

Patexia



January 2023

Patent Litigation 2023.

Intelligence Report

July 2017 — June 2022

A comprehensive report on the **Top 100 Best Performing** and **Most Active Patent Litigation Attorneys and Law Firms.**

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Introduction.

This is our third annual report on patent litigation in district courts and the first in a series of eight reports that we will be publishing in 2023. Despite the ongoing challenges caused by the COVID-19 pandemic, patent litigation activity remains high, and the Western District of Texas continues to be one of the most active venues for patent litigation in the country. This high level of activity, combined with other factors, has made Austin a popular destination for big law firms. Several Am Law 100 firms

have established a presence in Austin or expanded their patent practice in the city in recent years. We will provide a detailed analysis of the most significant lateral moves of 2022 later in the report. This report will provide rankings of all stakeholders including attorneys, law firms, companies, and judges, in line with our tradition, and will also offer valuable insights into the patent litigation landscape, including key trends and patterns in all litigation venues, including the Western District of Texas.

What's New in the Report?

This year's report features a wide range of updates and improvements, from changes to the ranking methodology to the introduction of the concept of a "patent litigation family." In this section, we will provide an overview of all the changes and enhancements that

have been made to the report. The updates we have made will allow us to provide a more comprehensive and in-depth analysis of the patent litigation landscape, giving our readers a clearer picture of the current state of affairs in the field.

Automation of Case Detection

Our data science team at Patexia has developed a new application programming interface (API) that is capable of reading all intellectual property complaints and automatically detecting the case type, such as patents, trade secrets, trademarks, BPCIA, ANDA, and others. Additionally, the API has the ability to automatically extract all pat-

ents and parties involved in the case. This new technology has not only improved the quality of data, as there is a reduced chance of error when data is entered by machines rather than humans, but it has also increased the speed of data extraction and the number of data fields that can be extracted.

Introduction of Patent Litigation Family

Patent litigation can often span multiple legal venues and even extend to international borders. While examining a single case

can provide some insight, it may not offer a comprehensive understanding of the overall strategies of all parties involved. Additionally,

looking solely at case volume can be misleading, as many cases may be filed based on the same group of patents. In light of this, Patexia has introduced the concept of a “*patent litigation family*” in this report. This approach considers all cases that share one or more patents in common as part of the same family,

Analysis of Appealed Cases

In addition to annually publishing a separate report on the Court of Appeals for the Federal Circuit (CAFC) that covers all patent-related appeals, Patexia has taken steps to further understand the general satisfaction of all parties with the judgment decisions in various patent venues, such as the Patent Trial and Appeal Board (PTAB), the International Trade Commission's Section 337, and district courts. Specifically, we have added a sec-

Improved Ranking Methodology

The methodology used for our rankings has undergone significant improvements, while the overall concept has remained unchanged. The activity and success scores for all stakeholders are still calculated, and performance is determined as a weighted average of success and activity. However, the calculation of success has been refined by taking into account the probability of winning all cases, rather than simply averaging success. As it is more difficult for an entity with many cases to win everything than for an entity with a smaller number of cases, success is adjusted by considering the total activity.

which may also include foreign patents. However, it should be noted that this report currently does not provide any insights on foreign litigation activities. This approach offers a clearer picture of the overall landscape, as the number of unique families is typically much lower than the actual number of cases.

tion to calculate the number of district court matters that are appealed. This allows us to gain a better understanding of the percentage of cases that are appealed and, furthermore, what percentage of those appeals are affirmed or reversed by the CAFC. This addition to our report will provide a more complete picture of the patent litigation landscape and help us to identify trends and patterns in the different venues.

In addition, scores are now calculated on a logarithmic scale, rather than a linear scale, to minimize large gaps in scores between consecutive firms or attorneys. Efforts have been made to decouple the effect of various factors, but this is an ongoing process. The ultimate goal is to mathematically remove the impact of companies, experts, technology areas, judges, and other factors when calculating the rankings of attorneys or firms. With a vast amount of data available for each firm, company, and judge, it is feasible to achieve this. We are optimistic that our next version will incorporate these changes, resulting in rankings that are more reflective of reality.

Case Milestones, the Average Length for Termination

To gain a comprehensive understanding of the patent litigation landscape, Patexia conducted a thorough review of all docket reports to identify the key litigation milestones and the time frame from filing to termination for all cases. This information is available in full through our proprietary Patexia Litigation Analyzer, but we have also included the average length of termination for the period covered in this report. This

data provides insight into the overall duration of patent litigation cases and can be used to identify trends and patterns in the patent litigation landscape. Additionally, this information can be used to better understand the time and resources required to successfully navigate the patent litigation process, providing valuable information for stakeholders such as patent holders, attorneys and companies.

What's Coming Next?

As we enter the seventh year of publishing *Patexia Intelligence Reports*, our annual reports have become widely popular among corporations and law firms. 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).

In addition to this report, Patexia plans to publish the following in 2023:

- [ITC Section 337](#) (scheduled for release on Feb 23, 2023)
- [Patent Prosecution](#) (scheduled for release on March 30, 2023)
- [Trademark Prosecution](#) (scheduled for release on April 27, 2023)
- [Trademark Litigation](#) (scheduled for release on June 29, 2023)
- [ANDA Litigation](#) (scheduled for release on August 31, 2023)

- [Inter-Partes Review \(IPR\)](#) (scheduled for release on September 28, 2023)
- [CAFC \(Court of Appeal for the Federal Circuit\)](#) (scheduled for release on October 26, 2023)

To plan and release all seven reports in 2022 and continue to do so in the future, Patexia has added to its team and improved its resources. This expansion was not possible without your continued support. The additional resources will ensure that data gathering, cleaning, and analysis are handled more smoothly and accurately. For example, Patexia's engineering and data science team is now able to better track the lateral moves of attorneys from one law firm to another. The team automatically crunches tens of thousands of PDF documents for each of these reports and parses sentences to extract relevant data. Despite all of this automation, human review is still necessary to manually review thousands of court

documents to verify or find missing information. All of this will help Patexia to refine its reports and make the data more relevant and useful to the IP community.

The 2023 [Patent Litigation Intelligence Report](#) covers the period from July 1, 2017, through June 30, 2022, and a total of 18,493 district court patent cases. Patexia used docket reports and other 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 14,656 cases that had been terminated during this time period, Patexia 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 Patexia measure the performance of all stakeholders.

This report was not possible without the valuable feedback received from dear attorneys and IP community members, who gave their time and helped Patexia clarify some of the doubts it had for the performance measurement of special cases that were not obvious.

Patexia hopes its corporate partners find this report as useful as its other intelligence reports when making critical decisions about their litigation counsel, and Patexia hopes its law firm partners can leverage it as a valuable resource for new business development and marketing.



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

Pedram Sameni
Founder and CEO

What's in This Report?

The report is divided into the following sections:

- 1 **Patent Litigation Overview:** A comprehensive analysis of District Court Patent Litigation is provided, including high-level statistics on all parties, judges, and cases from July 1, 2017, through June 30, 2022.
- 2 **Plaintiffs and Defendants Analysis:** Our study identifies the most active and best-performing plaintiffs and defendants.
- 3 **Law Firm Performance:** We evaluate the performance and activity of law firms, ranking the top firms representing plaintiffs and defendants and comparing their results.
- 4 **Litigator Analysis:** The performance and activity of patent litigators representing both plaintiffs and defendants are compared and ranked.
- 5 **Local Counsel Evaluation:** The most active local counsel representing plaintiffs

and defendants are identified and their results are compared and ranked.

- 6 **Judicial Performance:** The performance of judges assigned to all patent cases during the study period is analyzed based on the outcome of their judgments.
- 7 **Ranking Methodology:** Our performance model and how we calculated the activity, success, and performance scores and rankings for plaintiffs, defendants, their representatives, and judges are explained.

In accordance with our tradition for this and our other *Intelligence Reports* and to allow for meaningful comparison and compensation for the time required for each case from filing to completion (e.g., six to 36+ months), we cover a period of five years, from July 1, 2017, through June 30, 2022. 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.

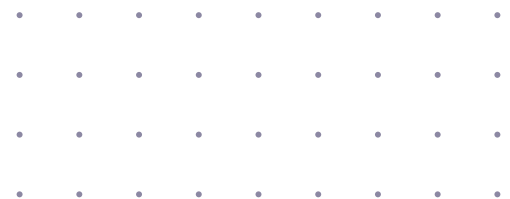
Data is the foundation and building block of any data-driven analysis. Therefore, collecting that data from quality sources, and taking extra care in maintaining the data's integrity is something that we at Patexia take very seriously. We have collected our raw data from many sources including

- 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, 2022).

While the possibility of errors such as typos in legal documents is 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.



Appendix B: Stats for Plaintiffs and Defendants.

Please refer to the accompanying Excel file for statistics 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 includes the following information for each of the companies:

- Company name with a link to the 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
- Overall Activity Rank 2022
- Overall Performance Rank 2022
- Defendant Activity Rank 2022
- Defendant Performance Rank 2022
- Plaintiff Activity Rank 2022
- Plaintiff Performance Rank 2022
- Top 3 Law Firms (Case Count)

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Appendix C: Stats for Patent Litigation Firms.

Please refer to the accompanying Excel file for statistics related to the top 1,000 most active law firms involved in one or more patent cases filed during the period of our study. The spreadsheet includes the following information for each of the companies:

- Law Firm with a link to the 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 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
- Overall Activity Rank 2022
- Overall Performance Rank 2022
- Defendant Activity Rank 2022
- Defendant Performance Rank 2022
- Plaintiff Activity Rank 2022
- Plaintiff Performance Rank 2022
- Top 3 Law Firms (Case Count)

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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:

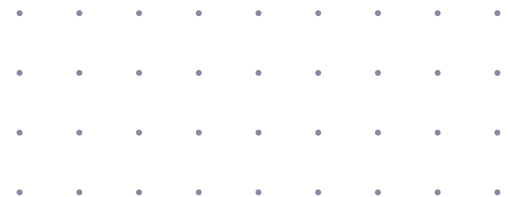
- Attorney name with a link to the Patexia page
- Law Firm
- Overall Activity Rank
- Overall Performance Rank
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- All Cases
- All Unique Patents
- Defendant Cases
- Defendant Unique Patents
- Plaintiff 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
- Overall Activity Rank 2022
- Overall Performance Rank 2022
- Defendant Activity Rank 2022
- Defendant Performance Rank 2022
- Plaintiff Activity Rank 2022
- Plaintiff Performance Rank 2022
- Top 3 Law Firms (Case Count)

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Appendix E: Stats for Local Counsel.

See the attached Excel file for the stats related to the 467 patent litigation local counsel. The spreadsheet covers the following information for each of the attorneys:

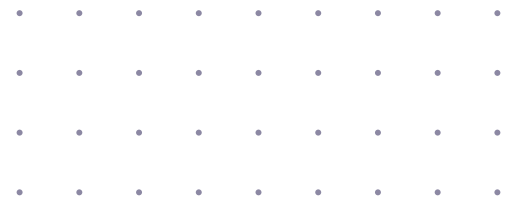
- Local Counsel with link to Patexia Page
- Law Firm with link to Patexia Page
- City
- State
- Overall Activity Rank
- Defendant Activity Rank
- Plaintiff Activity Rank
- All Cases
- Defendant Cases
- Plaintiff Cases
- Top 3 Clients (Case Count)



Appendix F: Stats for District Court Judges.

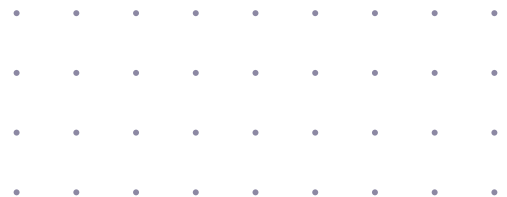
See the attached Excel file for the stats related to the 1,322 District Court judges. The spreadsheet covers the following information for each of the judges:

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



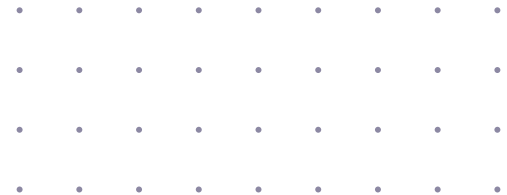
Appendix G: Best Performing and Most Active Badges.

In keeping with tradition, Patexia designs two categories of badges for the best performing and most active law firms/attorneys (Defendant, Plaintiff and overall) each year. These badges are only granted to firms and attorneys that are ranked in the top 100 and opt to purchase the report. [Concierge Members](#) will automatically receive the badges if they are ranked among the top 100.



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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, 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 the use of information provided in this report.*

The fine print

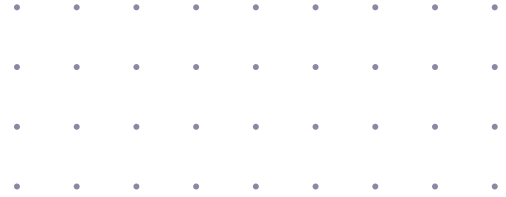
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