

12-1184 OCTANE FITNESS, LLC V. ICON HEALTH & FITNESS, INC.

DECISION BELOW: 496 Fed.Appx. 57

LOWER COURT CASE NUMBER: 2011-1521, 2011-1636

QUESTION PRESENTED:

1. Does the Federal Circuit's promulgation of a rigid and exclusive two-part test for determining whether a case is "exceptional" under 35 U.S.C. § 285 improperly appropriate a district court's discretionary authority to award attorney fees to prevailing accused infringers in contravention of statutory intent and this Court's precedent, thereby raising the standard for accused infringers (but not patentees) to recoup fees and encouraging patent plaintiffs to bring spurious patent cases to cause competitive harm or coerce unwarranted settlements from defendants?

CERT. GRANTED 10/1/2013