

2026 Highlights

The 2026 Edition of *Assets and Finances: Calculating Intellectual Property Damages* includes revisions throughout, expanded discussions of numerous IP damages topics, an updated Appendix A—Admissibility of Expert Damages Testimony in IP Cases, as well as new or updated coverage of the following topics:

- update of Chapter 2 to address extraterritorial sales for trade secret misappropriation and copyright infringement based on the Seventh Circuit decision in *Motorola Solutions v. Hytera Communications*
- expanded discussion in Chapter 3 regarding conveyed sales based on the Federal Circuit’s *Wash World* decision
- reorganized and expanded discussion in Chapter 5 regarding the proper use of facts by experts, especially in converting of lump sum amounts in comparable licenses to running royalties, based on the en banc ruling by the Federal Circuit in *EcoFactor v. Google* and other related rulings
- expanded discussion in Chapter 5 regarding the entire market rule and apportionment following the Federal Circuit decision in *Provisur Technologies*
- discussion in Chapter 7 of Supreme Court decision in *Dewberry Engineers* clarifying that the profits of non-party affiliates of a defendant cannot be included in disgorgement amounts
- description in Chapter 7 of reversal by Court of Appeals of Virginia of over \$2 billion award for alleged trade secret misappropriation due to lack of proximate cause