

## Four Factors Influencing Enhanced Damages After Halo

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In this article published by *Law360*, Donald Steinberg, Heather Petruzzi and Margareta Sorenson consider district court decisions on enhanced damages issued within the first six months after Halo, particularly focusing on the factors that influence whether enhanced damages are ultimately awarded.

The US Supreme Court in Halo rejected Seagate's requirement for "objective recklessness" as a prerequisite for willful infringement and enhanced damages under § 284, explaining that this requirement allowed the most culpable offenders to avoid punishment. Rather, the Court focused on the subjective knowledge of the infringer at the time of the alleged misconduct. The Court specifically rejected the practice of avoiding enhanced damages by presenting reasonable post-litigation defenses, regardless of the culpability at the time of the infringement. [Read the full article](#)

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