

MEDIA MENTIONS

MLex Quotes Benesch Partner Paul Kremer on Why Large Patent Awards Often Fail on Appeal

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Benesch Partner [Paul Kremer](#) was quoted in an MLex article titled “*Study shows ‘robust’ link between patent awards, appellate outcomes.*”

The article discusses a study on U.S. patent damage awards, finding that large verdicts—especially those over \$500 million—rarely survive appeal. Of awards over \$10 million between 2010 and 2025, only about one-third were upheld, with biotech cases faring slightly better. Low affirmance rates can influence settlement decisions and investment in patent-heavy industries, particularly given the high costs of litigation.

Paul explains that most patent cases are concentrated in Texas and Delaware, where trials are short and experts have limited time to present complex damages. This forces experts to balance a methodologically sound opinion with a compelling narrative for jurors. Overworked courts and compressed schedules prevent full exploration of damages theories, making large awards more fragile, as illustrated by the *ecoFactor v. Google* damages-only retrial.

More: [Study shows ‘robust’ link between patent awards, appellate outcomes](#)