

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Romag Fasteners, Inc. v. Fossil, Inc.

686 F. App'x 889 (Fed. Cir. 2017) · Decided May 3, 2017

SUMMARY

The United States Court of Appeals for the Federal Circuit recalled its mandate and reinstated the appeal following the Supreme Court's vacatur and remand in light of SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC. It vacated the district court's reduction of Romag's patent damages based on laches, remanded for correction of the damages amount, and reinstated the prior decision affirming the denial of Fossil's profits.

CASE DETAILS

COURT	United States Court of Appeals for the Federal Circuit
JURISDICTION	Federal
DECIDED	May 3, 2017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On remand from the Supreme Court after the Supreme Court granted certiorari, vacated the Federal Circuit's prior judgment, and remanded for reconsideration in light of SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC.
PRECEDENTIAL VALUE	published
PARTIES	Romag Fasteners, Inc. v. Fossil, Inc.

TOPICS

patent infringement patent law damages appellate procedure remedies

PRACTICE AREAS

intellectual property patent law patent infringement damages appellate procedure

QUESTIONS PRESENTED

1. Whether the Federal Circuit should recall its mandate and reinstate the appeal after the Supreme Court's remand.
2. Whether laches may serve as a defense to patent infringement within the statutory period after SCA Hygiene.

3. Whether the prior Federal Circuit judgment affirming the denial of Fossil's profits should be reinstated.

HOLDINGS

1. Under the Supreme Court's decision in *SCA Hygiene*, laches is not a defense to patent infringement within the statutory period.
2. The June 27, 2014 judgment reducing Romag's patent damages by eighteen percent due to laches is vacated, and the case is remanded for correction of the damages judgment amount.
3. The Federal Circuit reinstated sections II and III of its earlier decision affirming the district court's judgment declining to award Fossil's profits.

KEY QUOTATIONS

“Under the Supreme Court’s decision in SCA Hygiene, laches is not a defense to patent infringement within the statutory period.” (890)

FACTUAL BACKGROUND

A jury awarded Romag patent damages against Fossil. The district court reduced that award by eighteen percent based on the defense of laches and declined to award Fossil's profits. The Federal Circuit's order addressed the effect of the Supreme Court's intervening decision in *SCA Hygiene* on the laches-based reduction and on the previously affirmed denial of Fossil's profits.

PROCEDURAL HISTORY

The United States District Court for the District of Connecticut reduced Romag's jury award of patent damages by eighteen percent based on laches and declined to award Fossil's profits. The Federal Circuit previously affirmed in part. The Supreme Court remanded after its decision in *SCA Hygiene*, and the Federal Circuit recalled its mandate, reinstated the appeal, vacated the damages reduction, and remanded for correction of the damages judgment while reinstating the portions of its prior decision concerning Fossil's profits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must correct the damages judgment amount consistently with the Supreme Court's opinion by removing the eighteen-percent reduction based on laches. Sections II and III of the earlier Federal Circuit decision are reinstated.

CASES CITED

- *SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC*, 580 U.S. -, 137 S. Ct. 954, 197 L. Ed. 2d 292 (2017)
- *WesternGeco LLC v. ION Geophysical Corp.*, 837 F.3d 1358, 1361 (Fed. Cir. 2016)

- Romag Fasteners, Inc. v. Fossil, Inc., 817 F.3d 782 (Fed. Cir. 2016)
- Romag Fasteners, Inc. v. Fossil, Inc., 137 S. Ct. 1373, 197 L. Ed. 2d 550 (2017)

OPINION

PER CURIAM.

*890ORDER Per Curiam. The court has received a certified copy of the judgment from the Clerk of the Supreme Court of the United States in Romag Fasteners, Inc. v. Fossil, Inc., et al., — U.S. —, 137 S.Ct. 1373, 197 L.Ed.2d 550 (2017).

The Supreme Court granted certiorari, vacated, and remanded for further consideration our March 31, 2016 judgment in light of SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC, 580 U.S. —, 137 S.Ct. 954, 197 L.Ed.2d 292 (2017).

The Supreme Court’s SCA Hygiene decision was solely concerned with the defense of laches against a claim for patent infringement damages and does not affect other aspects of our earlier opinion. *Id.* at 16. As such, we reinstate our earlier opinion except for section I. See *WesternGeco LLC v. ION Geophysical Corp.*, 837 F.3d 1358, 1361 (Fed. Cir. 2016). Section I of our earlier opinion was specifically directed to the defense of laches.

Upon consideration thereof, It Is Oedeed That: (1) The mandate issued on May 9, 2016, is hereby re-called and the appeal is reinstated. (2) The June 27, 2014 judgment of the United States District Court for the District of Connecticut reducing Ro-mag’s jury award patent damages by eighteen percent due to the defense of laches is vacated.

Under the Supreme Court’s decision in SCA Hygiene, laches is not a defense to patent infringement within the statutory period. (3) The case is remanded to that court to correct the damages judgment amount consistent with the Supreme Court’s opinion.

(4) We hereby reinstate those aspects of our earlier decision and judgment set forth in sections II—III of our earlier opinion, *Romag Fasteners, Inc. v. Fossil, Inc.*, 817 F.3d 782 (Fed. Cir. 2016), affirming the district court’s judgment declining to award Fossil’s profits, which were not affected by the Supreme Court’s order.

(5) Costs to neither party..