
Two Ways Courts Approach Willful Infringement After Halo

JANUARY 18, 2017

In this *Law360* article, Natalie Hanlon Leh and Michael Silhasek analyze how district courts have addressed the sufficiency of pleading enhanced damages after Halo at the motion to dismiss stage. The [first article in this two-part series](#) considered district court decisions on enhanced damages issued within the first six months after Halo.

In *Halo Electronics Inc. v. Pulse Electronics Inc.*, the US Supreme Court rejected the "unduly rigid" framework first articulated in Seagate nearly a decade ago for awarding enhanced damages under 35 U.S.C. § 284 in the case of willful patent infringement. In doing so, the court noted that awards of enhanced damages were left to the discretion of the district court but have typically been reserved for "egregious" infringement behavior. In the wake of the new approach to willfulness and enhanced damages enunciated in *Halo* and the elimination of Form 18 in the Federal Rules of Civil Procedure, several district courts have addressed whether patentees sufficiently plead willful infringement at the motion-to-dismiss stage. [Read the full article](#)