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New Developments, New IPR Strategies Before PTAB

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Patent Disputes for Our Time: New Realities, New Approaches

MARCH 23, 2016 • SAN FRANCISCO, CA



New Developments, New IPR Strategies Before PTAB

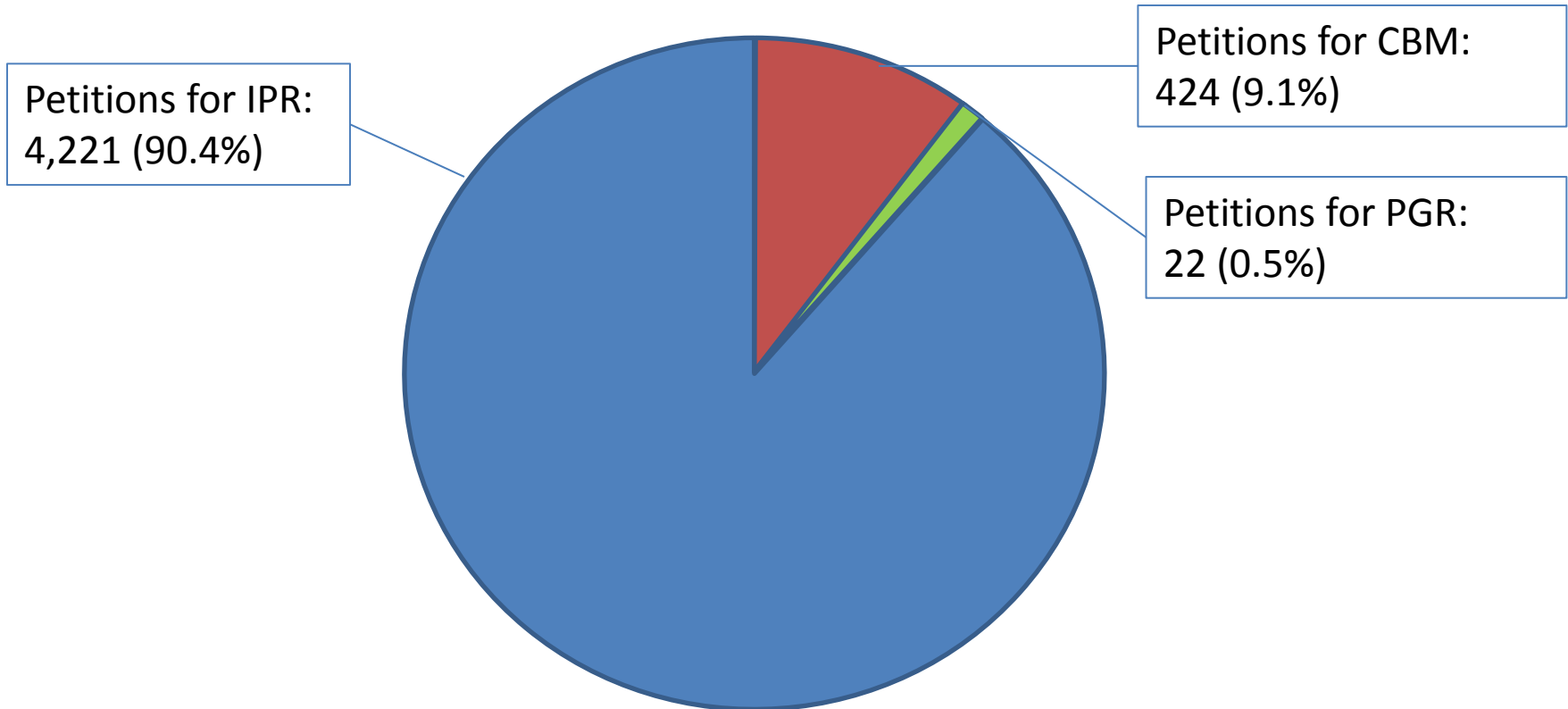
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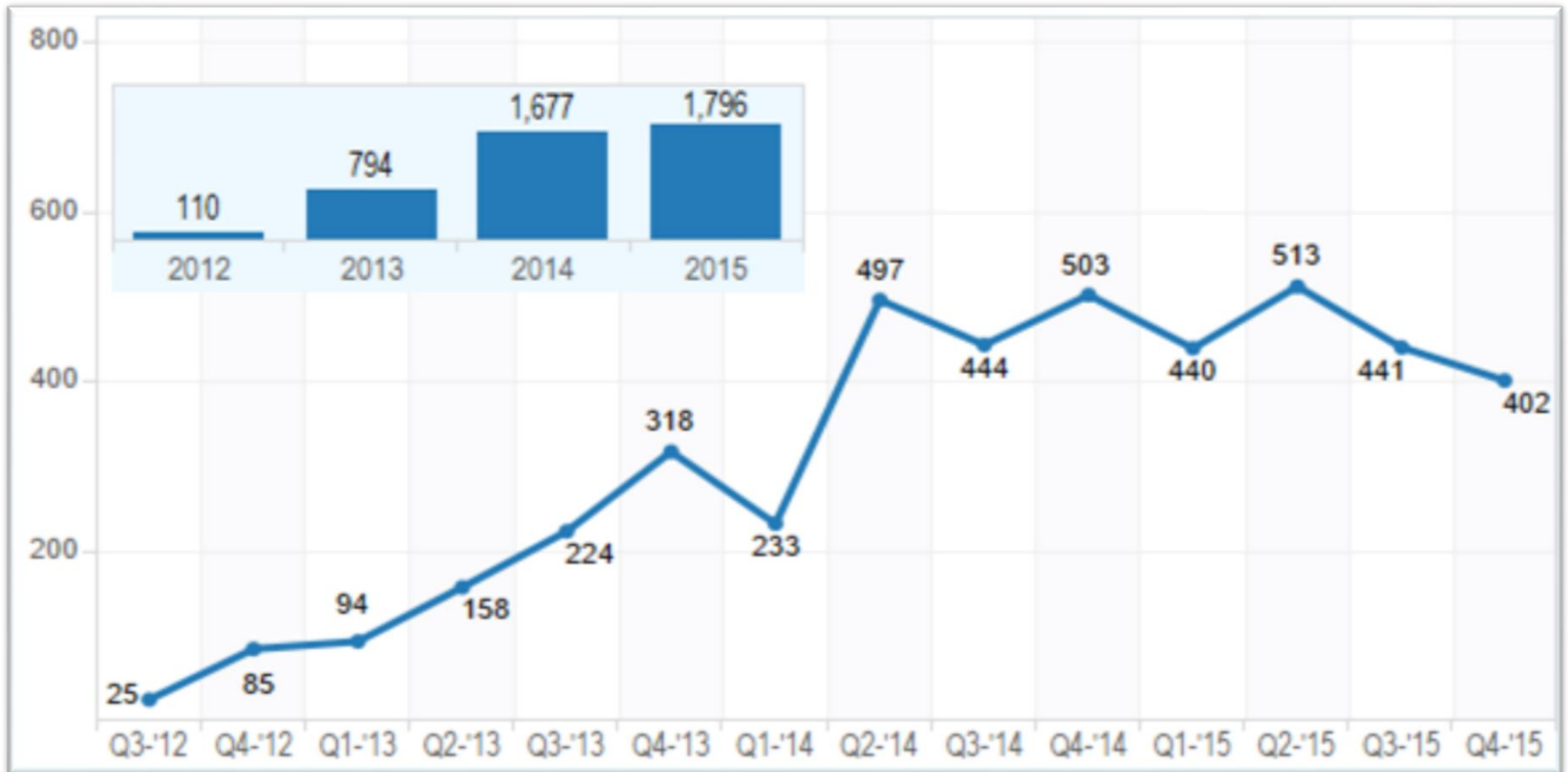
Total PTAB Petitions



Source: Docket Navigator (March 11, 2016)



Total PTAB Petitions

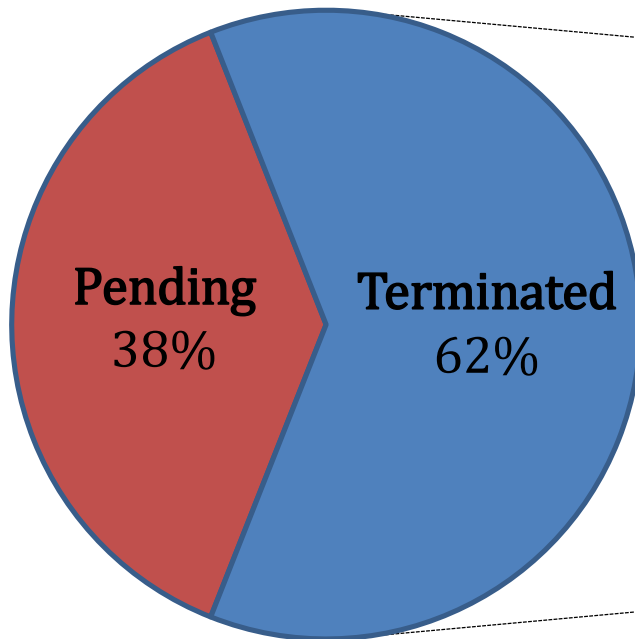


Source: Law 360

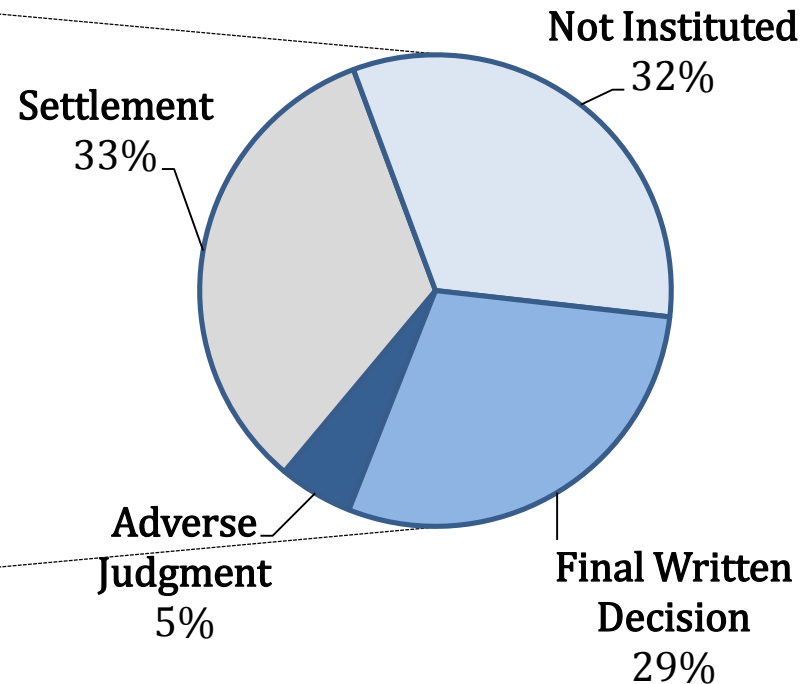


Overall Outcomes

All Cases



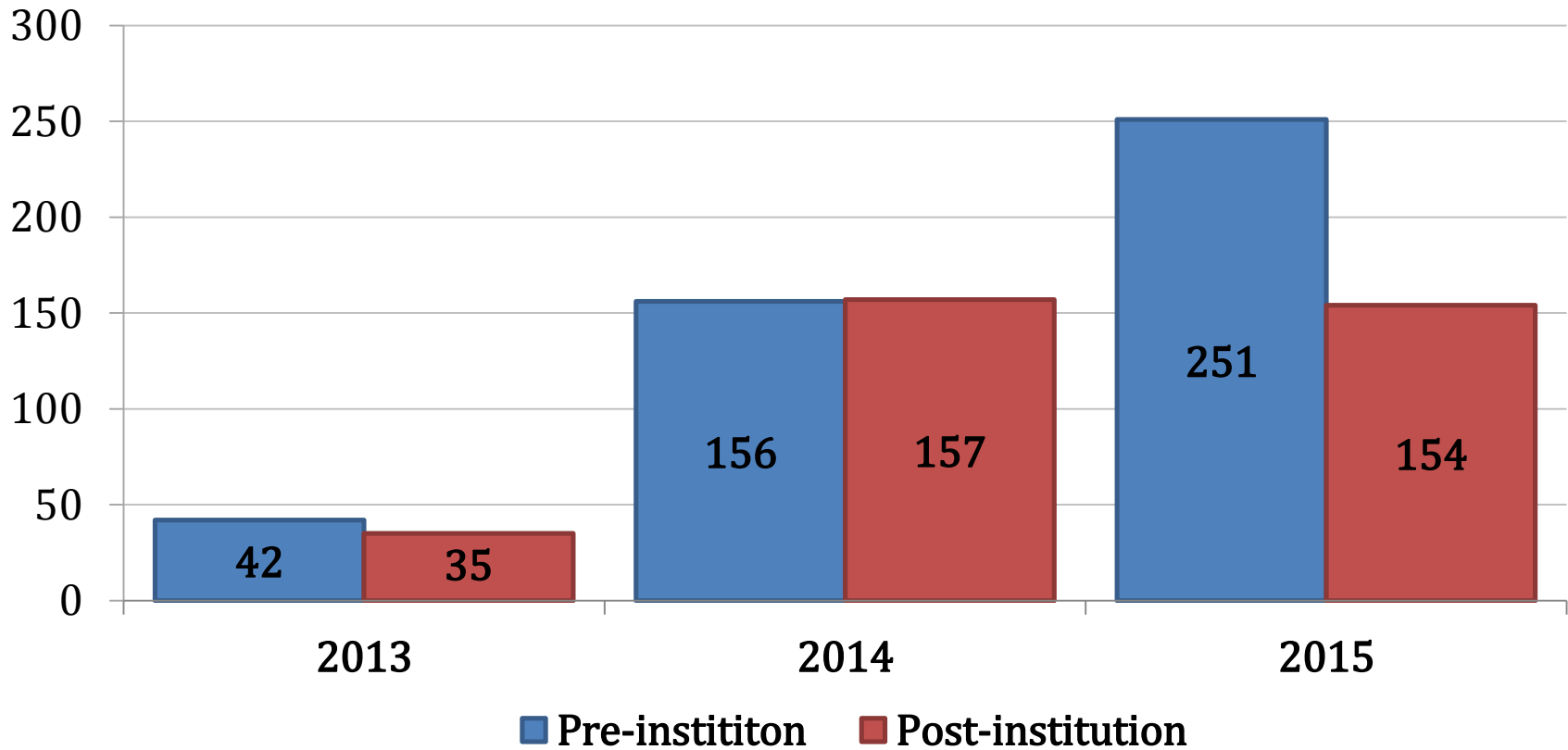
Terminated Cases



Source: Unified Patents (Feb. 2016)



Settlement

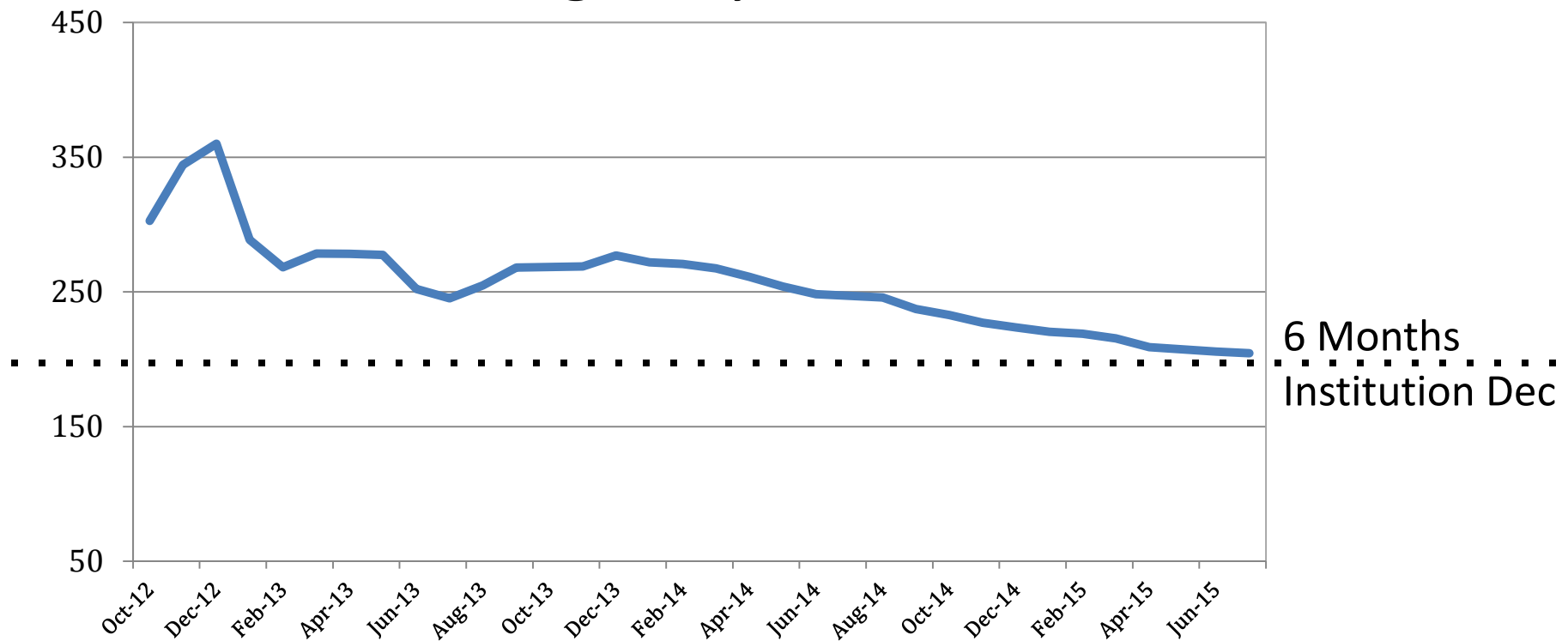


Source: Unified Patents



Settlement

Average Days to Settlement

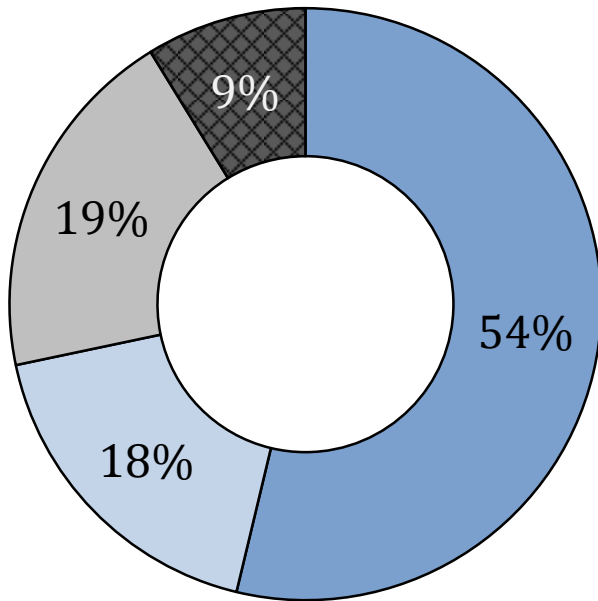


Source: Unified Patents



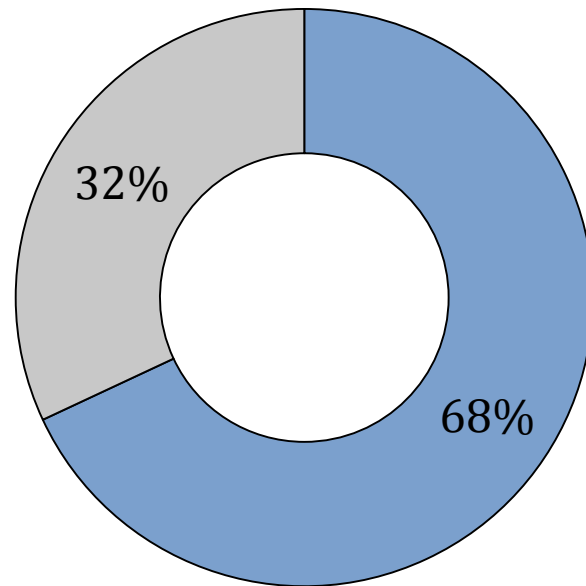
Institution Decisions

Case-Level Outcomes



- All Claims Instituted
- Mixed Results
- No Claims Instituted [Merits]
- No Claims Instituted [Procedural]

Claim-Level Outcomes (on the Merits)

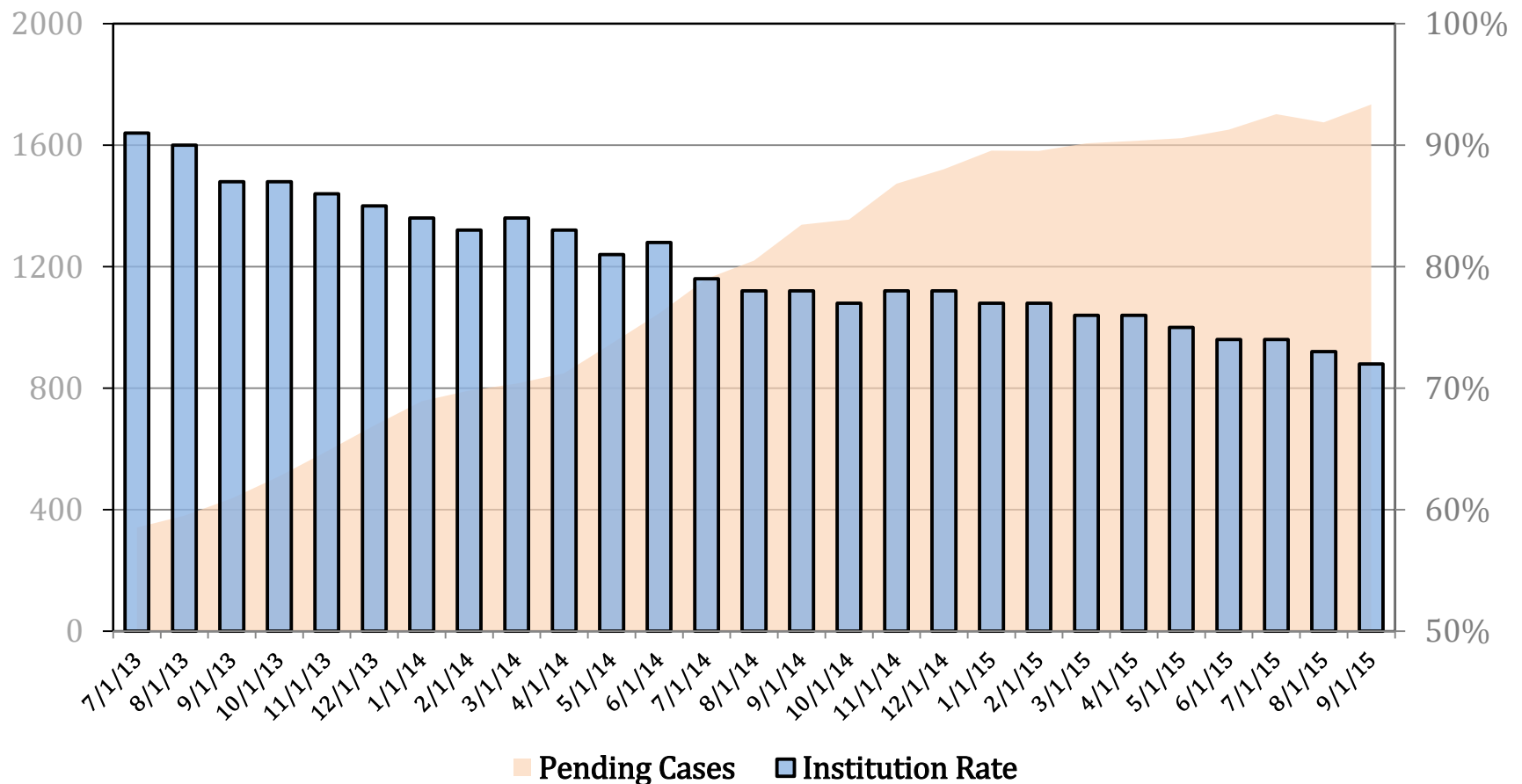


- Instituted
- Denied

Source: Unified Patents (Feb. 2016)



Institution Rate Over Time

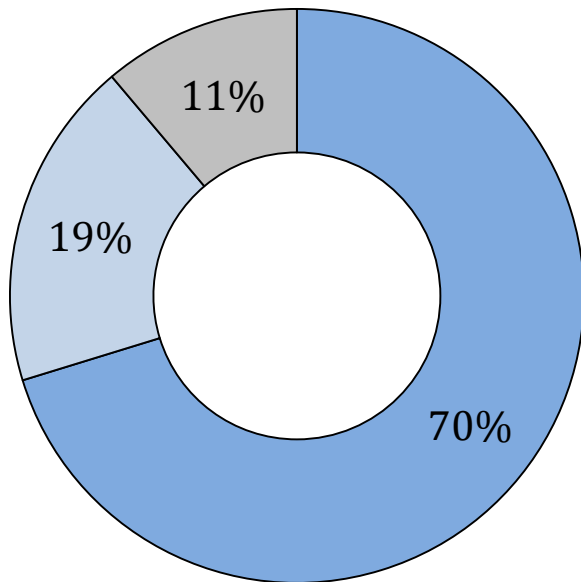


Source: Unified Patents



Final Written Decisions

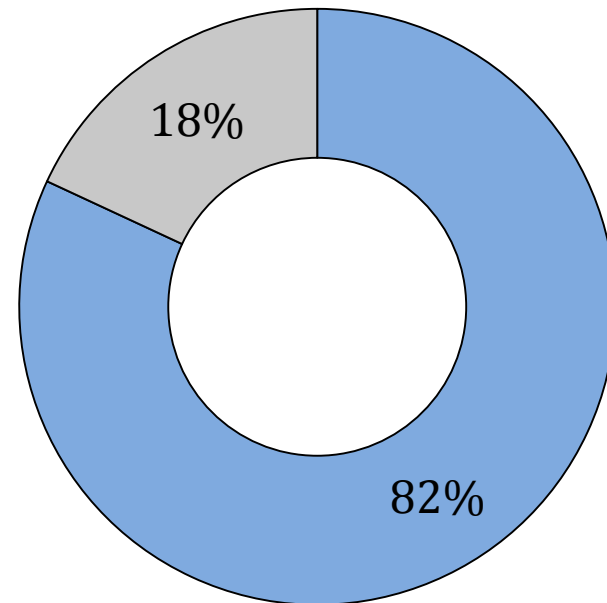
Case-Level Outcomes



- All Claims Unpatentable
- Mixed Results
- All Claims Patentable



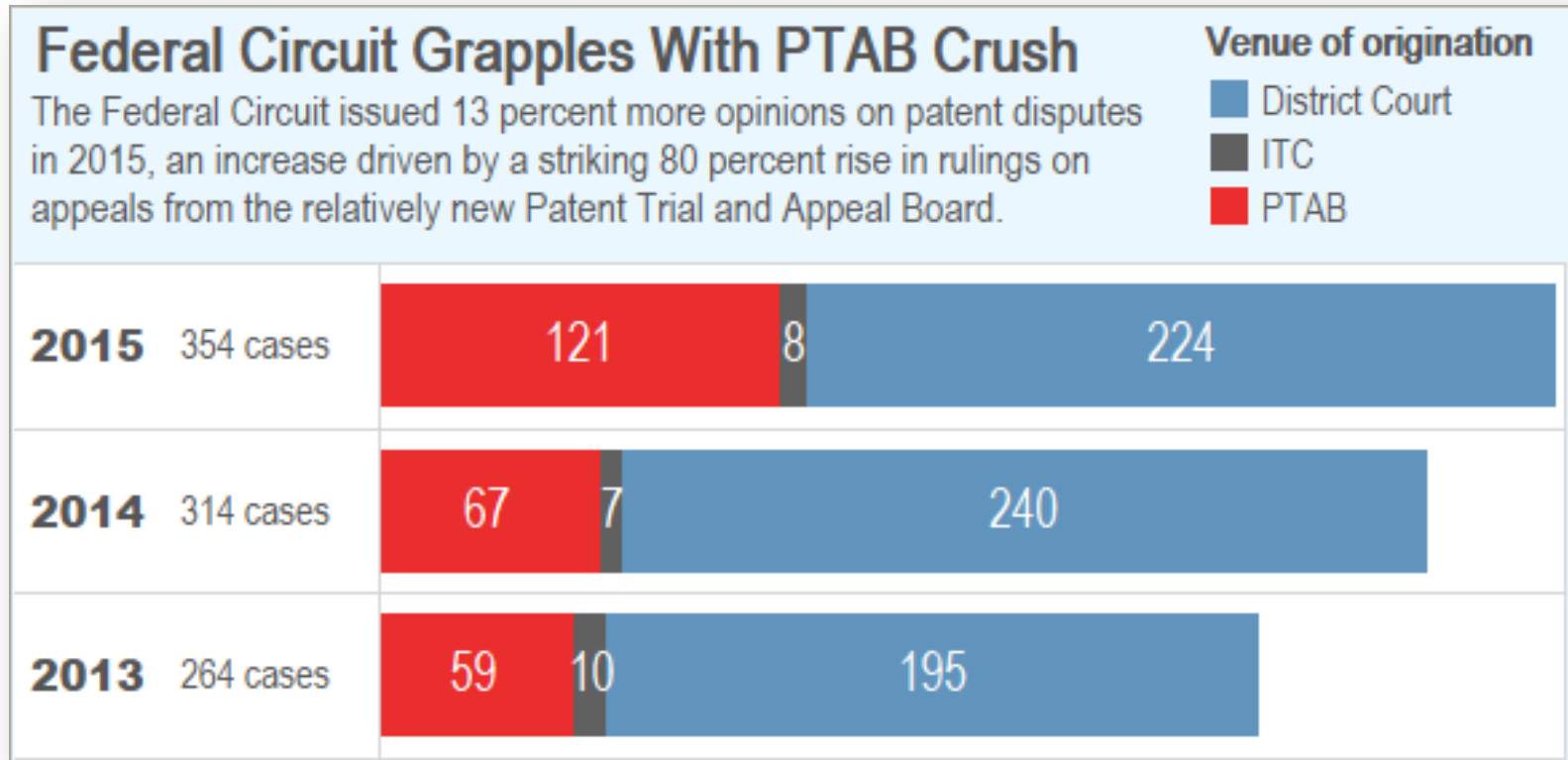
Claim-Level Outcomes (on the Merits)



- Unpatentable
- Patentable

Source: Unified Patents (Feb. 2016)

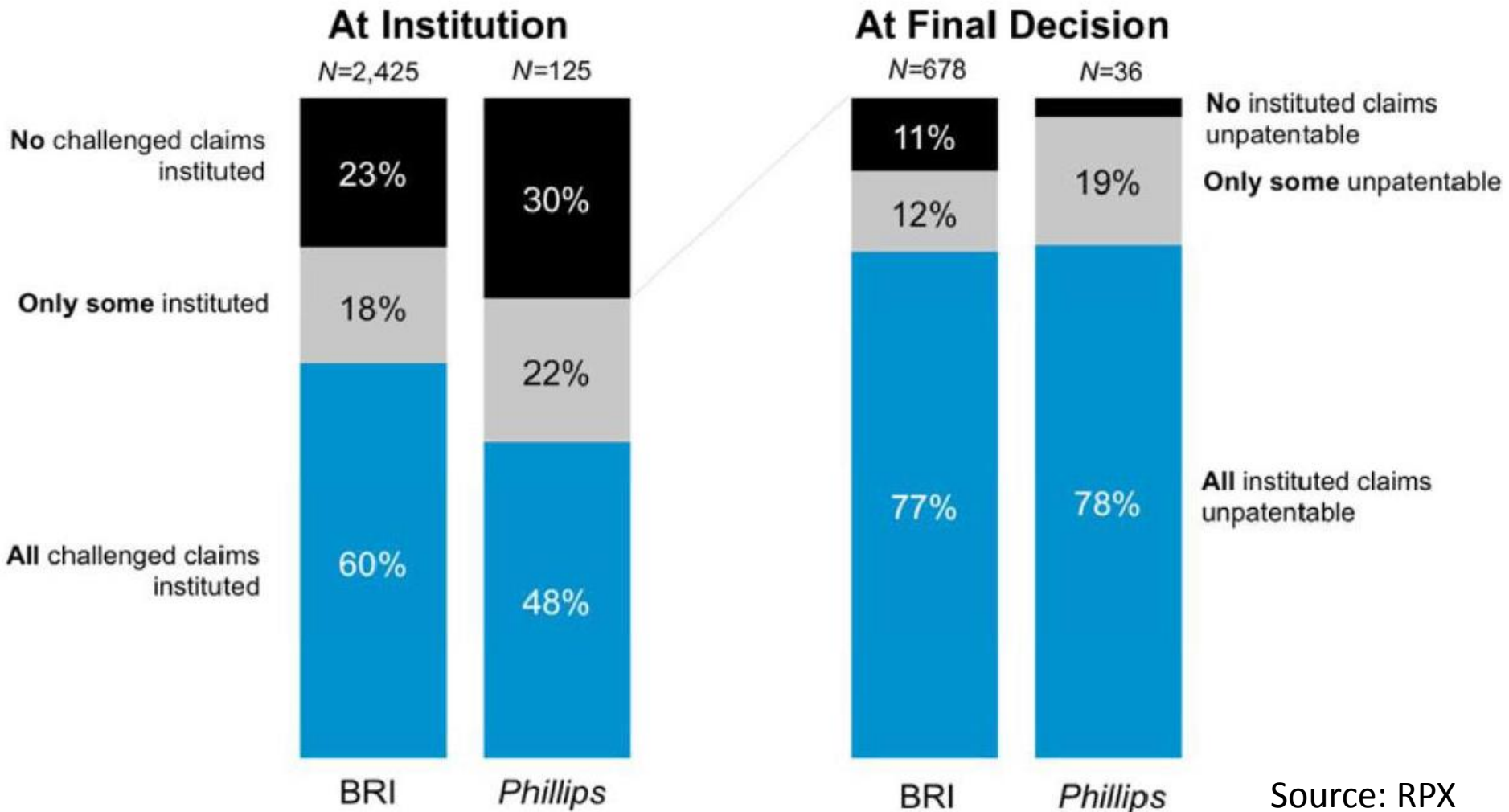
Appeals



Federal Circuit has affirmed PTAB 88% of the time

Source: Law 360

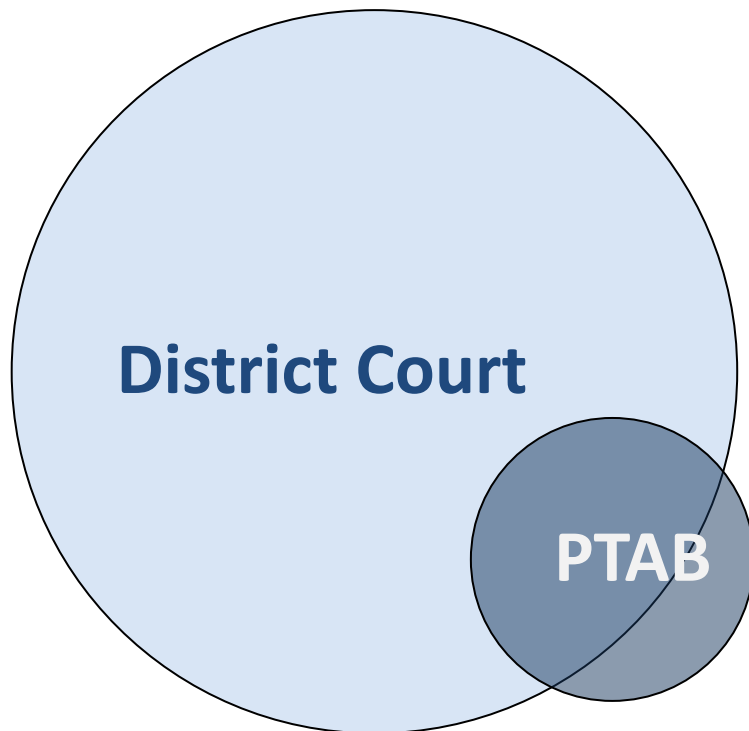
Claim Construction



Source: RPX



Litigation



Overlap (Unique) Patents

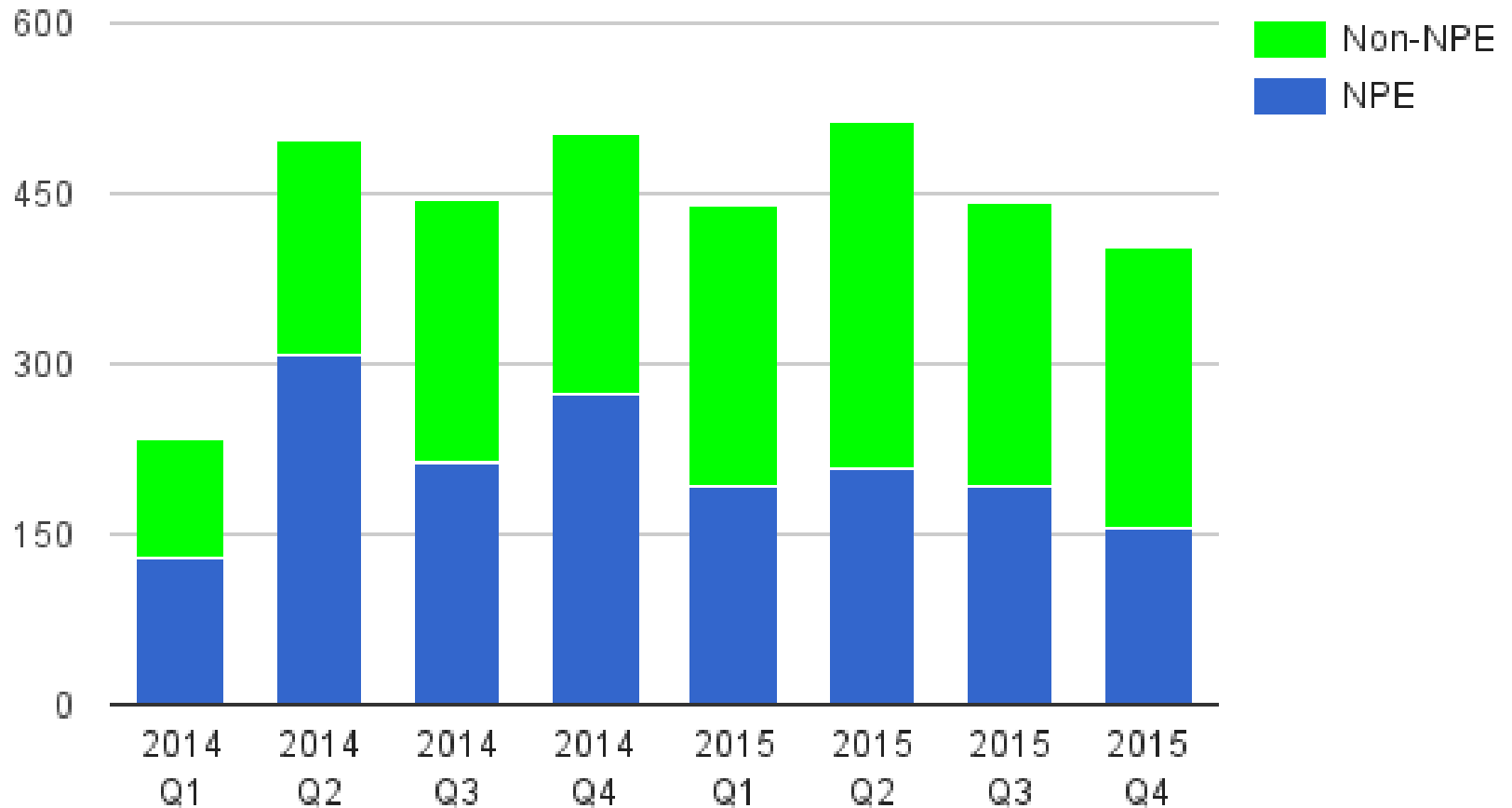
- District Court
 - ~13K unique patents asserted (2012-14)
 - 12% were challenged at the PTAB
- PTAB
 - ~2K unique patents challenged
 - 79% were asserted in district court

Source: Unified Patents



Petitions by NPE Status

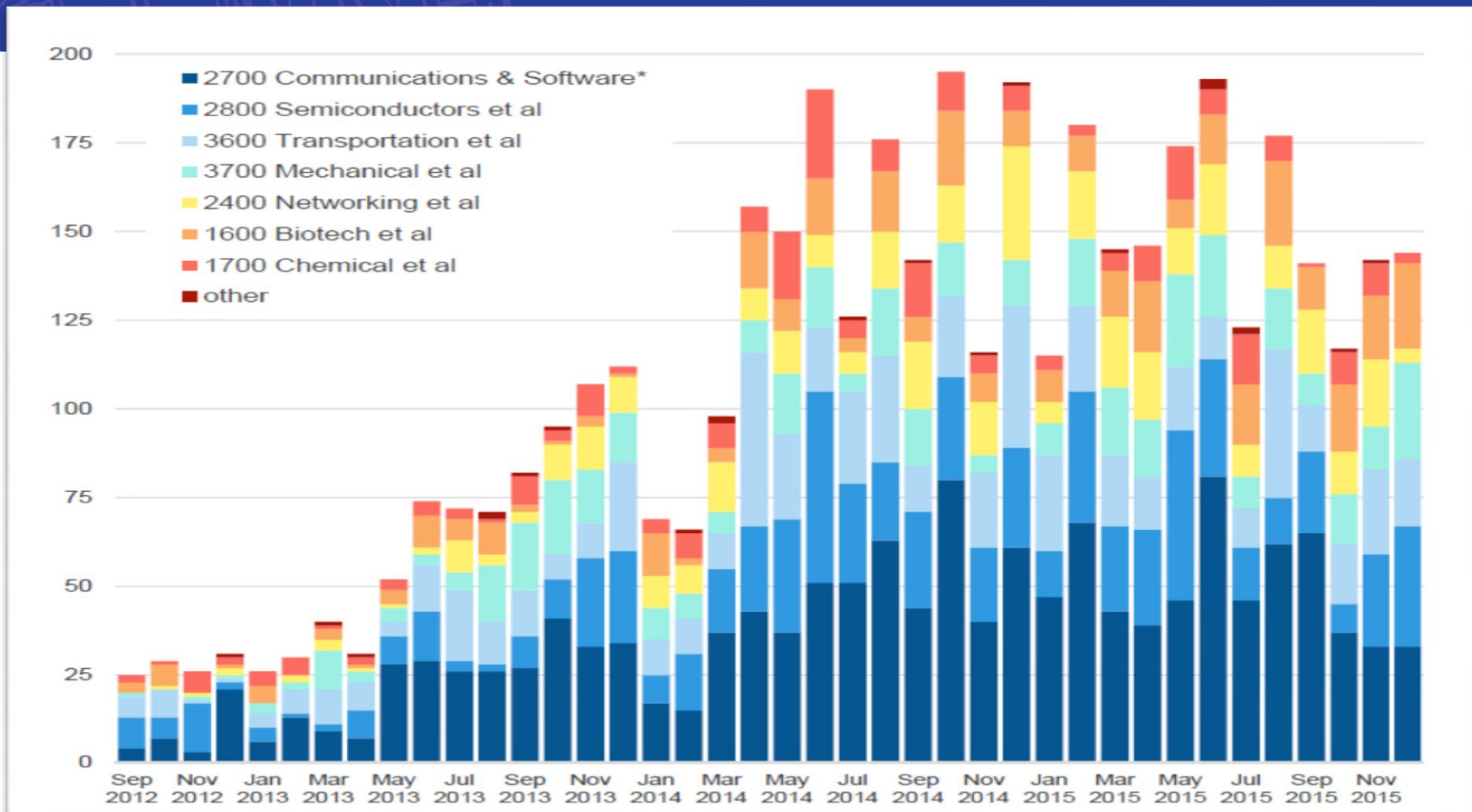
PTAB Petitions Filed



Source: Unified Patents



Petitions by Tech Class

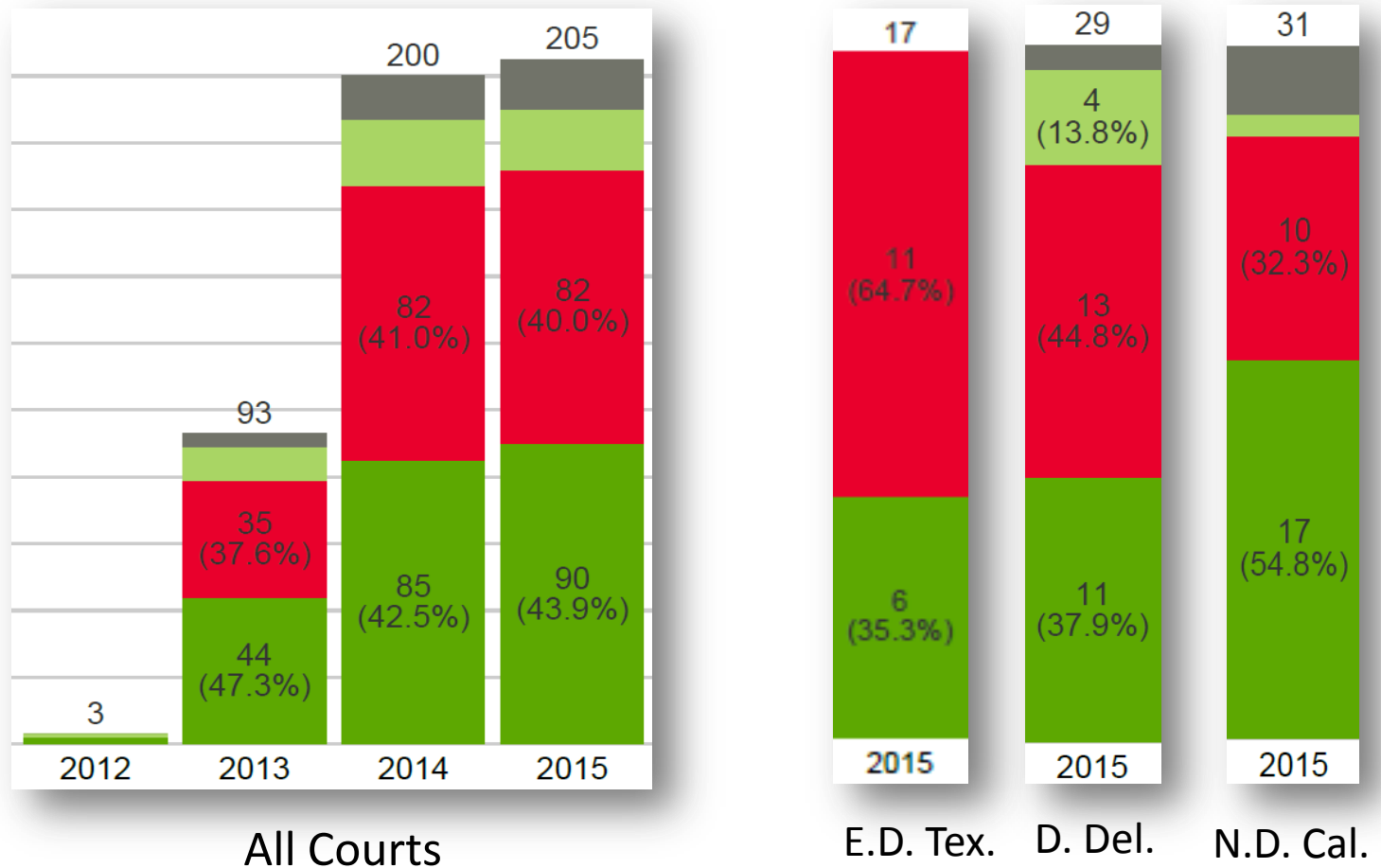


Source: Docket Navigator



Litigation: Stays

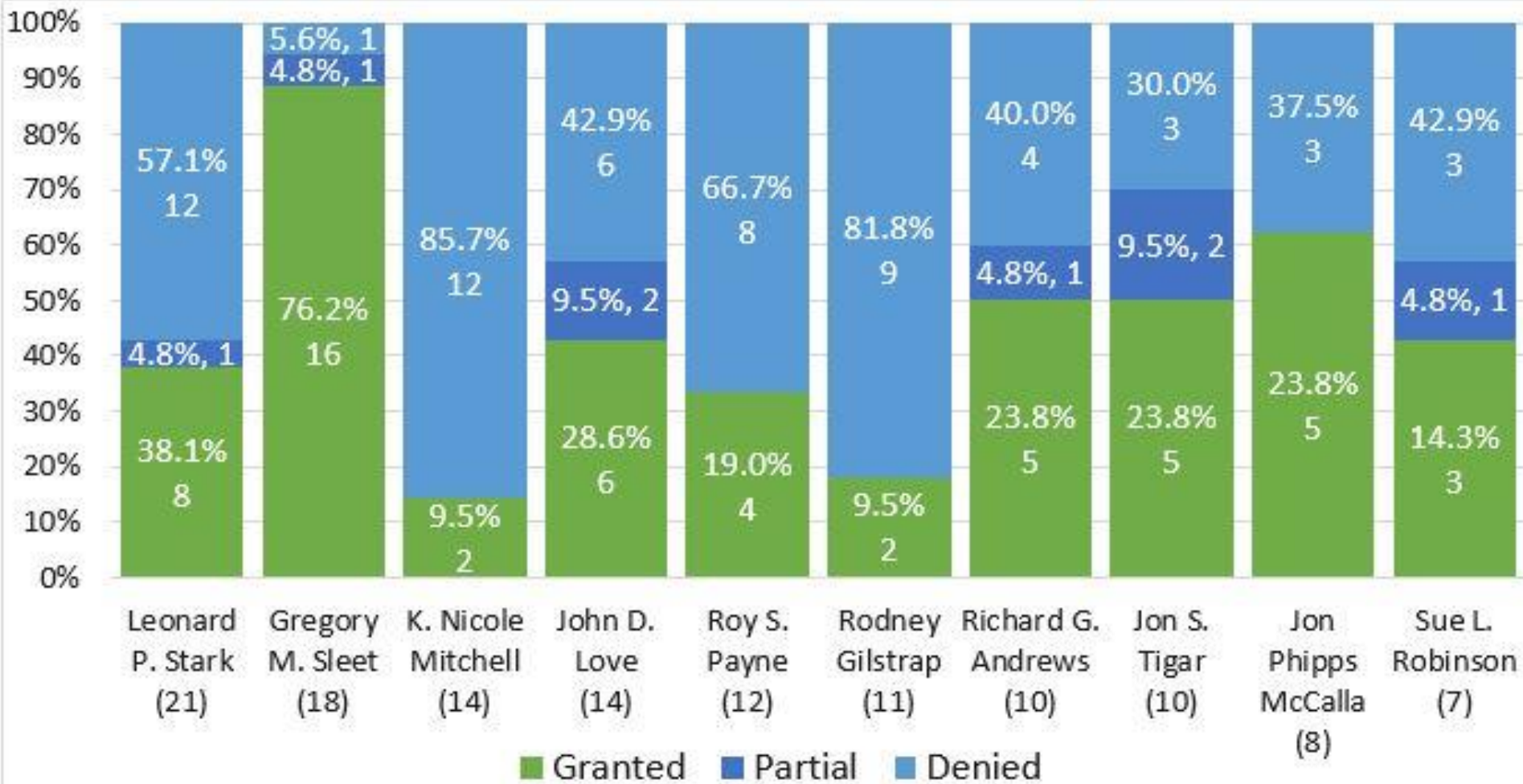
Granted
Denied
Partial
Other



Source: Docket Navigator



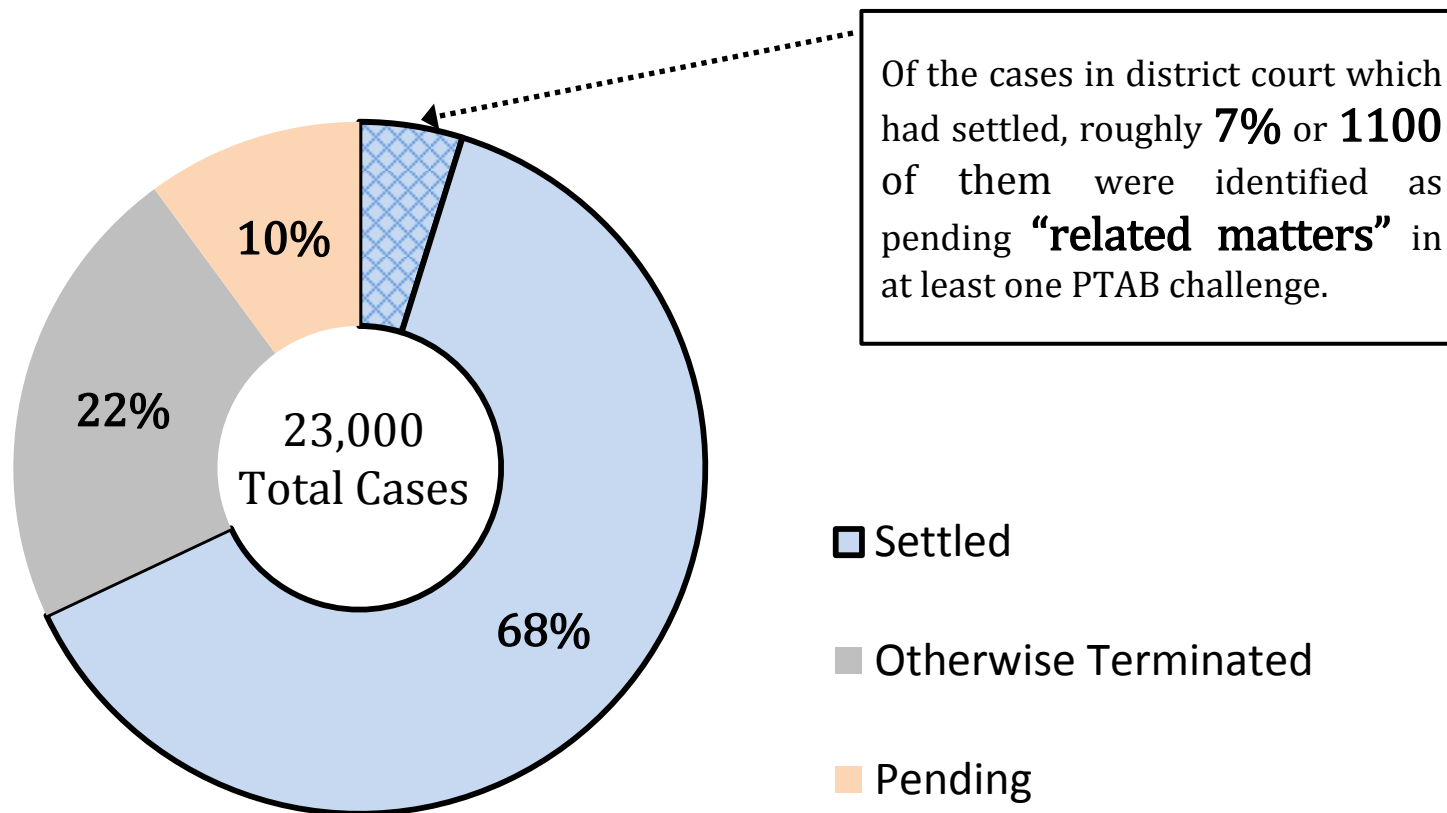
Litigation: Stays



Source: Docket Navigator



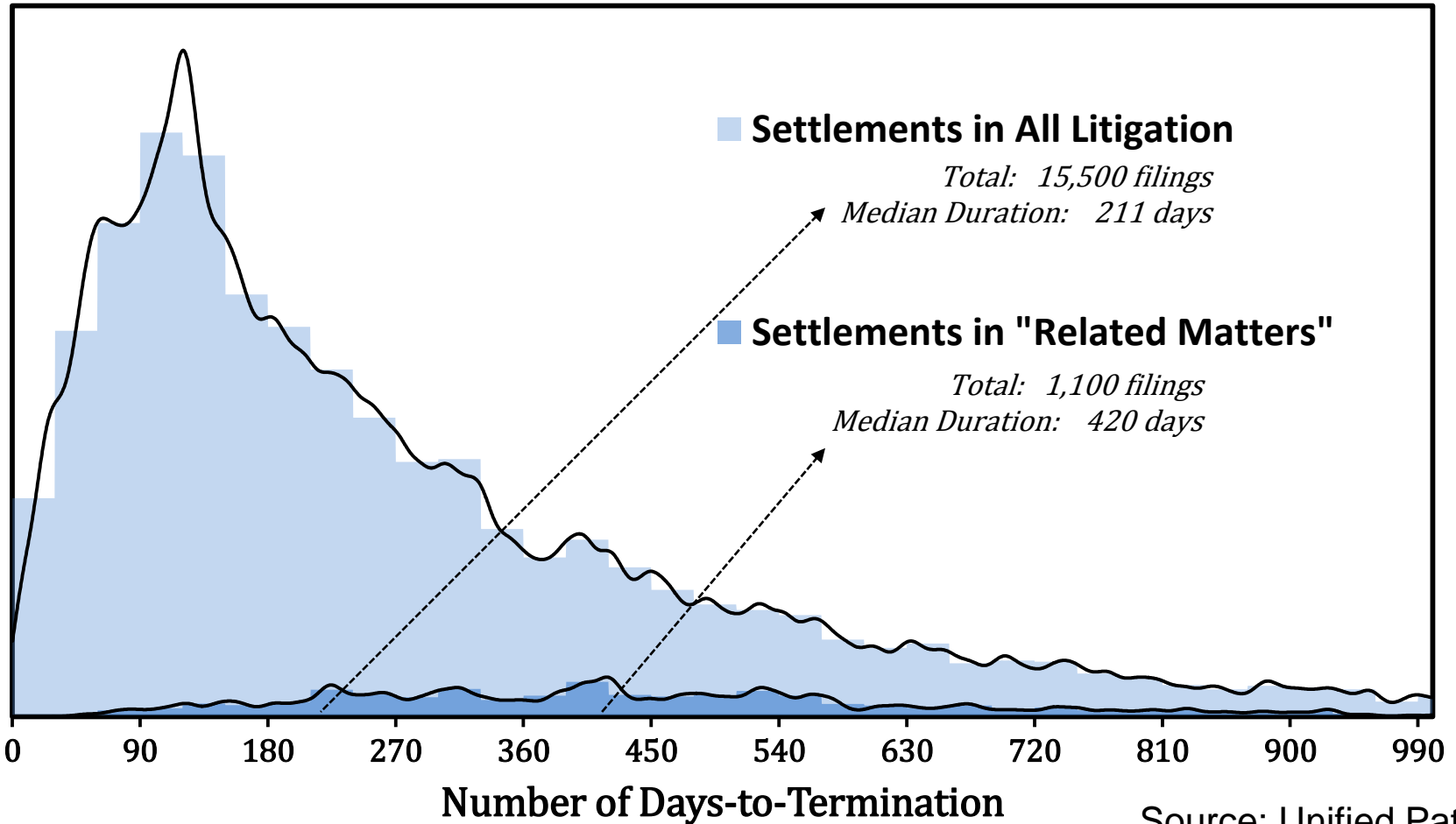
Litigation: Impact on Settlement



Source: Unified Patents



Litigation: Impact on Settlement

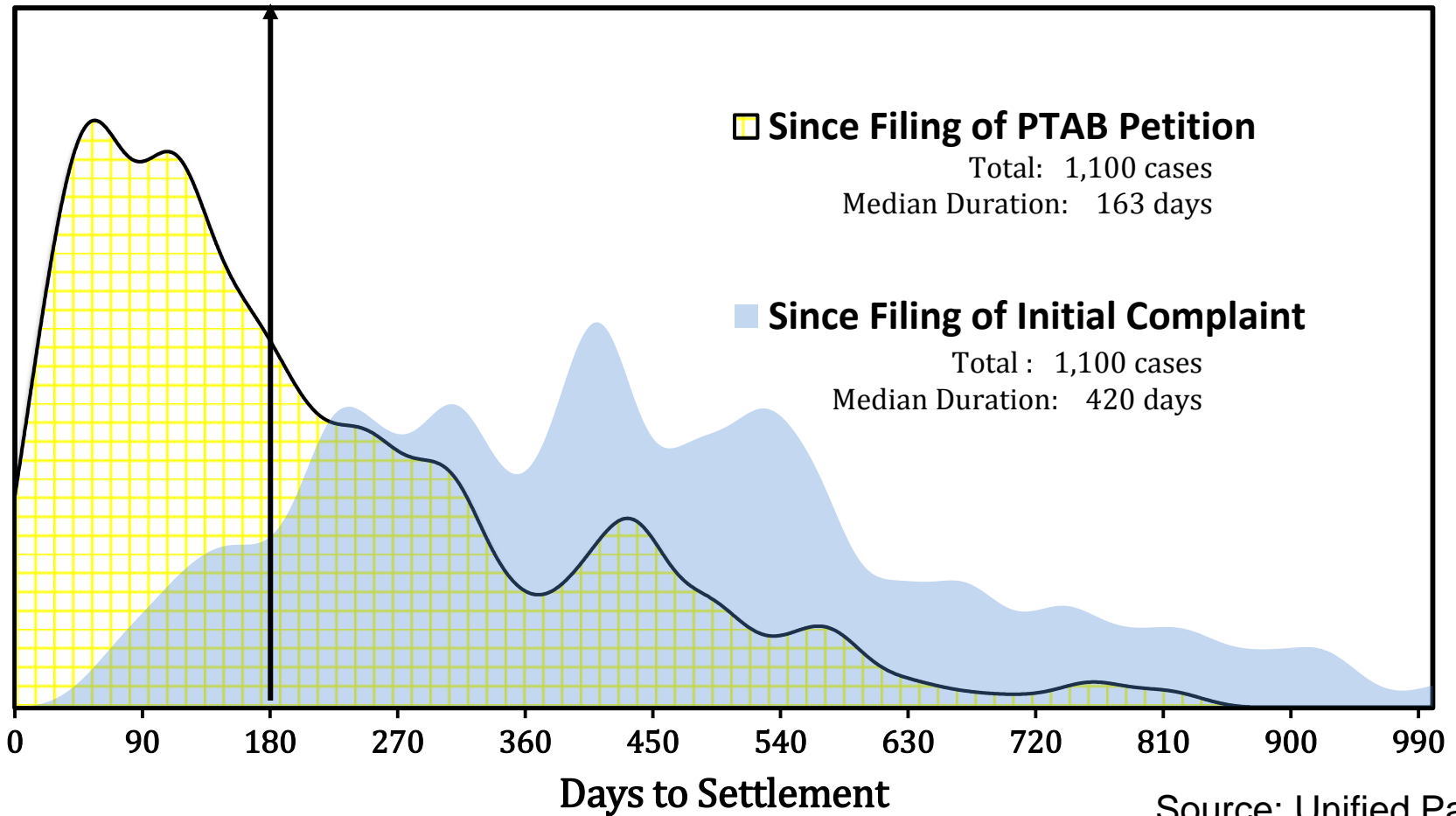


Source: Unified Patents



Litigation: Impact on Settlement

Institution Dec
by 6 Months



Source: Unified Patents

