

Patexia

March 2022

ITC Intelligence Report

January 2016 / **December 2021**

A comprehensive report on the top 100
best performing and most active
ITC Section 337 attorneys and law firms.

Prepared by
Patexia Data Science Team



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Introduction

ITC Section 337 Investigation continued its growth in 2021. We noticed more law firms expanded into this lucrative practice area. The number of key lateral moves grew in 2021 and firms pushed ITC into their strategy when working with their corporate clients.

While ITC is normally used by operating companies against other operating companies, we noticed more popularity among non-prac-

ting entities in recent years. Also its use by pharmaceutical companies has grown.

Our third annual ITC Intelligence Report covers the period from January 1, 2016, through December 31, 2021. This includes a total of 370 investigations. In this report, we have made a few improvements and some adjustments in response to the feedback we received from the ITC community.

What's New in the 2022 ITC Intelligence Report?

First, we updated our ranking methodology based on the feedback received from our community. This includes adjusting and normalizing the complainant and respondent performance scores before calculating the overall performance scores. Our data suggests that in general the chance of winning is higher for complainants. This means that those firms that are mostly on the complainant side, may have some advantage. As a result, the new overall performance is calculated from the respondent and complainant performance scores after normalizing both scores. This way those attorneys who mainly represent respondents do not have an inherent disadvantage. We also used logarithmic scale when calculating the scores to avoid large drops between consecutive numbers.

Furthermore, we adjusted the weights to account for the lower probability of winning all cases when the number of cases grows. In other words, it is far more difficult to win 10 out of 10 cases versus one out of one. As a result, the new performance scores are higher for those who have higher activity scores.

We continued investing more into automation and natural language processing to help improve the quality of our data. There are countless ITC documents for each case and without the proper automation and data extraction, the preparation of this report will be impossible. This is an ongoing effort as we continue working on the quality of data extraction. However, this automation does not remove the need for manual data review and verification. We are thankful to our hard-working data team and ITC attorneys who worked together and verified cases whenever our automated data-extraction failed.

We are exploring and discussing with the ITC attorneys the possibility of adding a new chapter in future versions to qualitatively explain what differentiates some of the best performing firms. This chapter will be prepared in collaboration with some of the best firms. While statistics and data we extract from cases and documents uncover some new insights every year, the direct input and explanations by top attorneys on what makes their practice unique can bring additional value to our corporate readers.

What's in the Pipeline for 2022?

This year we plan to publish eight intelligence reports. Our *Insight Report collection* will be expanded to cover the following reports throughout 2022:

1. February 3, 2022 (already released) - [District Court Patent Litigation](#)
2. March 24, 2022 (this report) - [ITC Section 337](#)
3. April 21, 2022 - [Patent Prosecution](#)
4. May 19, 2022 - [Trademark Prosecution](#)
5. August 18, 2022 - [ANDA/Hatch-Waxman Litigation](#)
6. September 8, 2022 - [Inter-Partes Review](#)
7. October 20, 2022 - [CAFC \(US Court of Appeal for the Federal Circuit\)](#)
8. November 24, 2022 - [Trademark Litigation Report](#)

Our *District Court Patent Litigation Report* was released in early February and our next

report, *Patent Prosecution*, which is under preparation will be released in April. All these reports are available for free to our [Concierge Members](#). We are also considering publishing our first *Trademark Litigation Report* in November of 2022.

We are in the process of updating and redesigning our online presence (www.patexia.com). This expansion and update is not possible without the continued support of our readers and Concierge members.

I would like to thank our dear attorneys and the IP community who provided their time and helped us by clarifying some of the doubts we had for performance measurement. They carefully answered and reasoned why we should consider one outcome over another.

We are excited for this third annual ITC report and believe our corporate partners can use it when making critical decisions about their ITC counsel, while our law firm partners can leverage it as a valuable resource for new business development, marketing and even recruitment decisions.



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

Pedram Sameni
Founder and CEO

What's in This Report?

The report content has been divided into the following sections:

- 1. ITC Statistics:** We provide a complete overview of ITC investigations and cover high-level statistics about ITC, including all parties, judges and cases, from January 1, 2016, through December 31, 2021.
- 2. Complainants and Respondents:** We identify the most active and the best-performing *Complainants* and *Respondents* over the period of our study.
- 3. Law Firms:** We analyze the performance and activity of law firms, comparing and providing rankings for the top firms representing *Complainants* and *Respondents*.
- 4. Attorneys:** We review the performance and activity of attorneys, representing

Complainants and *Respondents*, comparing and providing rankings for top attorneys on each side. We also include the most important lateral moves over the past year.

- 5. Ranking Methodology:** We explain our performance model and how we calculated the performance scores and rankings for complainants, respondents, their representatives, and ITC judges.

As per tradition for our ITC report and our other intelligence reports, and in order to have a meaningful comparison, as well as compensating for the time required for each case from filing to completion (e.g., 6 to 18 months), we covered a period of six years, January 1, 2016 through December 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 EDIS, USPTO, PTAB, 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 percent accuracy nor take any responsibility for possible losses caused by the use of any information provided in this report.

01

ITC
Statistics

• La ENVIPE 2013 permite conocer que entre los motivos que llevan a la población víctima de un delito a no denunciar están las circunstancias atribuidas a la autoridad, como considerar la denuncia como una pérdida de tiempo y la desconfianza en la autoridad con el 87 %.

ESTADOS UNIDOS MEXICANOS





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 integrity, is something that we at Patexia take very seriously. We have collected our raw data from many sources including:

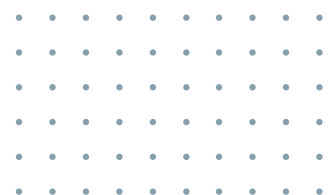
- US ITC, Section 337 Information (<https://pubapps2.usitc.gov/337external/>)
- ITC Electronic Document Information System (EDIS) (<https://edis.usitc.gov/external/>)
- Patent Trial and Appeal Board (PTAB) Database
- United States Patent and Trademark (USPTO) Patent Database
- Public Access to Court Electronic Records (PACER)
- 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 almost six years (January 1, 2016 through December 31, 2021).

While the possibility of errors such as typos in legal documents are inevitable, cleaning and organizing the attorneys’ 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 more than 5,000 ITC 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.



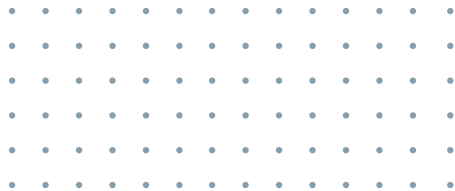
Appendix B: List of All ITC Section 337 Investigations



See the attached Excel file for the list of all 370 ITC Section 337 cases filed from January 1, 2016 through December 31, 2021.

The spreadsheet covers the following fields for each case:

- ITC Case with a link to the case page on Patexia site
- Filing Date
- Institution Date
- Termination Date
- Status
- Unfair Act
- Title
- Judge
- Patents
- Patents





Appendix C: Stats for Complainants and Respondents Stats

See the attached Excel file for the stats related to all 2,015 entities (companies) involved in one or more ITC Section 337 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 Patexia page
- Overall Activity Rank
- Overall Performance Rank
- Respondent Activity Rank
- Respondent Performance Rank
- Complainant Activity Rank
- Complainant Performance Rank
- All Cases
- Respondent Cases
- Complainant Cases
- Overall Activity Score
- Respondent Activity Score
- Complainant Activity Score
- Overall Success Score
- Respondent Success Score
- Complainant Success Score
- Overall Performance Score
- Respondent Performance Score
- Complainant Performance Score
- Number of Scored Cases (Terminated Cases)
- Number of Resp. Scored Cases
- Number of Comp. Scored Cases
- Overall Activity Rank (2021)
- Overall Performance Rank (2021)
- Respondent Activity Rank (2021)
- Respondent Performance Rank (2021)
- Complainant Activity Rank (2021)
- Complainant Performance Rank (2021)
- Top 3 Clients

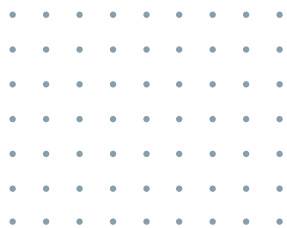




Appendix D: Stats for Law Firms

See the attached Excel file for the stats related to all 367 law firms, involved in one or more ITC Section 337 cases. The spreadsheet covers the following information for each of the law firms:

- Law firm name with a link to Patexia page
- Overall Performance Score
- All Cases: Total number of ITC cases for the period
- Respondent Performance Score
- Respondent Cases
- Complainant Performance Score
- Complainant Cases
- Overall Activity Score
- Overall Activity Rank
- Respondent Activity Score
- Overall Performance Rank
- Complainant Activity Score
- Respondent Activity Rank
- Number of Scored Cases (Terminated Cases)
- Respondent Performance Rank
- Number of Cases with a Respondent Score
- Complainant Activity Rank
- Number of Cases with a Complainant Score
- Complainant Performance Rank

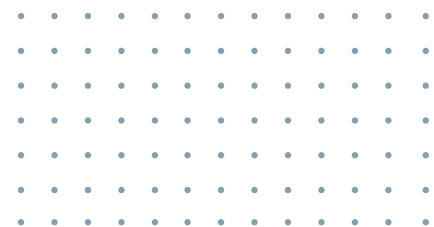




Appendix E: Stats for Attorneys

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

- Attorney name with a link to Patexia page
- Attorney's Title
- Attorney's Law Firm with a link to Patexia page
- All Cases: Total number of ITC cases for the period
- Respondent Cases
- Complainant Cases
- Overall Activity Rank
- Overall Performance Rank
- Respondent Activity Rank
- Respondent Performance Rank
- Complainant Activity Rank
- Complainant Performance Rank
- Overall Performance Score
- Respondent Performance Score
- Complainant Performance Score
- Overall Activity Score
- Respondent Activity Score
- Complainant Activity Score
- Number of Scored Cases (Terminated Cases)
- Number of Cases with a Respondent Score
- Number of Cases with a Complainant Score

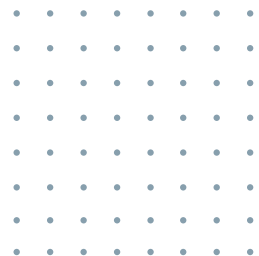




Appendix F: Lateral Moves

See the attached Excel file for all the lateral moves that took place since our second publication of the ITC Intelligence Report in early 2021. We looked at the top 1,000 most active ITC attorneys in our 2022 report and identified the ones who had moved since last year. The spreadsheet covers the attorneys who moved as well as the new firms that were formed during this time. The spreadsheet covers the following information for each of the attorneys:

- Attorney's Name
- Attorney's Overall Activity Rank
- Attorney's Current Firm
- Attorney's total number of ITC cases for the period of the study.
- Attorney's Old Firm





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 (Complainant, Respondent 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

Founded in 2010 to bring efficiency and transparency to intellectual property by leveraging the power of data, technology, and experts, Patexia is the largest network for IP professionals with over 100,000

IP attorney profiles. We offer IP services under four distinct arms: Patexia Expert, Patexia Crowd Search (crowdsourcing), Patexia Insights, and Patexia Recruiting. Contact us today to learn more.

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Disclaimer: The data for this report was obtained from public sources including EDIS, 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.

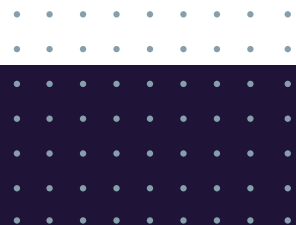
The fine print

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Thank you for your purchase of the 2022 ITC Intelligence Report. It is your support that enables us to spend the time, money, and precious thousands of hours needed to com-

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