

Patexia

January 2021

Patent Litigation Intelligence Report

July 2017 / June 2020

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

Prepared by
Patexia Data Science Team



Table of Contents

Introduction	5
What's in This Report?	7
Executive Summary	8
Section 1: Ranking Methodology	9
General Considerations	10
Other Considerations	15
Activity Score	16
Success Score	17
Performance Score	18
Section 2: District Court Patent Litigation Statistics	19
YoY Comparison of Filings (Case and Patent Levels)	22
Most Common State Venues for Patent Cases	22
PACER Status of Patent Cases	24
Practical Outcome of Terminated Patent Cases with Judgment	25
Most Litigated Technologies (based on IPC codes)	27
Most Litigated Patents	28
By the Numbers: Judges, Companies, Law Firms, Patent Attorneys, and Local Counsel	29
Section 3: Plaintiffs and Defendants	30
The Most Active Plaintiffs and Defendants	31
Best Performing Companies in Patent Litigation Cases	41

Section 4: Patent Litigation Law Firms	51
Most Active Law Firms in Patent Litigation Cases	53
Best Performing Law Firms in Patent Litigation Cases	63
Section 5: Patent Litigators	73
Top 100 Most Active Patent Litigators	74
Best Performing Patent Litigators	84
Section 6: Local Counsel	94
Section 7: District Court Judges	108
Appendix	113
Appendix A: Sources of Data	114
Appendix B: Stats for Plaintiffs and Defendants	115
Appendix C: Stats for Patent Litigation Firms	116
Appendix D: Stats for Attorneys	117
Appendix E: Stats for Local Counsel	118
Appendix F: Stats for District Court Judges	119
Appendix G: Best Performing and Most Active Badges	120
Contact Us	121
Our Products	122

Introduction

We published our first *Patexia Insight Intelligence Report*, covering the best performing and most active Inter-Partes Review (IPR) attorneys and law firms in 2017. Since then, our annual Intelligence Reports have become widely popular. A quick Google search for [“patexia rankings”](#) returns several thousand pages published by law firms online as they use our reports and data-driven rankings for marketing and business development in different areas of Intellectual Property (IP).

Due to the popular demand, last year, our Insight Report collection further expanded to cover a total of four areas: [ITC Section 337](#), [ANDA/Hatch-Waxman Litigation](#), [Inter-Partes Review](#), and [Patent Prosecution](#). In 2021, we plan to release three new reports in addition to the above. This includes CAFC (US Court of Appeal for the Federal Circuit), Trademark, and this District Court Patent Litigation Report that you are now holding (digitally)!

In order to plan and release all seven reports in 2021, we had to double the size of our Insight team from previous years. This expansion was not possible without your continued support. The additional resources will ensure that gathering, cleaning, and analysis of the data is handled more smoothly and accurately.

For example, our engineering and data science team are now able to better track lateral moves of attorneys from one law firm to another. We automatically crunch tens of thousands of PDF documents for each of these

reports and parse the sentences to extract relevant data. Despite all of this automation, we still need the help of humans to manually review thousands of court documents to verify or, in some cases find the missing information. All of this will help polish the reports in an effort to make the data more relevant and useful to the IP community.

A few words about this new report: Patent litigation and, for the most part licensing negotiations often start from the District Court. While companies may use different strategies and sometimes utilize IPR in pre-litigation or ITC Section 337 to get an injunction, US district courts are still the most popular venue for patent litigation. Every year there are 3,000 to 4,000 new patent cases filed across the country in various district courts. While earlier in the decade, this number hovered around 6,000 cases per year, it has gradually declined in recent years. However, in 2020 we saw a sharp increase compared to the previous year (~3,888 vs. 3,353, for an increase of 16%).

Our 2021 *Patent Litigation Intelligence Report* covers the period from July 1, 2017, through June 30, 2020, and a total of 10,552 district court patent cases. We used publicly available documents obtained from PACER to identify the parties and their representatives for each case. This includes law firms as well as attorneys representing each of the parties involved. Furthermore, for 5,998 cases that had been terminated during this time period, we calculated the success rate

for each of the parties or their representatives by using the final status of the case as published by PACER or manual review of the judgment. These numerical analyses helped us measure the performance of all stakeholders. The complete explanation of the methodology we used for this report is covered in the first Chapter.

This refined methodology for performance measurement was not possible without the valuable feedback we received from our dear attorneys and IP community, who gave us their time and helped us clarify some of the doubts we had for performance measurement of special cases that were not obvious to us. They carefully answered and reasoned why we should consider one outcome over

another ([Performance of Defendants and Plaintiffs in Patent Litigation](#)).

IP attorneys can always review and verify their cases through their profiles. For this report, we contacted all patent litigators and local counsels, asking them to review their cases. Many spent time, which added another layer of confidence to our process, and helped us ensure higher accuracy for our analysis.

We hope our corporate partners find this report as useful as our other Intelligence reports when making critical decisions about their legal partners, and we hope our law firm partners can leverage it as a valuable source for new business development and marketing.



A handwritten signature in black ink that reads "Pedram Sameni". The signature is fluid and cursive, with a horizontal line extending from the end.

Pedram Sameni
Founder and CEO

What's in This Report?

The report content has been divided into the following sections:

- 1. Ranking Methodology:** We explain our performance model and how we calculated the Activity, Success, and Performance scores and rankings for plaintiffs, defendants, their representatives, and Judges.
- 2. Patent Litigation Statistics:** We provide a 360-degree overview of District Court Patent Litigation from 10,000 feet. We cover high-level statistics, including all parties, judges, and cases, covering July 1, 2017 - June 30, 2020.
- 3. Plaintiffs and Defendants:** We identify the most active and the best-performing Plaintiffs and Defendants over the period of our study.
- 4. Law Firms:** We analyze the performance and activity of law firms, comparing and providing rankings for the top firms representing Plaintiffs and Defendants.

5. Litigators: We review the performance and activity of patent litigators, representing Plaintiffs and Defendants, comparing and providing rankings for top attorneys on each side.

6. Local Counsel: We review and identify the most active local counsel, representing Plaintiffs and Defendants, comparing and providing rankings for top attorneys on each side.

7. Judges: We look at the judges assigned to all patent cases for the period of this study and calculate their performance based on the outcome of their judgments.

As per our tradition for this and our other intelligence reports, and to have a meaningful comparison, as well as compensating for the time required for each case from filing to completion (e.g., 6 to 36+ months), we covered a period of three years, July 1, 2017, through June 30, 2020. Appendix A lists all sources of data used for this report.

Disclaimer: The data for this report was obtained from public sources including PACER, USPTO, and PTAB, 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.



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:

- 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

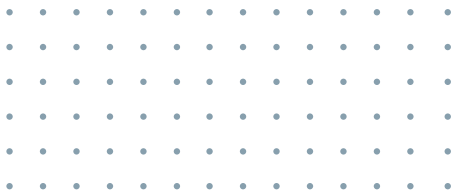
For this release, we limited the date range of our analysis to the last three years (July 1, 2017 through June 30, 2020).

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 80,000 attorneys and agents who can directly review and add missing cases to our database.

We contacted more than 12,000 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.



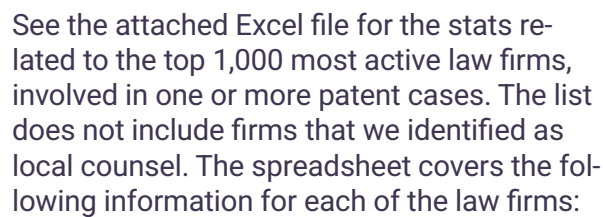


Appendix B: Stats for Plaintiffs and Defendants

See the attached Excel file for the stats related to the top 1,000 most active plaintiffs and defendants involved in one or more patent 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
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- All Cases
- All Unique Patents
- Defendant Cases
- Defendant Unique Patents
- Plaintiff Cases
- Plaintiff Unique Cases
- Overall Activity Score
- Defendant Activity Score
- Plaintiff Activity Score
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 Law Firms (Case Count)





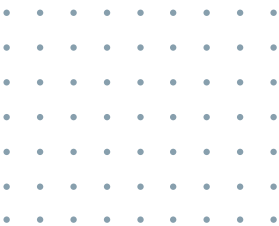
- Defendant Unique Patents
- Plaintiff Cases
- Plaintiff Unique Patents
- Overall Activity Score
- Defendant Activity Score
- Plaintiff Activity Score
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 Clients (Case Count)



Appendix D: Stats for Attorneys

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

- Attorney name with a link to Patexia page
- Law Firm
- Overall Activity Rank
- Overall Performance Rank
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- All Cases
- All Unique Patents
- Defendant Cases
- Defendant Unique Patents
- Plaintiff Cases
- Plaintiff Unique Patents
- Overall Activity Score
- Defendant Activity Score
- Plaintiff Activity Score
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 Clients (Case Count)



Appendix E:

Stats for Local Counsel

See the attached Excel file for the stats related to the 468 patent litigation local counsel. The spreadsheet covers the following information for each of the attorneys:

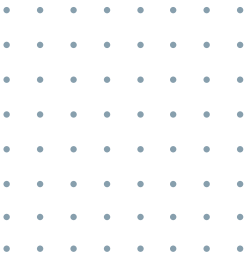
- Local Counsel with link to Patexia Page
 - Law Firm with link to Patexia Page
 - City
 - State
- Overall Activity Rank
 - Defendant Activity Rank
 - Plaintiff Activity Rank
 - All Cases
 - Defendant Cases
 - Plaintiff Cases
 - Top 3 Clients (Case Count)

Appendix F: Stats for District Court Judges



See the attached Excel file for the stats related to the 1,090 District Court judges. The spreadsheet covers the following information for each of the judges:

- Judge’s name
- Case (Unique)
- Patents (Unique)
- Judge’s score (Avg)



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 (Defendant, Plaintiff 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 80,000 IP attor-

ney profiles. We offer IP services under four distinct arms: Patexia Connect (recruiting), Patexia Contest (crowdsourcing), Patexia Expert (IP Due Diligence), and Patexia Insights (IP reports). Contact us today to learn more.

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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 use of information provided in this report.

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Thank you for your purchase of the 2021 Patent Litigation 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.

Our Products



Insights

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U.S. Patents. Applications. Lawsuits. The list goes on; with one overarching mission of turning conventionally frustrating tasks into seamless, flawless processes with powerful visualizations.



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