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USA: Commonwealth Scientific and Industrial Research Organisation v. Cisco Systems, Inc, United States Court of Appeals, Federal Circuit, 2015-1066, 3 December 2015

Peter Reap (Wolters Kluwer Legal & Regulatory US) · Wednesday, December 9th, 2015

In awarding plaintiff Commonwealth Scientific and Industrial Research Organisation (“CSIRO”) \$16,243,067 in damages for Cisco Systems’ (“Cisco’s”) infringement of CSIRO’s U.S. Patent No. 5,487,069 (“’069 patent”), the federal district court in Tyler, Texas, erred by not accounting for the ’069 patent’s standard-essential status and in its reasoning for discounting a relevant license agreement, the U.S. Court of Appeals for the Federal Circuit has ruled (*Commonwealth Scientific and Industrial Research Organisation v. Cisco Systems, Inc.*, December 3, 2015, Prost, S.). Therefore, although the district court’s methodology in this case—insofar as it relied on the parties’ actual licensing discussions—was not contrary to damages law, the judgment was vacated and the case remanded for the lower court to revise the award.

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

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