
Halo Electronics, Inc. v. Pulse Electronics, Inc., No. 14-1513
Stryker Corp. v. Zimmer, Inc., No. 14-1520

Upon a finding of willful patent infringement, the Patent Act gives a court discretion to increase damages to up to three times the amount found by the jury or assessed by the court. To assess a damages multiplier, the Federal Circuit requires the plaintiff to prove that the defendant (i) had no objectively reasonable basis for its position and (ii) acted in subjective bad faith. Last Term, in *Octane Fitness, LLC v. Icon Health & Fitness, Inc.*, 134 S. Ct. 1749 (2014), the Supreme Court rejected a substantively identical test for determining whether attorneys' fees should be granted under the Patent Act. The Supreme Court consolidated two cases and granted certiorari to determine whether the Federal Circuit's two-part willfulness test is also barred by *Octane Fitness*.