

## Enhanced Damages for Patent Infringement - Workman Nydegger from Workman Nydegger

Enhanced damages in patent infringement suits in recent years have been limited due to the application of the *Seagate* test. This test was developed as a standard used by courts to determine when to award enhanced damages. The Supreme Court's recent decision in *Halo v. Pulse* found the *Seagate* test to be unduly rigid and inconsistent with the actual statute regarding enhanced damages. The Court restored the process of awarding enhanced damages to its intended scope.

We review the history of enhanced damages in patent infringement suits, including the introduction of the *Seagate* test. *Halo v. Pulse* is reviewed and the Supreme Court's reasoning behind eliminating the *Seagate* test is described. We also discuss the impact the removal of the *Seagate* test has on patent infringement suits and potential patent infringers.