

**Patexia**



October 2024

# CAFC 2024.

## Intelligence Report

January 2019 — December 2023

A comprehensive report on the **Best Performing** and **Most Active** CAFC Attorneys and Law Firms.

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# Introduction.

The Court of Appeals for the Federal Circuit (CAFC) plays a key role in shaping patent law in the United States. As the exclusive appellate court for patent-related matters, the CAFC's rulings have far-reaching impacts on innovation, intellectual property strategies, and the legal landscape surrounding patents. Its decisions, particularly those classified as precedential, establish binding legal standards that influence not only lower courts but also future cases, ensuring consistency and predictability in patent disputes. By setting clear legal frameworks, the CAFC provides crucial guidance to patent owners, innovators, and attorneys, helping them build strategies on solid legal ground.

In addition to setting precedents, the CAFC's rulings in appeals from the Patent Trial and Appeal Board (PTAB), district courts, and the International Trade Commission (ITC) significantly influence the course of patent litigation nationwide.

This fourth edition of our report continues Patexia's tradition of delivering in-depth analysis and insights tailored to patent attorneys, law firms, and companies. Spanning five years of data, the report offers

comprehensive statistics on CAFC activity, including case outcomes, filing trends, and performance metrics. We break down the distribution of precedential versus non-precedential decisions, highlighting the broader implications of binding legal precedents on patent law. Additionally, this edition delves into the outcomes of appeals, analyzing affirmance, reversal, and remand rates across cases originating from the PTAB, district courts, and the ITC.

A core feature of the report is our proprietary ranking methodology, which evaluates key performance indicators such as case volume, success rates, and individual contributions to outcomes. These rankings identify the most active and best-performing attorneys, law firms, and judges in CAFC litigation, providing stakeholders with an essential tool for refining their legal strategies and navigating the complexities of appellate litigation.

Through this detailed analysis, law firms, patent attorneys, and companies can gain a clearer understanding of the CAFC's legal landscape, assess their competitive positioning, and develop successful strategies for future litigation.



*Pedram Sameni*

*Pedram Sameni*  
Founder and CEO

## What is in the Fourth Report?

This report focuses on the appellate cases filed from January 1, 2019, to December 31, 2023, with the latest updates on case developments as of September 1, 2024. This broad time span allows us to more effectively evaluate the activity and performance metrics of key participants, including companies, law firms, and attorneys. Focusing on a narrow timeframe could lead to incomplete insights, as it may obscure significant trends and fluctuations that can only be observed through a more extensive analysis. The report compiles extensive data from various sources, including the PTAB, the ITC, and district courts, which are primary sources for appeals to the CAFC. By analyzing these diverse sources over an extended timeframe, we aim to provide a comprehensive and accurate overview of trends and patterns in CAFC litigation.

The report is divided into two parts: this main PDF document and an accompanying Excel sheet. The PDF provides an extensive set of statistics detailing case volumes and captures the distribution of appeals across key originating courts, including the PTAB, district courts, and the ITC. Additionally, the report dives into the frequency and impact of precedential versus non-precedential decisions. By analyzing decision metrics such as affirmance, dismissal, reversal, and remand rates, it offers a clear picture of litigation patterns and outcomes. Lastly, the report provides an examination of both precedential and non-precedential decisions, as well as insights into the initiators of appeals. This analysis allows for a better understanding of the dynamics within CAFC litigation and the factors influencing appeal outcomes.

Our ranking methodology uses a comprehensive approach to assess the activity, success, and performance of key participants involved in CAFC litigation. By allocating points based on various metrics, we score attorneys, law firms, companies, and judges to provide a clear picture of their contributions and effectiveness in appeals. This scoring system enables stakeholders to identify the most active and best performers in the field and understand the dynamics of litigation outcomes. The accompanying Excel sheet enhances this analysis by offering a wealth of quantitative data. It includes detailed listings of companies, law firms, attorneys, and judges, along with their respective activity and performance scores. These scores are categorized across various roles—overall, appellee, and appellant—allowing for a granular breakdown of participants' activity. Additionally, the rankings highlight the top performers in each category, including the top three firms for companies or clients for attorneys and law firms. This dataset also provides a comparison with previous report rankings, giving stakeholders a comprehensive view of performance trends over time.

This extensive dataset allows stakeholders to explore and manipulate the underlying statistics, enabling deeper analysis and insights into CAFC activity and its implications for patent law practitioners. Whether you are an attorney, law firm, or company, the data-driven metrics and rankings equip readers with a holistic view of the CAFC landscape and inform their strategic decision-making.

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

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# Appendix.

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# Appendix A: Sources of Data.

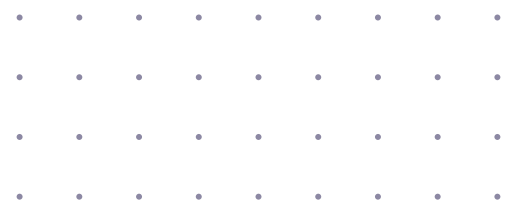
Data is the foundation and building block of any data-driven analysis. Therefore, collecting that data from quality sources, and taking extra care in maintaining the data’s integrity, is something that we, at Patexia, take very seriously. We have collected our raw data from many sources including:

- 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 (Jan. 1, 2019, through Dec. 31, 2023).

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.

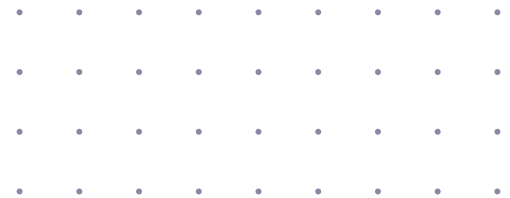
Our engineering team has implemented sophisticated machine learning and natural language processing techniques to find the correct matches for various occurrences of the same name. To further minimize the errors, we not only review suspicious matches manually, but also host profile pages for more than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



# Appendix B: All CAFC Cases.

See the attached Excel file for the list of all 4,022 CAFC cases filed from Jan. 1, 2019, through Dec. 31, 2023. 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

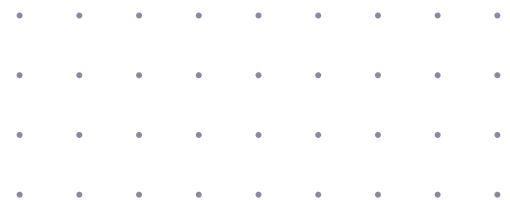




# Appendix C: Appellant and Appellee Companies.

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:

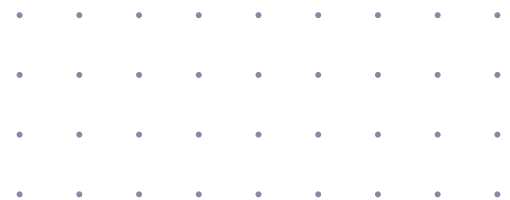
- Company Name, with a link to the Patexia website
- All Cases: Total number of CAFC cases for the period
- Appellee Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Overall Activity Score
- Appellee Activity Score
- Appellant Activity Score
- Overall Activity Rank 2023
- Overall Performance Rank 2023
- Appellee Activity Rank 2023
- Appellee Performance Rank 2023
- Appellant Activity Rank 2023
- Appellant Performance Rank 2023
- Top 3 law firms and the volume of cases for each



# Appendix D: CAFC Firms.

See the attached Excel file for the statistics related to all 1,071 law firms involved in one or more CAFC cases. The spreadsheet covers the following information for each of the law firms:

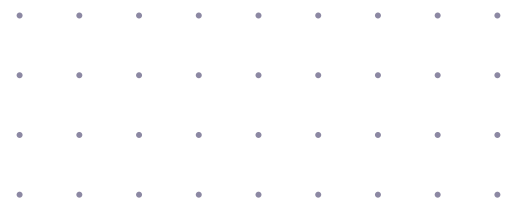
- Law Firm Name, with a link to the Patexia website
- All Cases: Total number of CAFC cases for the period
- Appellee Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Overall Activity Score
- Appellee Activity Score
- Appellant Activity Score
- Overall Activity Rank 2023
- Overall Performance Rank 2023
- Appellee Activity Rank 2023
- Appellee Performance Rank 2023
- Appellant Activity Rank 2023
- Appellant Performance Rank 2023
- Top 3 clients and the volume of cases for each



# 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 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 Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Overall Activity Score
- Appellee Activity Score
- Appellant Activity Score
- Overall Activity Rank 2023
- Overall Performance Rank 2023
- Appellee Activity Rank 2023
- Appellee Performance Rank 2023
- Appellant Activity Rank 2023
- Appellant Performance Rank 2023
- Top 3 clients and the volume of cases for each



# Appendix F: CAFC Judges.

See the attached Excel file for the statistics related to the 20 CAFC judges. The spreadsheet covers the following information for each of the attorneys:

- Judge’s name
- Total cases
- Judge’s score (Appellant)
- Appellee Score

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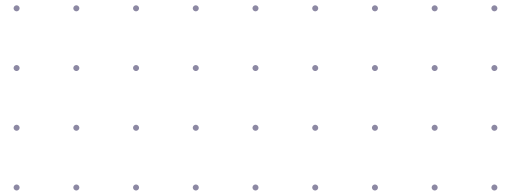
# Appendix G: Best Performing and Most Active Badges.

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 250 and choose to purchase the report ([Concierge Members](#) will automatically receive the badges if they are ranked among the top 250).



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# Contact Us.



Established in 2010 with the goal of improving efficiency and transparency in the realm of intellectual property through the use of data, technology, and expert resources, Patexia is the leading network for IP professionals, boasting over 100,000 IP attorney profiles. The company offers a range of IP services through four distinct divisions: Patexia Connect (recruiting), Patexia Studies (Crowdsourced and traditional IP due diligence), Patexia Expert Witness, and Patexia Insights (IP reports and data). For further information, please contact us today.

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

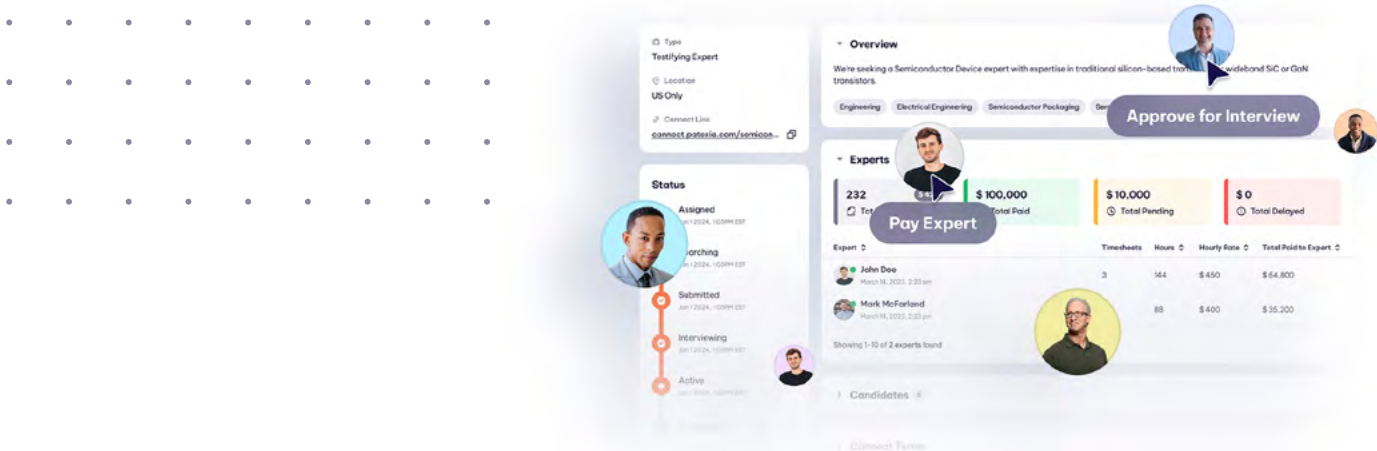
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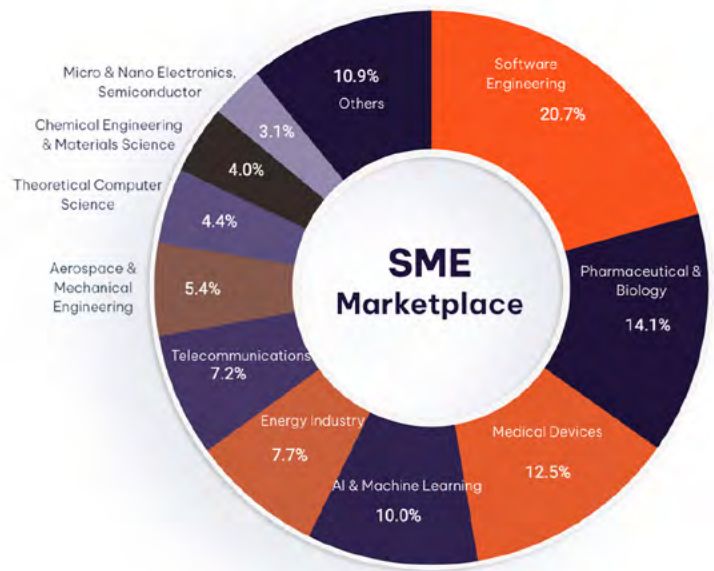
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“What really stood out to me was how responsive the Patexia team was and how quickly they found candidates with the right credentials. The expert we worked with was key in helping us secure a favorable settlement by providing a crucial declaration for a patent challenge. The team's professionalism and understanding of legal dynamics, especially in handling billing, have made Patexia a trusted partner for expert witness sourcing.”

**Douglas R. Nemec,**  
*Head of Skadden's Intellectual Property Litigation Group.*





## Intelligence Reports

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