Patexia

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CAFC
Intelligence Report

January 2016 / December 2020

A comprehensive report on the top 100 best performing and most active CAFC law firms and attorneys.

Prepared by
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Introduction

Patent-related appeals originating from the Patent Trial and Appeal Board (PTAB), International Trade Commission and district courts account for a significant load of cases filed before the US Court of Appeals for the Federal Circuit (CAFC). This has increased the importance of CAFC for the intellectual property community and patent litigation.

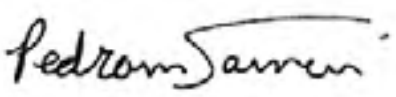
Although there has been some effort to gather statistical data related to the CAFC, and the court itself provides some high-level statistics, we have not noticed a comprehensive source that gathers all patent-related appeals including ITC, PTAB and district courts. The data offered by other sources are often incomplete and inaccurate.

With this new addition to our IP Insight series, we hope to fill this gap by providing useful statistics related to the CAFC for all those attorneys, law firms and appellants or appellees who have been involved in CAFC appeals in the past or who may get involved in the near future. Similar to our other IP reports in our Insight series, aside from statistical information, we hope to benefit IP attorneys in introducing their Federal Circuit Appeal practice to corporations or help the IP in-house counsel of corporations in the selection process of outside counsel, using the third party number-driven approach that evaluates all stakeholders involved before the CAFC.

This report is the seventh IP report in our IP Insight series and is the last one we are releasing in 2021. For this first release, we have reviewed 4,862 patent-related CAFC cases originating from district courts (including ANDA-related cases), ITC and PTAB. This covers a 5-year period from January 1, 2016 through December 31, 2020.

This year, we also published six other IP reports including District Court Patent Litigation, International Trade Commission Section 337, Patent Prosecution, Trademark Prosecution, ANDA Litigation, and Inter-Partes Review. We plan to expand our offerings in 2022 and are still receiving feedback from the community and evaluating other areas of IP that we can add to our collection. If you have any suggestions, we would appreciate it if you could let us know.

Our reports have become the standard in all areas of IP and we are excited to see our corporate and law firm clients find these useful. Their positive feedback is the constant driver behind our efforts and we certainly hope to cover many new areas in the future.



Pedram Sameni
Founder and CEO

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Appendix

Appendix A: Sources of Data

Data is the foundation and building block of any data-driven analysis. Therefore, collecting that data from quality sources, and taking extra care in maintaining the data's integrity, is something that we, at Patexia, take very seriously. We have collected our raw data from many sources including:

- Court of Appeals for the Federal Circuit (CAFC)
- Public Access to Court Electronic Records (PACER)
- Patent Trial and Appeal Board (PTAB) Database
- United States Patent and Trademark (USPTO) Patent Database
- US Patent Classification Database
- Self-reported by attorneys named on the case

For this release, we limited the date range of our analysis to the last five years (January 1, 2016 through December 31, 2020).

While the possibility of errors such as typos in legal documents are inevitable, cleaning and organizing the attorney data is even more challenging as attorneys change firms, may not update their information, and often use different variations of their names.

Our engineering team has implemented sophisticated machine learning and natural language processing techniques to find the correct matches for various occurrences of the same name. To further minimize the errors, we not only review suspicious matches manually, but also host profile pages for more than 100,000 attorneys and agents who can directly review and add missing cases to our database.

We contacted approximately 3,900 CAFC attorneys and requested that they review their cases for accuracy. All the user-added data was again verified by Patexia's internal data team for accuracy.

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Appendix B: All CAFC Cases

See the attached Excel file for the list of all 4,862 CAFC cases filed from January 1, 2016 through December 31, 2020. The spreadsheet covers the following information for each case:

- Case Number, with a link to the case page on the Patexia website
- Case Filing Date
- Case Decision Date (if terminated)
- Conclusion (if terminated)
- Judge(s)
- Originating From
- Case Title

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Appendix C: Appellant and Appellee Companies

See the attached Excel file for the statistics related to the 1,000 most active companies involved in one or more CAFC cases filed during the period of our study. The spreadsheet covers the following information for each of the companies:

- Company Name, with a link to the Patexia website
- All Cases: Total number of CAFC cases for the period
- Appellee Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Success Score
- Appellee Success Score
- Appellant Success Score
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Top 3 law firms and the volume of cases for each

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Appendix D: CAFC Firms

See the attached Excel file for the statistics related to all 779 law firms involved in one or more CAFC cases. The spreadsheet covers the following information for each of the law firms:

- Law Firm Name, with a link to the Patexia website
- All Cases: Total number of CAFC cases for the period
- Patent Owner Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Success Score
- Appellee Success Score
- Appellant Success Score
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Top 3 clients and the volume of cases for each

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Appendix E: CAFC Attorneys

See the attached Excel file for the statistics related to the 1,000 most active CAFC attorneys. The spreadsheet covers the following information for each of the attorneys:

- Attorney Name, with a link to the Patexia website
- Attorney's Title
- Law Firm with a link to the Patexia web-site
- All Cases: Total number of CAFC cases for the period
- Appellee Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Success Score
- Appellee Success Score
- Appellant Success Score
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Top 3 clients and the volume of cases for each

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Appendix F: CAFC Judges

See the attached Excel file for the statistics related to the 104 CAFC judges. The spreadsheet covers the following information for each of the attorneys:

- Judge's name
- Total cases
- Judge's score

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Appendix G: Best Performing and Most Active Badges

As per our tradition, every year Patexia designs two categories of badges for Best Performing and Most Active Law Firms / Attorneys (Appellee, Appellant and Overall). The badges are only provided to those firms and attorneys who are ranked in the top 100 and choose to purchase the report (Concierge Members will automatically receive the badges if they are ranked among the top 100).

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Disclaimer: *The data for this report was obtained from public sources, including USPTO, PTAB, and PACER, as well as self-reported by attorneys on Patexia's website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100 percent accuracy, nor take any responsibility for possible losses caused by the use of information provided in this report.*

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Thank you for your purchase of the 2021 CAFC Intelligence Report. It is your support that enables us to spend the time, money, and precious thousands of hours needed to compile an annual report of this magnitude. We at Patexia sincerely hope this report brings value to your organization, and we welcome any thoughts or feedback you may have.

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