

NEWS RELEASES

PUBLISHED: AUGUST 25, 2017

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Husch Blackwell Secures Legal Fees for Octane in ‘Exceptional’ Patent Case

The Federal Circuit of the U.S. Court of Appeals affirmed a district court award of \$1.6 million in attorney’s fees for Husch Blackwell client Octane Fitness, LLC stemming from Octane’s 2014 U.S. Supreme Court victory that significantly changed the legal standard by which such fees are assessed and awarded.

After prevailing in its underlying patent dispute with Icon Health & Fitness Inc., Octane challenged the existing legal standards that governed fee-shifting in patent cases when its request for attorney’s fees was not granted. The fee dispute portion of the case ultimately landed with the nation’s highest court, which decided unanimously in April 2014 to relax the Federal Circuit’s standard, in effect making it costlier for plaintiffs in patent litigation to bring forth especially weak or meritless lawsuits.

As a result, Octane’s fee request was remanded to the district court for a rehearing based on the new standard. Upon remand, the district court determined that the underlying case against Octane was “particularly and unusually weak” and awarded Octane \$1.6 million in attorney’s fees, a result that the Federal Circuit affirmed today.

“This represents a major victory for our client, as well as for all defendants in patent litigation cases who are subjected to baseless allegations,” said Rudy Telscher, the lead Husch Blackwell partner on the matter.

The Telscher-led Husch Blackwell team included partner Kara Fussner and associate Daisy Manning.