

## **Waters v. Agilent et al., Court of First Instance Paris (Tribunal de Grande Instance Paris), 14 Januari 2009**

**Kluwer Patent Blog**  
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This case provides a rather complete example of how to calculate damages in a patent infringement action in France. When the patent owner directly works out his patent in France, damages are based on lost profits and completed by additional royalties if the lost profits are below the amount of total infringing sales. When the patent owner does not directly work out his patent or cannot provide the information of production costs to calculate the margin of profits, damages are based on royalties. The infringer is held to pay springboard damages if, after the termination of the infringements, he continues profiting from the commercial advantages remaining from the infringing sales.