

MEDIA MENTIONS

MLex Quotes Benesch Partner Paul Kremer on U.S. Supreme Court's Denial of EcoFactor Appeal

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Benesch Partner [Paul Kremer](#) was quoted in an MLex article titled *"US Supreme Court Turns Away EcoFactor Appeal Over Damages Expert Testimony."*

The article discusses the U.S. Supreme Court's decision to deny certiorari in EcoFactor's appeal of a Federal Circuit ruling that vacated a \$20 million patent damages award against Google. The appellate court found that the plaintiff's damages expert testimony failed to meet evidentiary standards under Federal Rule of Evidence 702 and Daubert.

Kremer described the certiorari denial as a "missed opportunity" for the high court to simplify and modernize damages law in patent cases. He noted that the case could have served as a vehicle for "setting the table on what it means to have a reasonable royalty analysis that is going to survive scrutiny," adding that the review of damages case law under the decades-old Georgia-Pacific framework is long overdue.