

**Patexia**

October 2022

**CAFC**

# Intelligence Report

January 2017 / December 2021

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

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Prepared by  
**Patexia Data Science Team**



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# Introduction

This is our second annual report covering patent-related appeals before the US Court of Appeals for the Federal Circuit (CAFC). These appeals originate from the *Patent Trial and Appeal Board (PTAB)*, *US District courts*, and *International Trade Commission (ITC)*. Our data shows that more than 60% of these appeals originate from PTAB. As a result, the importance of CAFC has increased in the IP community since the inception of PTAB.

Given that the data originates from three different

sources, gathering all that in one place is not easy. While some other organizations have provided some statistics about CAFC, so far, there has yet to be a concerted effort by others to compile a complete database of all patent-related CAFC matters. The data offered by other sources are often incomplete and inaccurate.

This makes this report more valuable as it is the only source that looks at the entire space and makes an attempt to analyze all players.

## What is New in our Second Report?

In our 2022 report, we have made a number of improvements. First of all, we have improved our attorney extraction engine. Our system now has better coverage and looks at multiple sources to find the names of attorneys who have been active before the CAFC. This includes the CAFC website and opinion documents, as well as the PACER database. Second, we adjusted our CAFC judges. Some of the judges we extracted last year were named on the original cases, and our system collected their names. We have fixed this with the new release, and the current report properly covers only the CAFC judges. Lastly, we made minor adjustments to our ranking methodology, as explained in Section 6.

This year, for the first time, we tracked the movements of CAFC partners and associates between the firms. Our recruiting division also collaborates with law firms seeking expansion in this area. We have dedicated a section to important lateral moves since the publication of our first CAFC report in 2021. Our engineering team is working

on a new product that can help our recruiting division identify the most similar attorneys by taking into account many variables such as their activity, performance, type of client (large or small corporations), size of the client, the experience of the attorneys, and many other factors. This will enable us to pinpoint the right talent for our law firm clients.

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 in evaluating all stakeholders involved before the CAFC.

This is the seventh IP report in our IP Insight series and is the last one we are releasing in 2022. For this second release, we have reviewed 4,363 patent-related CAFC cases originating from district courts (including ANDA-related cases), ITC and PTAB. This covers a 5-year period from Jan., 1, 2017, through Dec., 31, 2021.

As the demand and interest for our *IP Intelligence Reports* have increased in recent years, we have expanded our offerings. We plan to cover eight to nine unique areas in 2023. This includes our regular publications: *ITC Section 337, ANDA (Hatch-Waxman) Litigation, Patent Litigation, Patent Prosecution, Trademark Prosecution, Federal Circuit Court of Appeal (CAFC),*

*Inter-Partes Review* and one or two new reports. We are currently evaluating multiple areas, including ex-parte re-exam, Copyright, and trademark litigation.

Our reports have become the standard in all areas of IP and are being used by law firms for business development and marketing, corporations for decision-making and counsel selection, recruiting firms for lateral recruiting, litigation funds for identifying the right partners and many other institutes. We are excited to see our clients find these useful. Their positive feedback is a testament to the quality and a constant driver behind our efforts. We certainly hope to cover many new areas in the future.



*Pedram Sameni*

**Pedram Sameni**  
Founder and CEO  
September 2022

# What is in this Report?

The report content has been divided into the following sections:

- 1. CAFC Statistics:** We provide a 360-degree overview of CAFC from 10,000 feet. We cover high-level statistics about CAFC, including all parties, judges, and cases, covering Jan., 1, 2017, through Dec., 31, 2021.
- 2. Appellant and Appellees:** We identify the most active and the best-performing *Appellants and Appellees* over the period of our study.
- 3. CAFC Law Firms:** We analyze the performance and activity of law firms, comparing and providing rankings for the top firms representing *Appellants and Appellees*.
- 4. CAFC Attorneys:** We review the performance and activity of CAFC attorneys, representing *Appellants and Appellees*, comparing and providing rankings for top attorneys on each side.

For the first time this year, we have included the Lateral Moves that took place since the publication of our first report in Oct., 2021.

- 5. CAFC Judges:** We look at the judges assigned to all CAFC cases for the period of this study and calculate their performance based on the outcome of their judgments.
- 6. Ranking Methodology:** We explain our performance model and how we calculated the Activity, Success, and Performance scores and rankings for the appellant, appellee, their representatives, and CAFC judges.

As per our practice for other intelligence reports, to provide a meaningful comparison, as well as compensate for the time required for each case from filing to completion, we covered a period of five years: Jan., 1, 2017, through Dec., 31, 2021. Appendix A lists all sources of data used for this report.

**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.



# 07

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)
- United States Patent and Trademark (USPTO) Patent Database
- Public Access to Court Electronic Records (PACER)
- US Patent Classification Database
- Patent Trial and Appeal Board (PTAB) 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, 2017, through Dec., 31, 2021).

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 5,600 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.



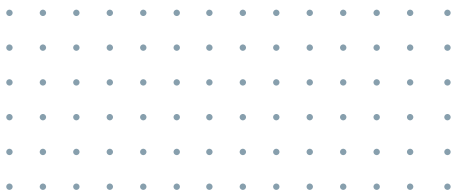


# Appendix B: All CAFC Cases



See the attached Excel file for the list of all 4,363 CAFC cases filed from Jan., 1, 2017, through Dec., 31, 2021. 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:

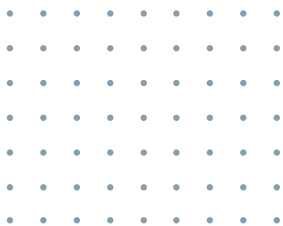
- Company Name, with a link to the Patexia website
- All Cases: Total number of CAFC cases for the period
- Appellee Cases
- Appellant Cases
- Overall Activity Rank
- Overall Performance Rank
- Appellee Activity Rank
- Appellee Performance Rank
- Appellant Activity Rank
- Appellant Performance Rank
- Overall Performance Score
- Appellee Performance Score
- Appellant Performance Score
- Overall Activity Score
- Appellee Activity Score
- Appellant Activity Score
- Overall Activity Rank 2021
- Overall Performance Rank 2021
- Appellee Activity Rank 2021
- Appellee Performance Rank 2021
- Appellant Activity Rank 2021
- Appellant Performance Rank 2021
- 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 1,124 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 2021
- Overall Performance Rank 2021
- Appellee Activity Rank 2021
- Appellee Performance Rank 2021
- Appellant Activity Rank 2021
- Appellant Performance Rank 2021
- 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 2021
- Overall Performance Rank 2021
- Appellee Activity Rank 2021
- Appellee Performance Rank 2021
- Appellant Activity Rank 2021
- Appellant Performance Rank 2021
- Top 3 clients and the volume of cases for each

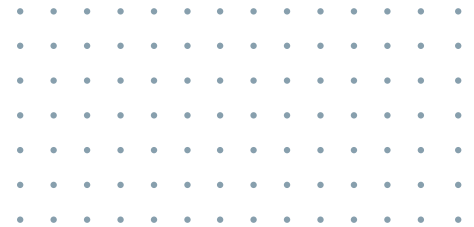




# Appendix F: CAFC Judges

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:

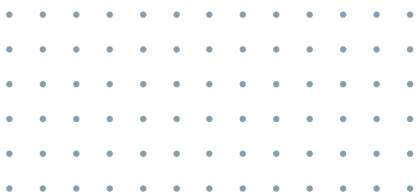
- Judge’s name
- Judge’s score (Appellant)
- Total cases
- Appellee Score





# 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).




# Contact Us

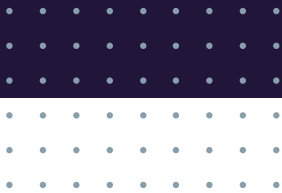


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