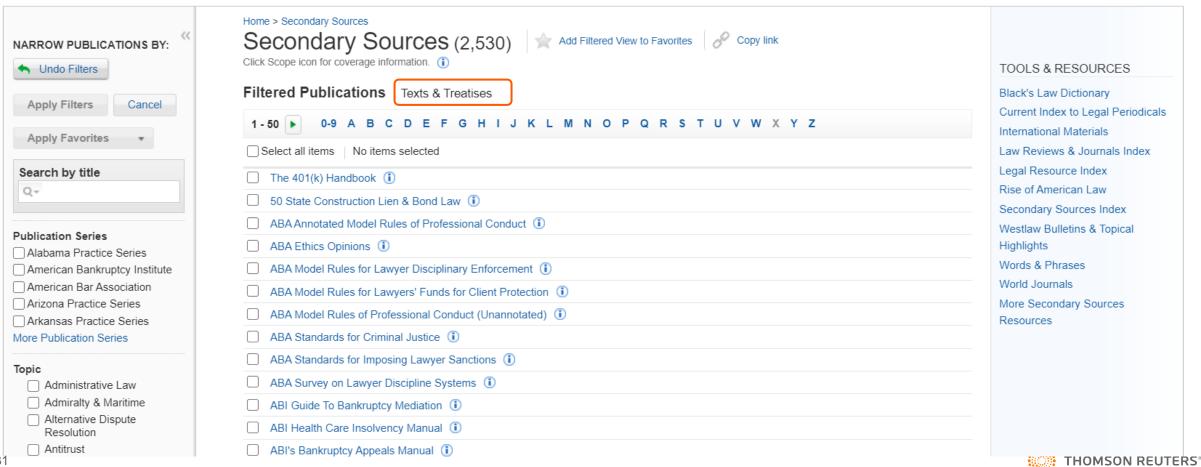




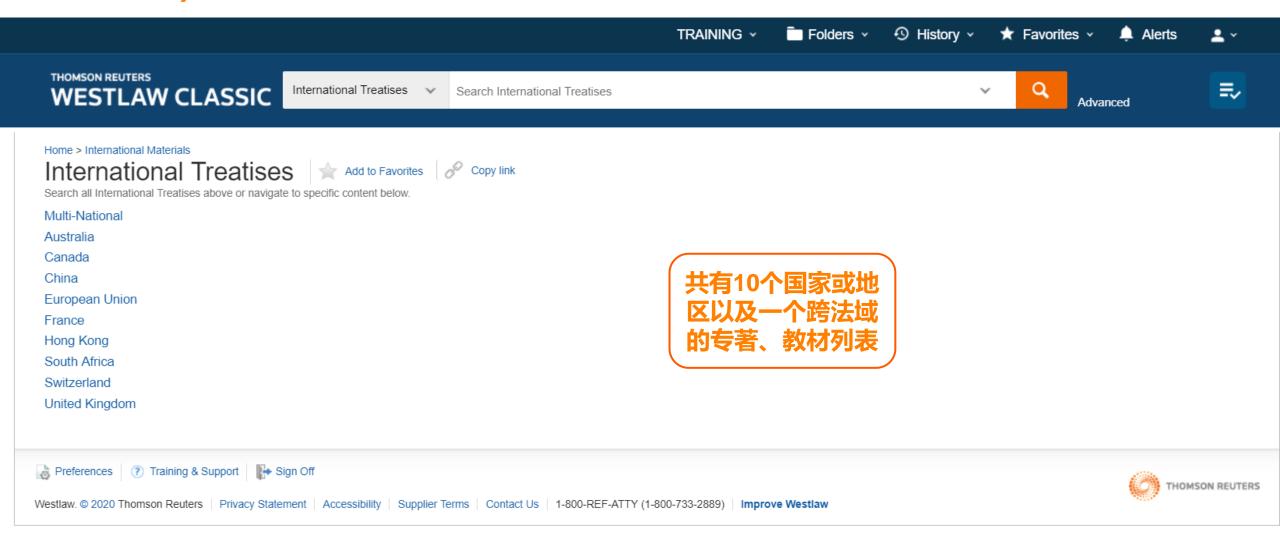
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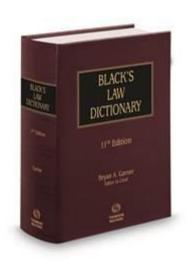




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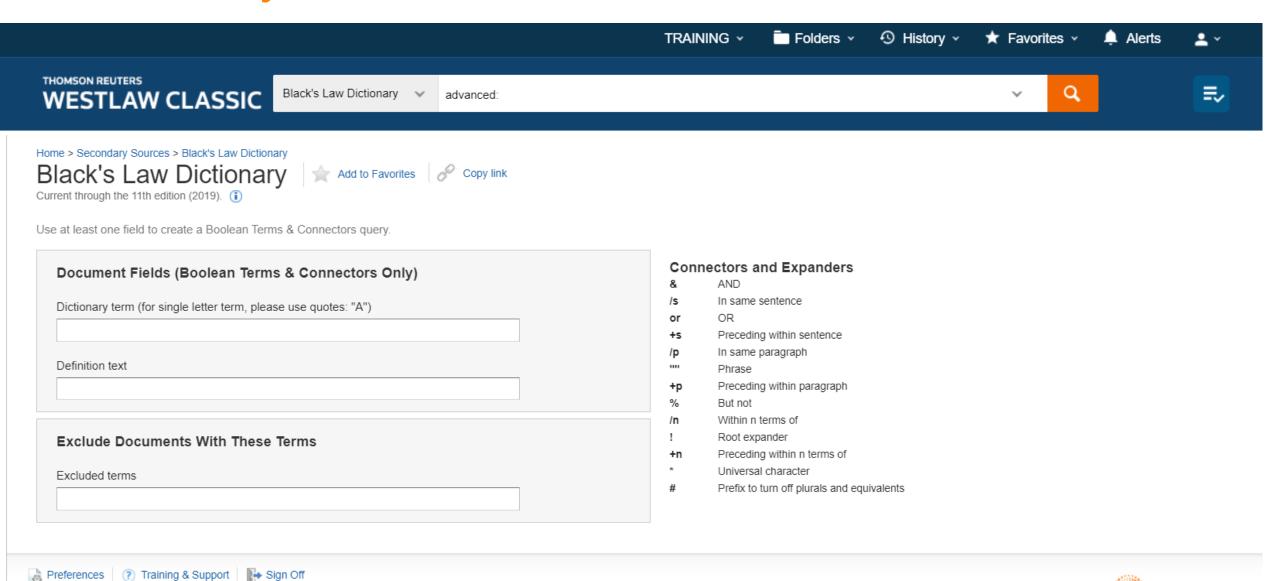
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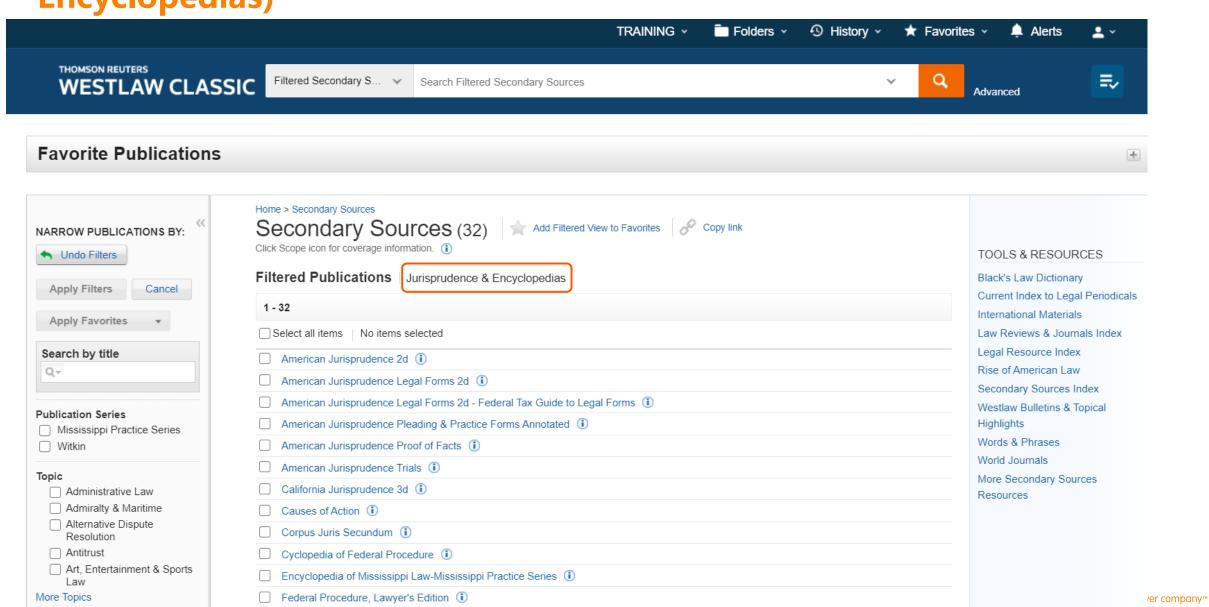


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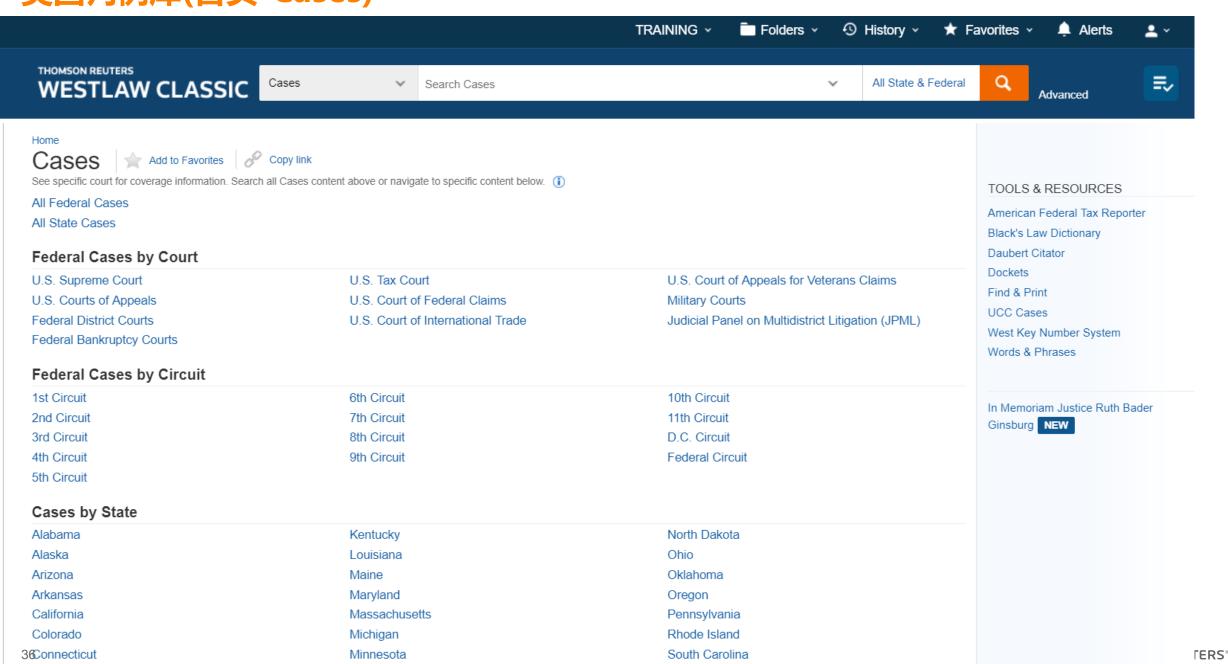
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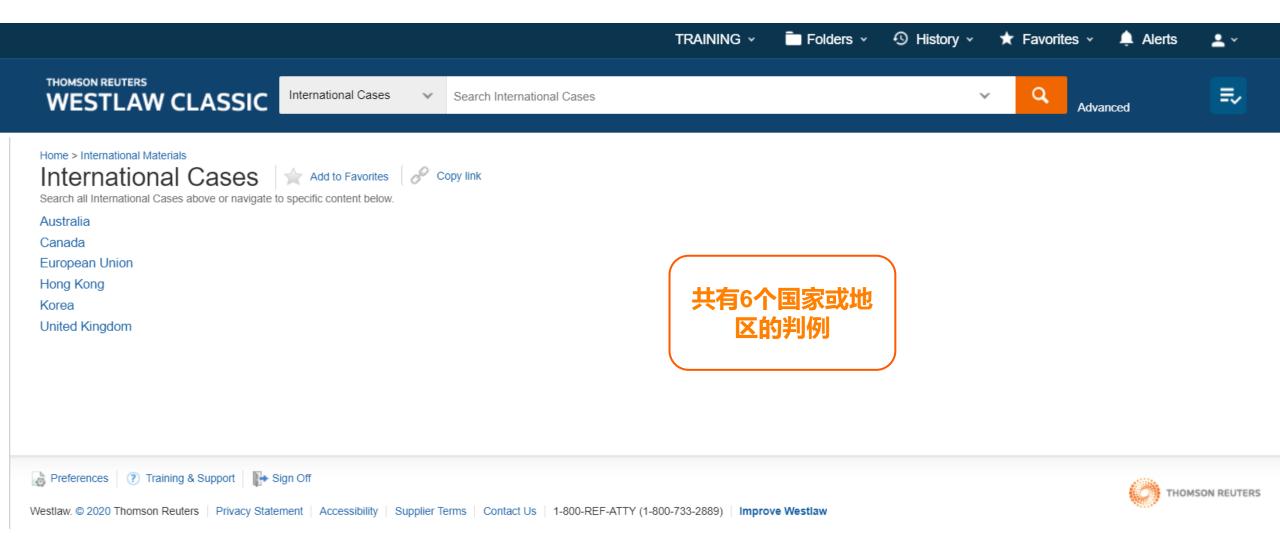
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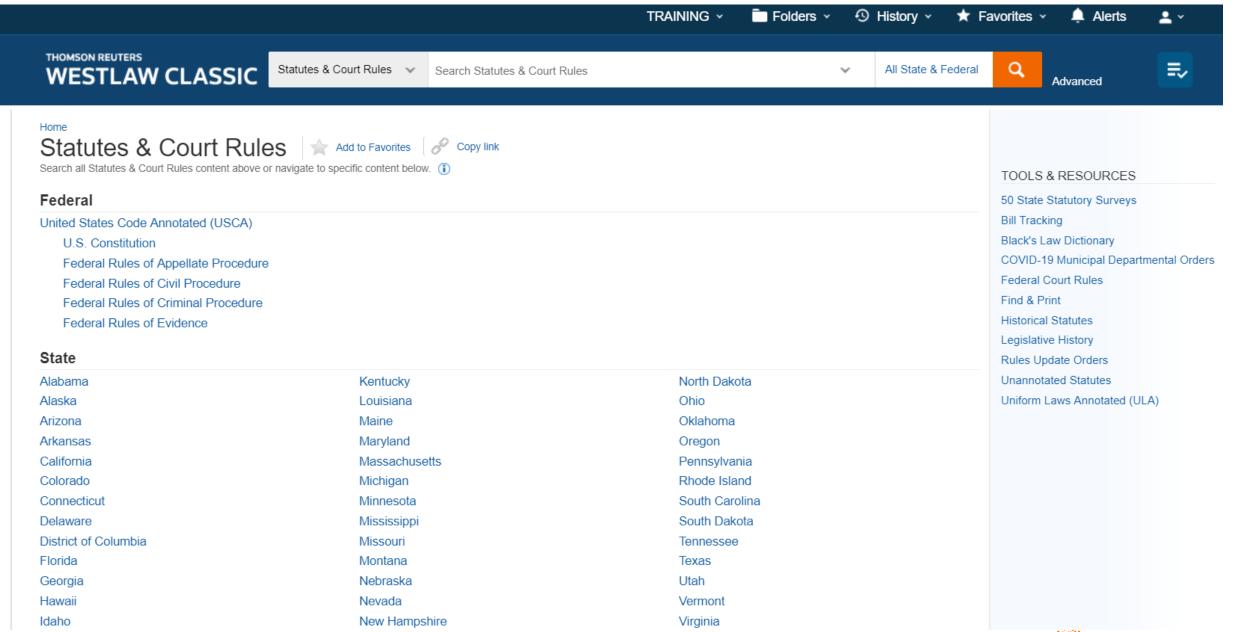
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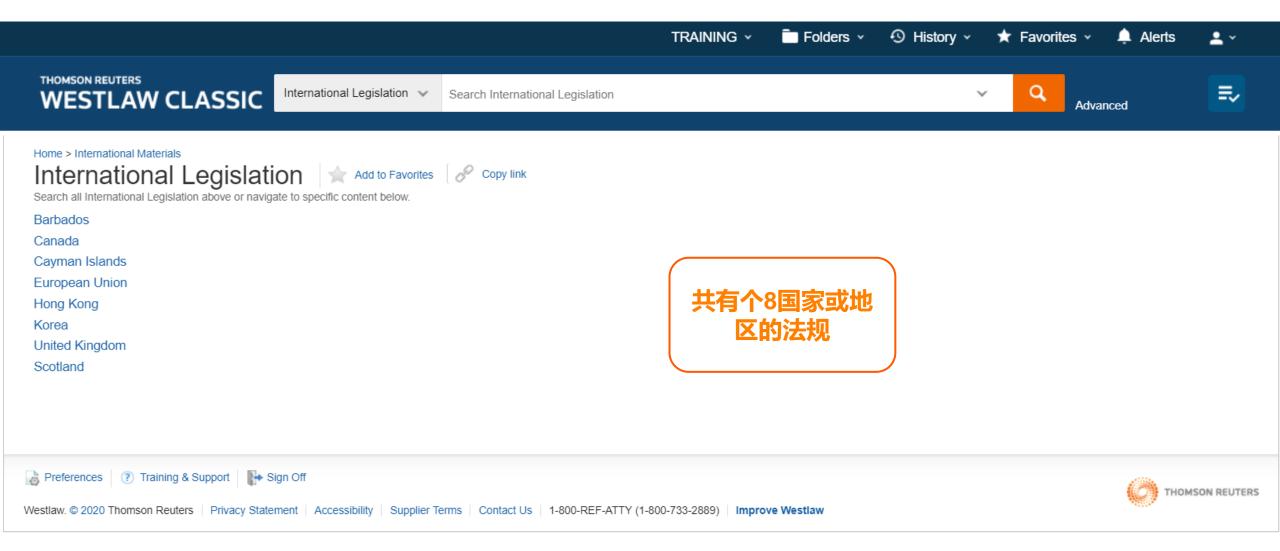




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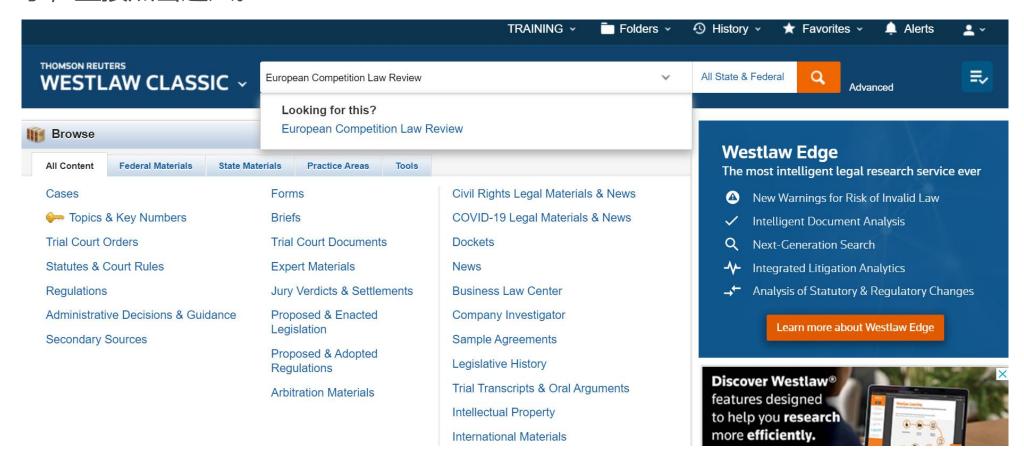
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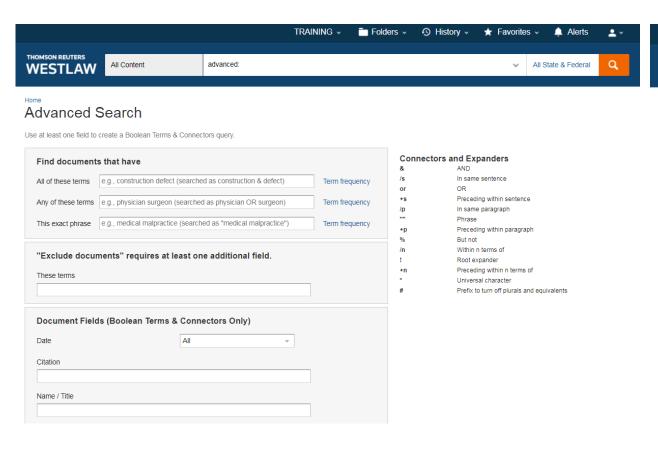
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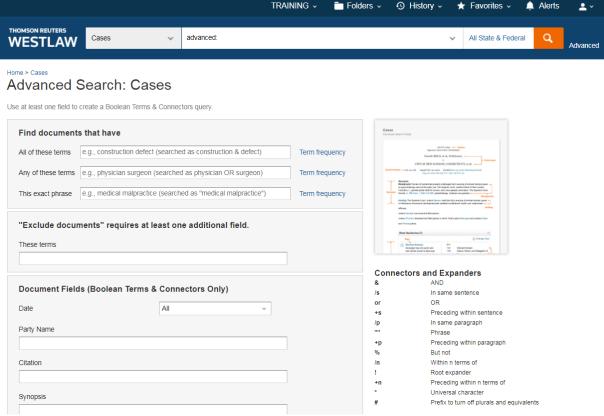
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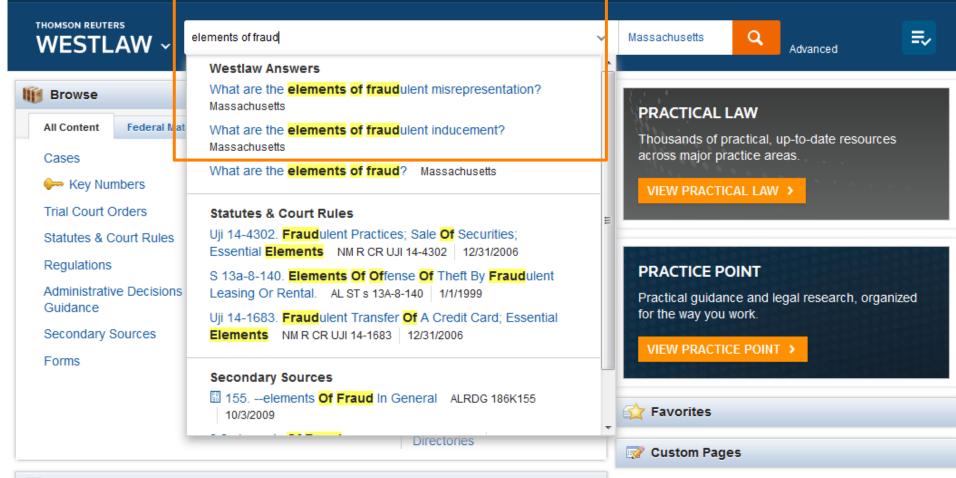
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or	其中一个词在文件中出现	landlord or landowner
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6677	引号中的词被作为词组处理,不可分	"comparative negligence"
+p	两个词在同一段中,且第一个词出现在第二个之前	violate +p regulation
%	文件中不包括该符号后面的词,如有其它连接符,须在检索指令的最后使用该符号,以免排除掉相关文件	conspiracy % crim!
/n	两个词之前最多出入不超过n个词,n的个数值 (1到255)	physical /3 injury
!	用在检索词尾部,检索不同结尾的词	negligen!,可以检索出negligence、 negligent、negligently
+n	两个词之间做多插入不超过n个词,且第一个 词先出现	freedom +2 speech
*	用在检索词的中间或尾部,代替单个字母	wom*n,可以检索出woman、women
#	用在单数形式的检索词前,使检索结果限制为 单数,不包括复数	#damage,只检索damage,不包括damages



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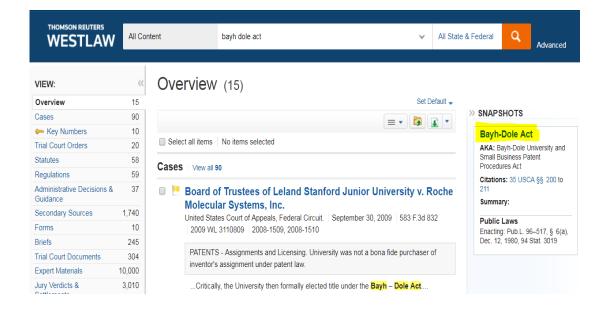
Lead objector to \$4.5 bln JPMorgan mortgage settlement withdraws

1/26/2016 | REUTERS LEGAL

Bond insurer Ambac Assurance Corporation on Tuesday withdrew its objections to JPMorgan Chase & Co's proposed \$4.5 billion settlement with investors in soured residential mortgage backed securities, paving the way for court approval of the deal.

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