

Patexia. Insights

IPR Intelligence Report

SEPTEMBER 2012 / JUNE 2017

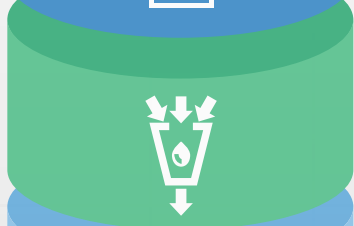
Prepared by
Patexia Data Science Team
September 2017

PLATINUM EDITION

DATA
COLLECTION



DATA
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DATA
ANALYSIS



INSIGHTS

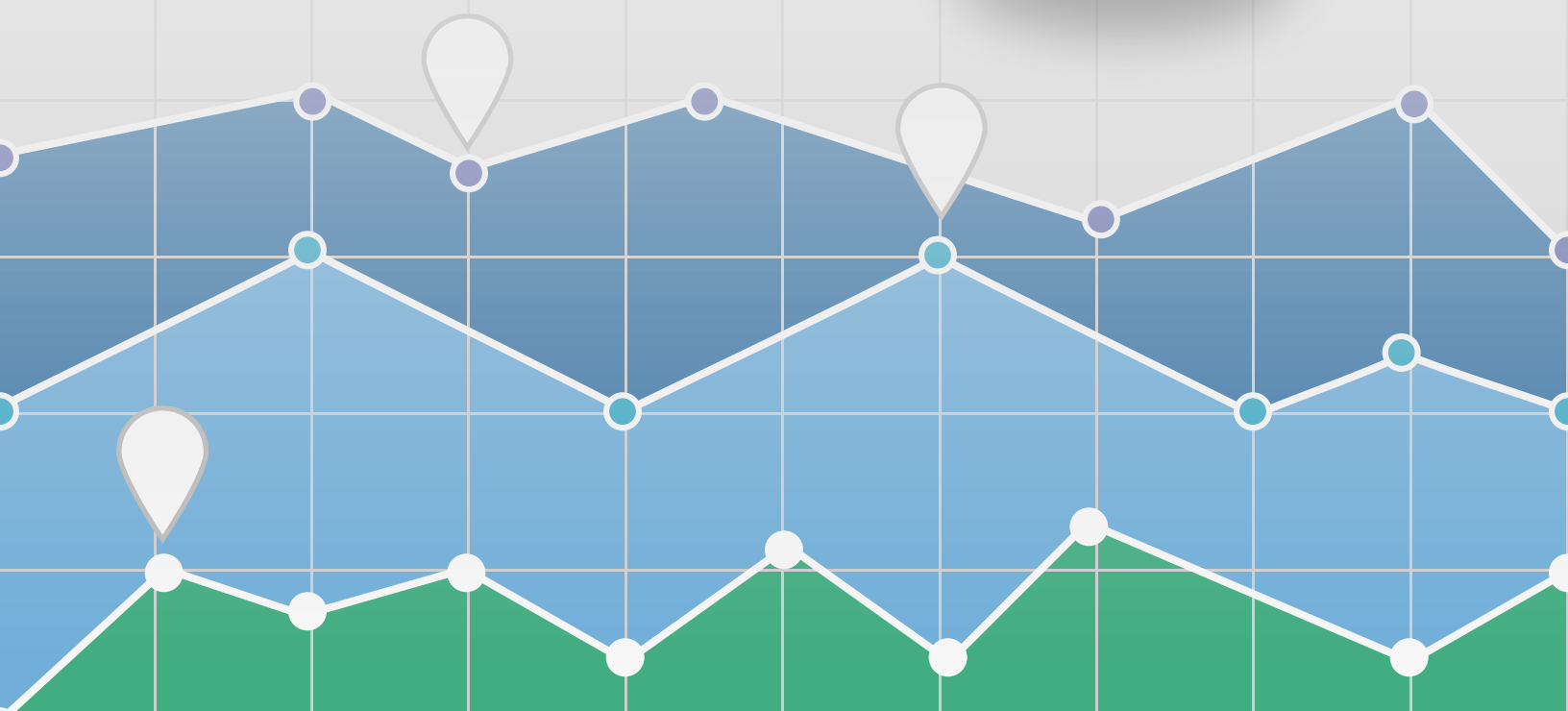
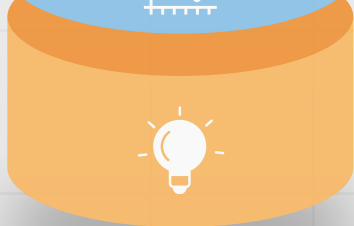


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Introduction



Our mission at Patexia is to leverage information and technology in order to bring more transparency and efficiency to the IP world. And this report that you (digitally) hold in your hands is one of the many ways that we are doing just that.

We have been publishing statistical information related to patent prosecution, litigation, and IP practitioners since July 2016. The articles, published under the title *Patexia Chart*, were popular among our IP community, which prompted us to provide customized reports to our clients. Now for the first time, our *Data Science Team* has completed a comprehensive analysis of all Inter-Partes Review (IPR) cases at the case, patent, and claim levels. This report covers all cases filed

before the *Patent Trial and Appeal Board (PTAB)* since September 2012 through the end of Q2 2017 (June 30, 2017).

With this study, we aim to better understand the impact of this powerful tool introduced by the *US Patent and Trademark Office (USPTO)*, the outcome for *Patent Owners (PO)* and *Petitioners*, as well as the performance of all other parties involved in the process.

This *IPR Intelligence Report* is the first in a bi-annual series we will introduce going forward under *Patexia Insights*. We have put more than 1,800 hours into this report with a team of programmers, data scientists, analysts, and creative people, and I'm incredibly excited to share it with you now.

A handwritten signature in black ink that reads "Pedram Sameni".

Pedram Sameni
Founder and CEO

What's in This Report?

We have organized this report under six sections:

- 1. General Statistics:** We look at the IPR data at the case, patent, and claim levels for different time frames, providing high-level information about all parties as well as technologies involved (**Silver Edition**).
- 2. Case Analysis:** We review the case outcomes and analyze *Denial*, *Institution*, and *Invalidation* rates at the case, patent, and claim levels. These outcomes provide powerful insights about the impact of IPR in the patent system (**Silver Edition**).
- 3. PTAB Administrative Judges:** We analyze the performance of over 150 *PTAB Administrative Judges*, identifying the most active as well as the best performing, as viewed by *Patent Owners* or *Petitioners* (**Gold Edition**).
- 4. Petitioners and Patent Owners:** We identify the most active *Petitioners* leveraging IPR against the *Patent Owners*, comparing the results with the average for each side (**Gold Edition**).
- 5. Law Firms:** We analyze the performance and activity of law firms, comparing it with the average for firms representing *Petitioners* or *Patent Owners* (**Platinum Edition**).
- 6. Attorneys:** We review the performance and activity of attorneys representing *Petitioners* and *Patent Owners*, comparing it to the average for all attorneys on each side (**Platinum Edition**).

Because IPR takes about 12 to 18 months to be completed (if instituted), the data for the cases filed in the last 24 months may not be final and will be updated over time. To compensate for this consequence and to better understand the performance and activity of stakeholders, we study the data in a five-year window (e.g., July 1, 2012, through June 30, 2017).

For this release, we limited the date range of our analysis to Sept. 16, 2012 (IPR's inception) through the end of the first half of 2017 (June 30, 2017). However, for the claim-level data analysis, as well as for the law firms and attorney performance metrics, most of the recent cases – specifically the ones filed in the second quarter of 2017 – may not yet be included. The case statuses are up to date as of August 24, 2017. 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, 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 use of information provided in this report.

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