

**14-1513 HALO ELECTRONICS, INC. V. PULSE ELECTRONICS, INC.**

DECISION BELOW: 769 F3d. 1371

LOWER COURT CASE NUMBER: 2013-1472, 2013-1656

**QUESTION PRESENTED:**

1. Whether the Federal Circuit erred by applying a rigid, two-part test for enhancing patent infringement damages under 35 U.S.C. § 284, that is the same as the rigid, two-part test this Court rejected last term in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 134 S. Ct. 1749 (2014) for imposing attorney fees under the similarly-worded 35 U.S.C. § 285.

2. Whether the Federal Circuit erred by holding that a U.S. defendant does not "sell" or "offer to sell" the patented invention "within the United States" under 35 U.S.C. § 271(a), even though it enters a requirements contract with a U.S. customer that they negotiate and execute in the U.S., that is governed by California law, that specifies the material terms, and that creates legally binding obligations.

GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CONSOLIDATED WITH 14-1520 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 10/19/2015