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Outline for Talk in Patent Session 3.C of
Fordham's 17th Annual Conference on Intellectual Property Law & Policy

Patent Session 3.C (Wed. afternoon): Injunctive Relief: A Comparative Analysis

Presentation Title:

Principles and Presumptions for Injunctive Relief Analysis in the United States

Presentation Description:

This presentation discusses recent controversy in the United States regarding when courts should issue injunctions against patent infringement. Drawing on arguments made in an article forthcoming in the *Texas Law Review*, the presentation suggests certain principles that should inform efforts to design optimal patent remedies, including the provision of injunctive relief. The presentation then applies those principles to the question of what presumptions should apply when courts assess whether to issue an injunction.

Outline for the Presentation:

- I. Post-*eBay* Developments Relating to Injunctive Relief in the United States
- II. Five Proposed Principles for Patent Remedies
 - A. Nonabsolutism
 - B. Antidiscrimination
 - C. Devolution
 - D. Administrability
 - E. Learning
- III. Potential Presumptions for Decisions on Injunctive Relief, in Light of the Five Principles