



Federal Circuit Strikes Down Award of Attorneys' Fees

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On appeal, the Federal Circuit affirmed that the district court's finding that the case was exceptional. When it came to the amount of the award, however, the Federal Circuit found that there was not proper justification for enhancement. Specifically the Federal Circuit stated that "[a]lthough deterrence may be a consideration when determining *whether* to award attorney fees, it is not an appropriate consideration in determining the *amount* of a reasonable attorney fee." (emphasis in original). The Federal Circuit remanded the case for a proper determination of the amount of attorneys' fees, noting that such determination should not include the expedited schedule of the district court or any deterrence purpose.

Lumen View Technology LLC v. Findthebest.com Inc., No. 15-1275 (Fed. Cir. Jan. 22, 2016).

Categories

Federal Circuit

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