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JOE RICHETTI AND BAILEY ROHLIN WRITE ABOUT PATENT MARKETING IN WESTLAW

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Partner Joe Richetti and Associate Bailey Rohlin, both in BCLP's Intellectual Property and Technology Disputes practice, recently authored an article in Westlaw about a Federal Circuit Court decision confirming that settlement licenses do not create an exception to the patent marking statute, and its practical implications for settlement negotiations.

Joe and Bailey discussed the decision in *VDPP LLC v. Volkswagen Group of America Inc.*, and while not addressed by the court, the decision has important practical implications for settlement negotiations in patent cases.

"*VDPP LLC v. Volkswagen Group of America Inc.* clarifies that settlement licenses are subject to the same marking principles that govern other patent licenses and that a patentee seeking pre-suit damages cannot disregard the marking obligations associated with licensed products," the authors write.

"Careful attention to license structure, notice, and damages analysis before litigation may be increasingly important where recovery of pre-suit damages is expected to play a significant role in an enforcement strategy."

Related capabilities

- Intellectual Property & Technology Disputes

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