

---

# Kluwer Patent Blog

## Patent case: Exmark Manufacturing Company Inc. v. Briggs & Stratton Power Products Group LLC, USA

Mark Engstrom (Wolters Kluwer Legal & Regulatory US) · Thursday, February 1st, 2018

In a lawsuit involving the alleged infringement of an Exmark patent that described a lawn mower with improved flow-control baffles, a federal district court erroneously based its summary judgment finding of no invalidity solely on the fact that the patent claim at issue had survived multiple reexaminations, the U.S. Court of Appeals for the Federal Circuit has ruled. In addition, the district court erred in denying defendant Briggs & Stratton a new trial on damages. Because a damages expert failed to support her proposed five-percent royalty rate with an adequate explanation of how she had arrived at that rate, her testimony was inadmissible. Finally, the district court abused its discretion by limiting the evidence for damages to “commercialized” prior art, and by excluding from the willfulness trial evidence related to patent validity. The lower court’s findings on indefiniteness and laches were affirmed, however, so the judgment of the district court was affirmed in part, vacated in part, and remanded for further proceedings (Exmark Manufacturing Company, Inc. v. Briggs & Stratton Power Products Group, LLC, January 12, 2018, Stoll, K.).

Case date: 12 January 2018

Case number: No. 2016-2197

Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

---

*To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).*

## Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of

legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

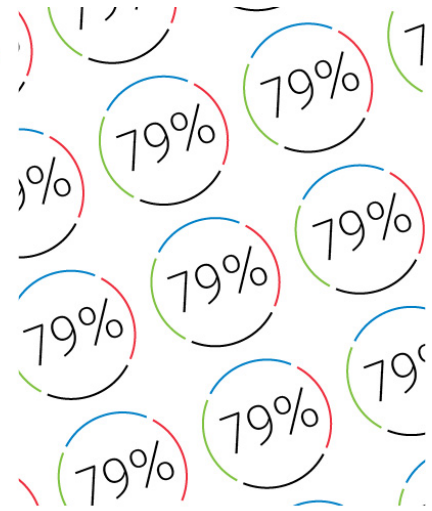
Learn how **Kluwer IP Law** can support you.

---

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change

This entry was posted on Thursday, February 1st, 2018 at 2:17 pm and is filed under [Case Law](#), [United States of America](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.