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Mitigating Outsized Patent Damages Awards

Modern electronic products, like smartphones and tablets, contain thousands – sometimes hundreds of thousands – of different features. When electronics manufacturers are sued for patent infringement, however, the patent owners typically accuse only a single feature (or sometimes a handful of features in more complex patent cases) of infringing the patent claims. One would expect that the damages for this single feature would be commensurate to the contribution the feature makes to the value of the overall infringing product, but this is not the case.

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