

News & Insights

Aaron Charfoos Authors Article for *Inside Counsel*

Discusses Huge Number of Patent Cases in Front of U.S. Supreme Court; Decades' Total Could Match or Exceed Record Set in 1880's

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Aaron Charfoos, Chicago-based member of Dykema's Intellectual Property Group and Litigation Department, authored an article that appeared in the May 23, 2014 issue of *Inside Counsel*. Titled, "The Future of Patents, All Eyes Up High," the article addresses the large number of patent cases that the U.S. Supreme Court has recently ruled on, or is currently deliberating, and identifies several that are of particular relevance and importance to in-house counsel.

Among these: two cases—*Octane Fitness v. Icon Health & Fitness* and *Highmark v. Allcare Health Management System*—in which the Court "relaxed" Federal Circuit standards that permit judges to order losing parties to pay the prevailing party's attorneys' fees. In-house counsel, says Charfoos, need to factor this risk of "fee shifting" into their litigation analysis.

Charfoos also discusses *Limelight v. Akami*, in which the Court will answer the question: what it means to jointly infringe a patent on a method. Charfoos notes that while many expect the Court's decision to maintain the status quo, the outcome could potentially alter "who is infringing the patent."

Practice Areas

Intellectual Property & Intellectual Property Litigation

Intellectual Property Litigation