

LegalMetric[®]

Nationwide Patent Litigation Statistics

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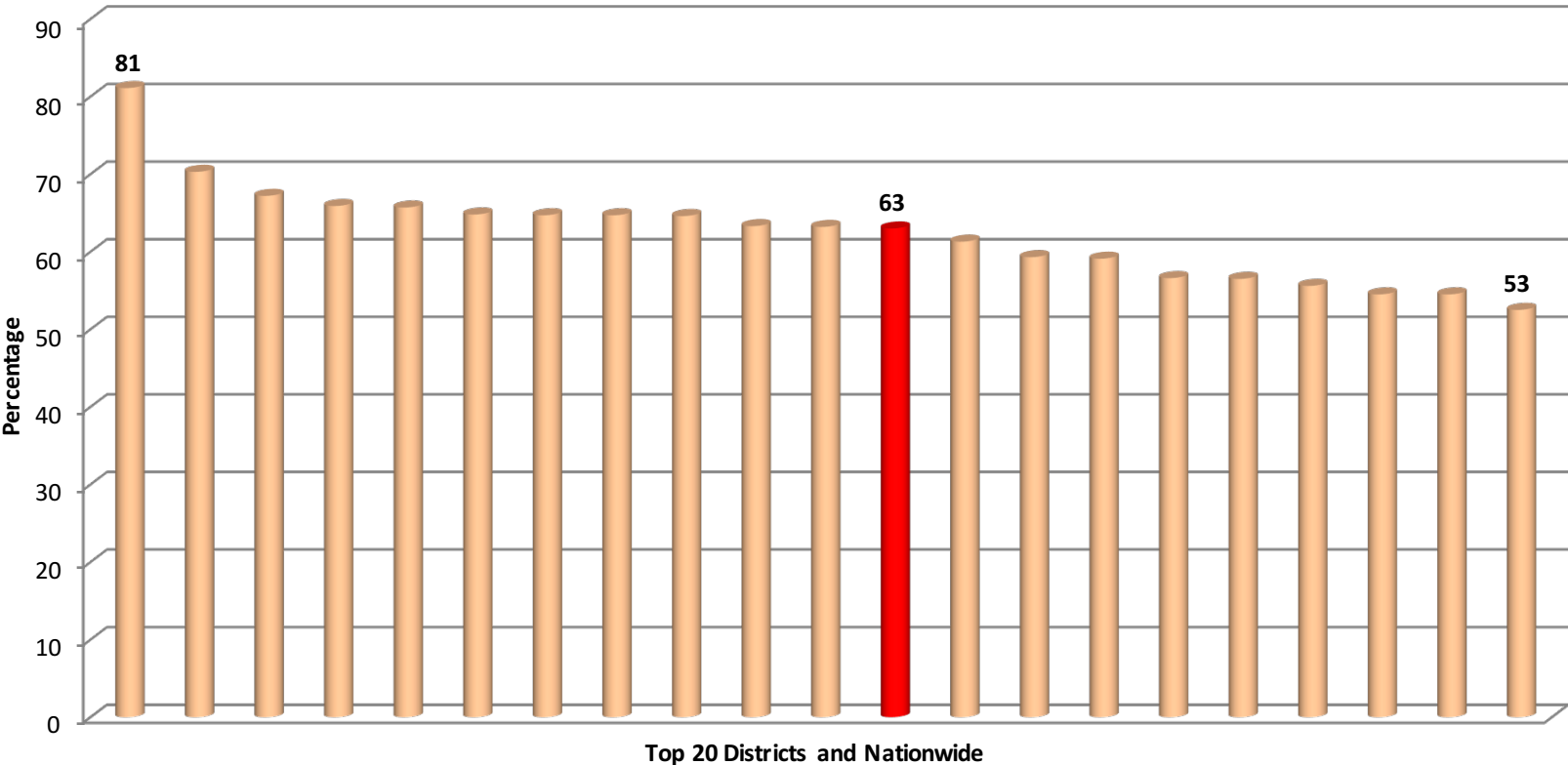
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Patentee Overall Win Rates in Patent Cases

Overall Win Rates (Includes Consent and Default Judgments)

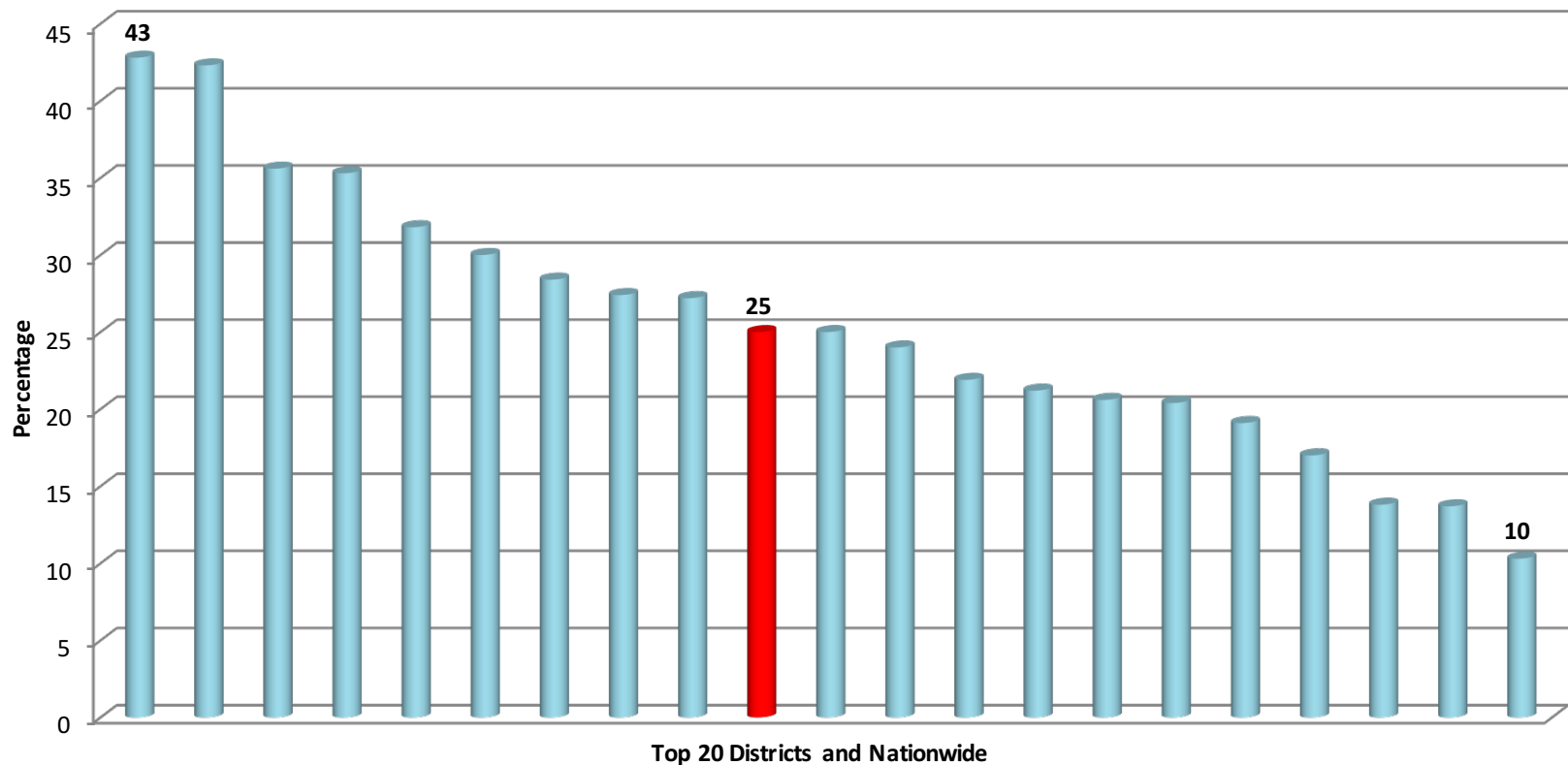


Patentee Overall Win Rates in Patent Cases

- Nationwide Average Win Rate for Patent Owners is 63%. Ranges from 53% to 81% for the top 20 patent districts.
- Figures include Consent and Default Judgments (see Contested Win Rates for figures which exclude consent and default judgments)

Patentee Contested Win Rates (No Consent and Default Judgments)

Contested Win Rates (No Consent or Default Judgments)

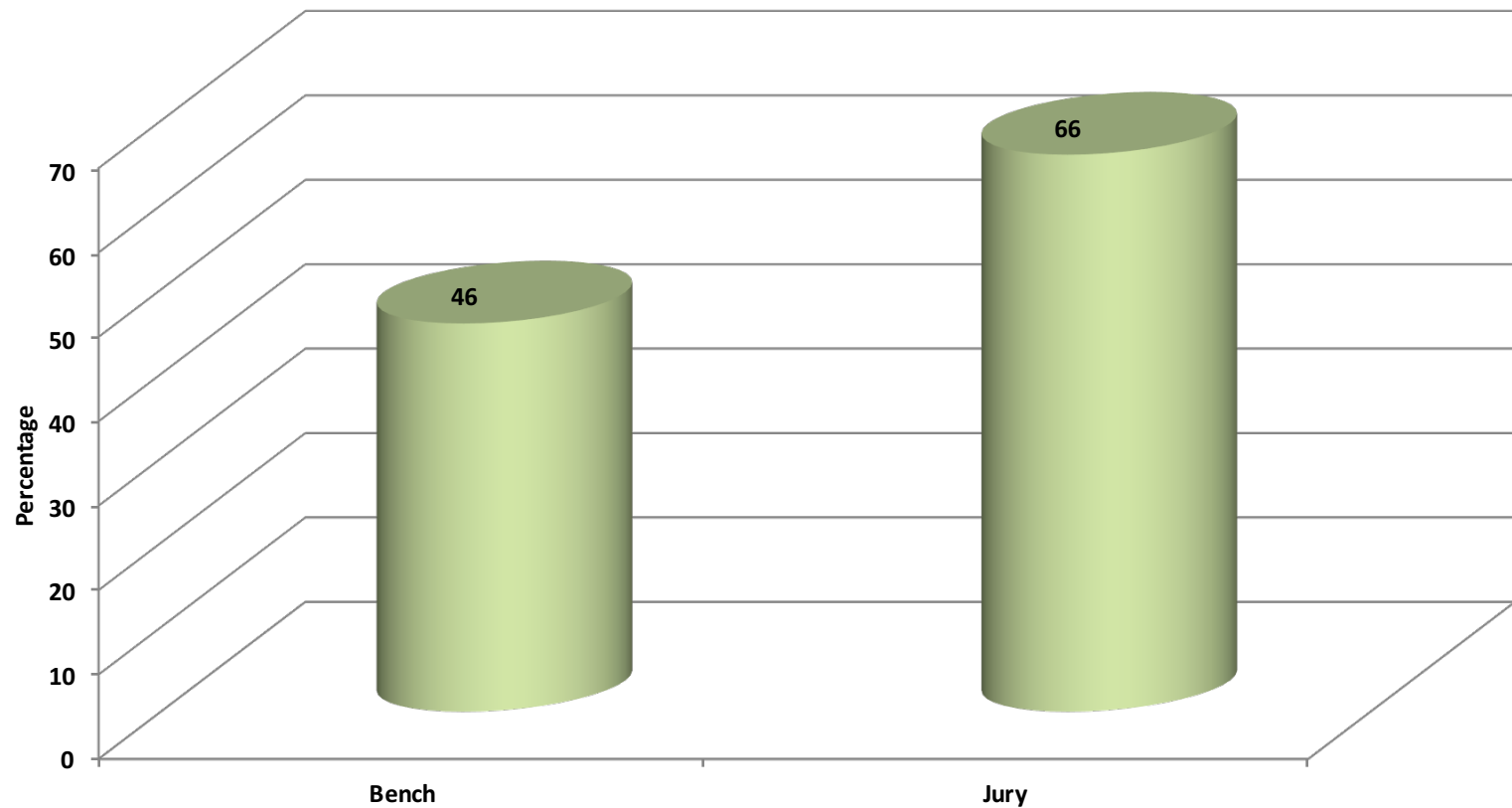


Patentee Contested Win Rates (No Consent and Default Judgments)

- Nationwide Patentee Contested Win Rate: 25%. Ranges from 10% to 43% for top 20 districts.
- Much lower than Overall Win Rates because consent and default judgments are excluded.

Nationwide Trial Win Rates (Patentee)

Nationwide Patentee Win Rates at Trial

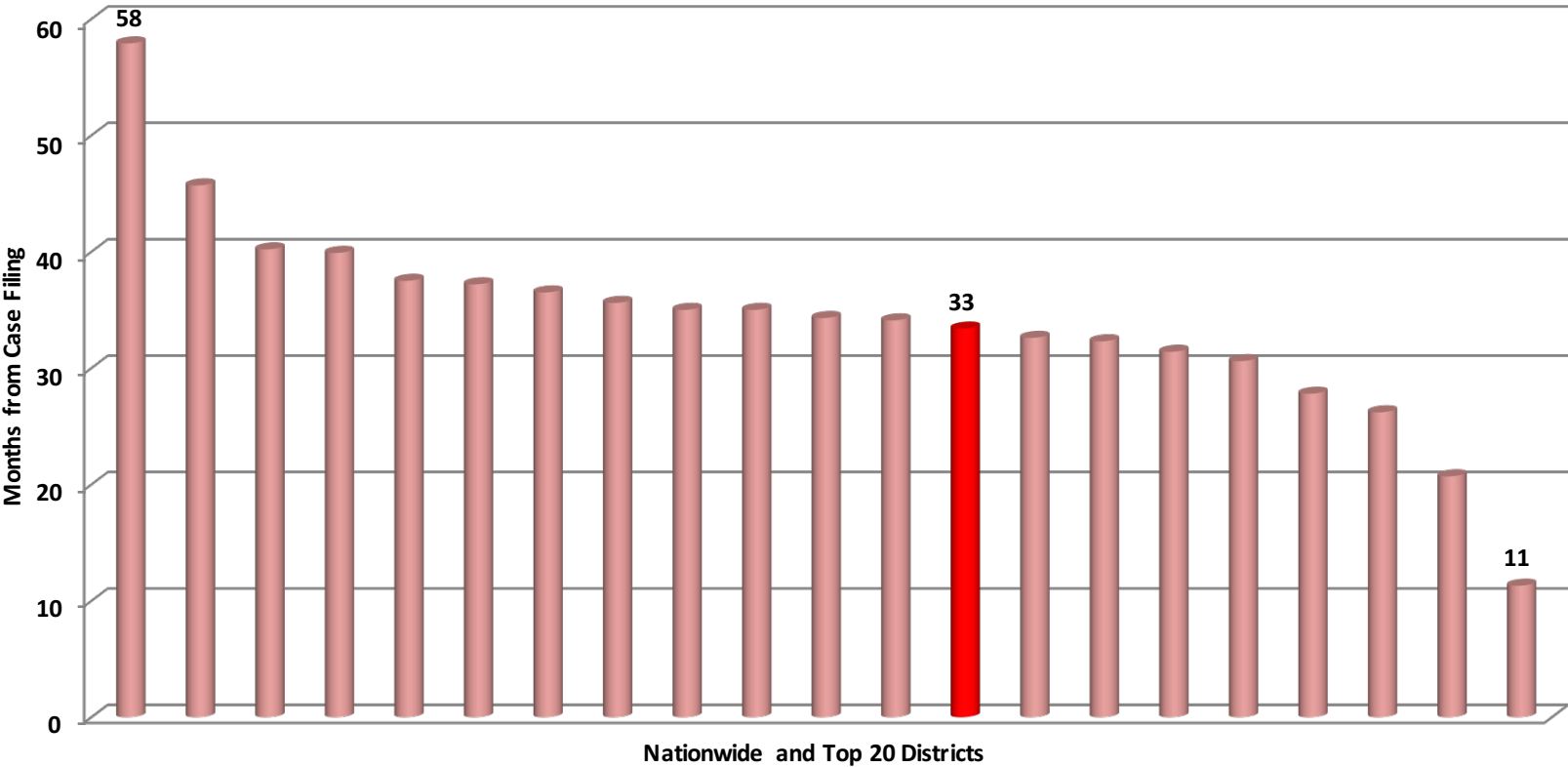


Nationwide Trial Win Rates (Patentee)

- A patentee who survives summary judgment has a 66% chance of prevailing in a jury trial and a 46% chance of prevailing in a bench trial.
- Very few districts have a sufficient number of trials in patent cases to provide meaningful win rates for the district.

Average Time to Judgment by Jury Trial

Average Time to Judgment by Jury Trial

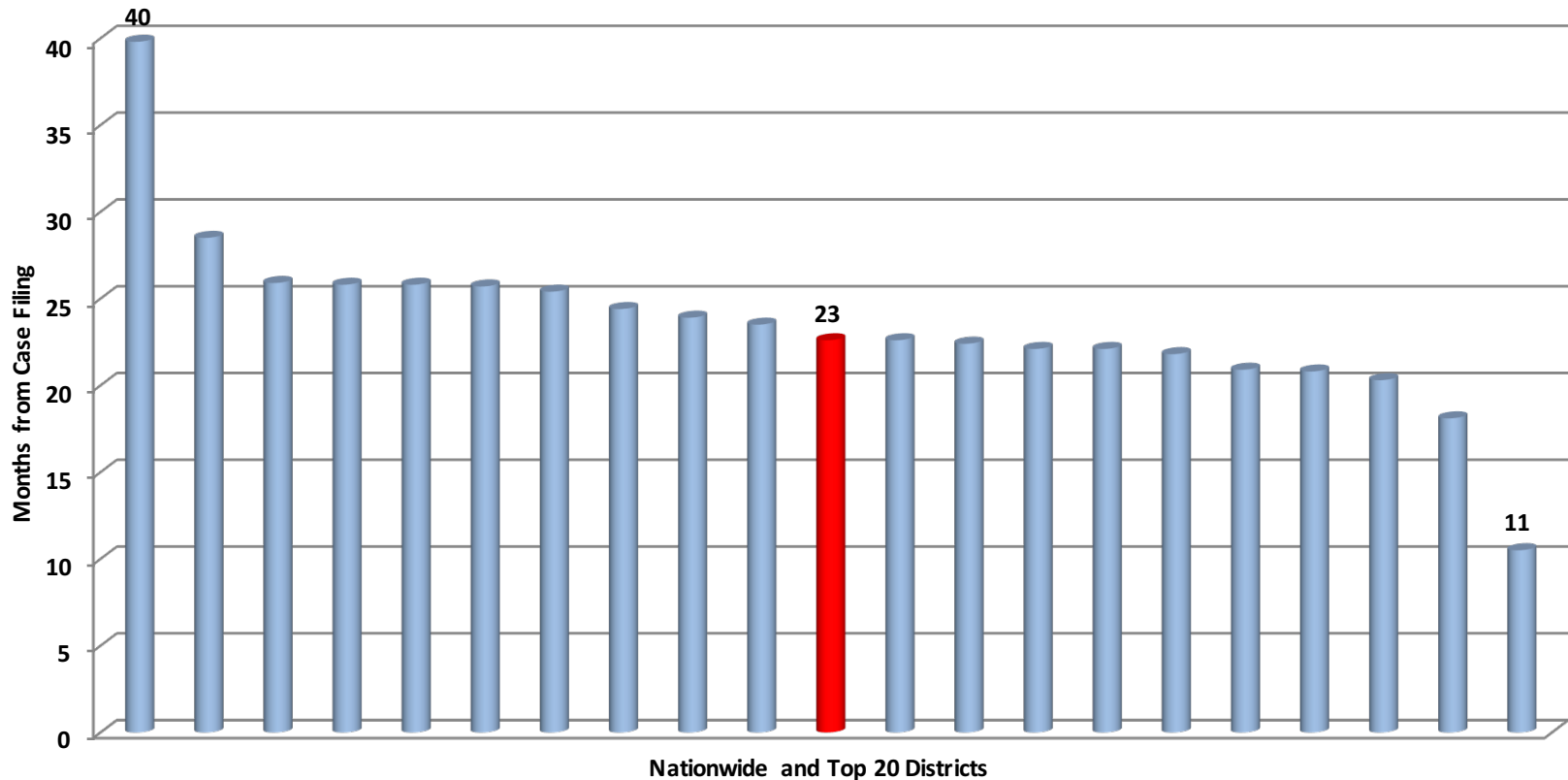


Average Time to Judgment by Jury Trial

- The average time nationwide from case filing to judgment based upon jury trial was 33 months.
- The range for the top 20 districts was 11 months up to 58 months.

Average Time to Markman Decision

Average Time to Markman Decision

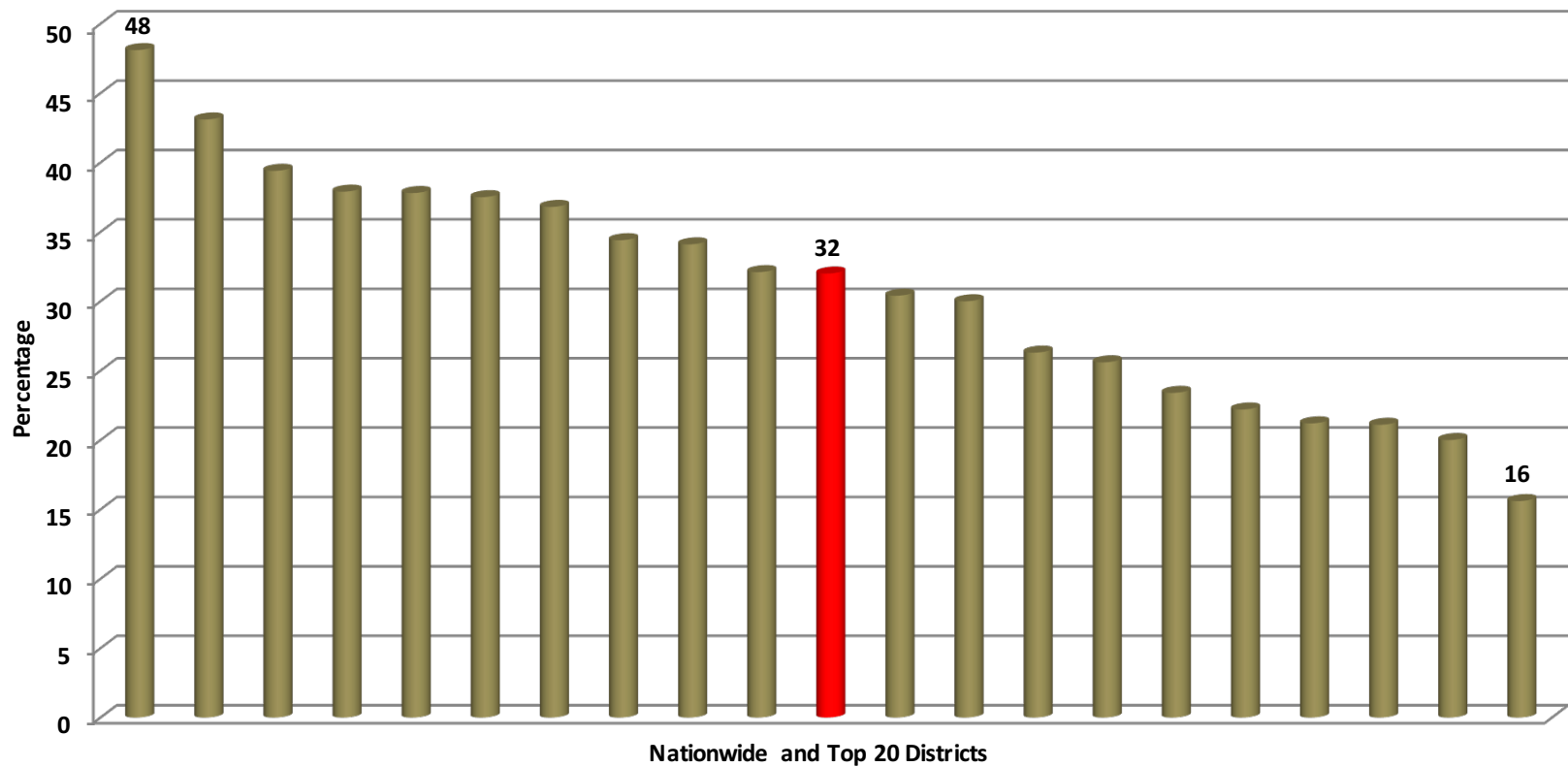


Average Time to Markman Decision

- The average time from case filing to Markman decision nationwide was 23 months.
- The average time ranged from 11 months up to 40 months.

Preliminary Injunction Win Rates

Preliminary Injunction Win Rates

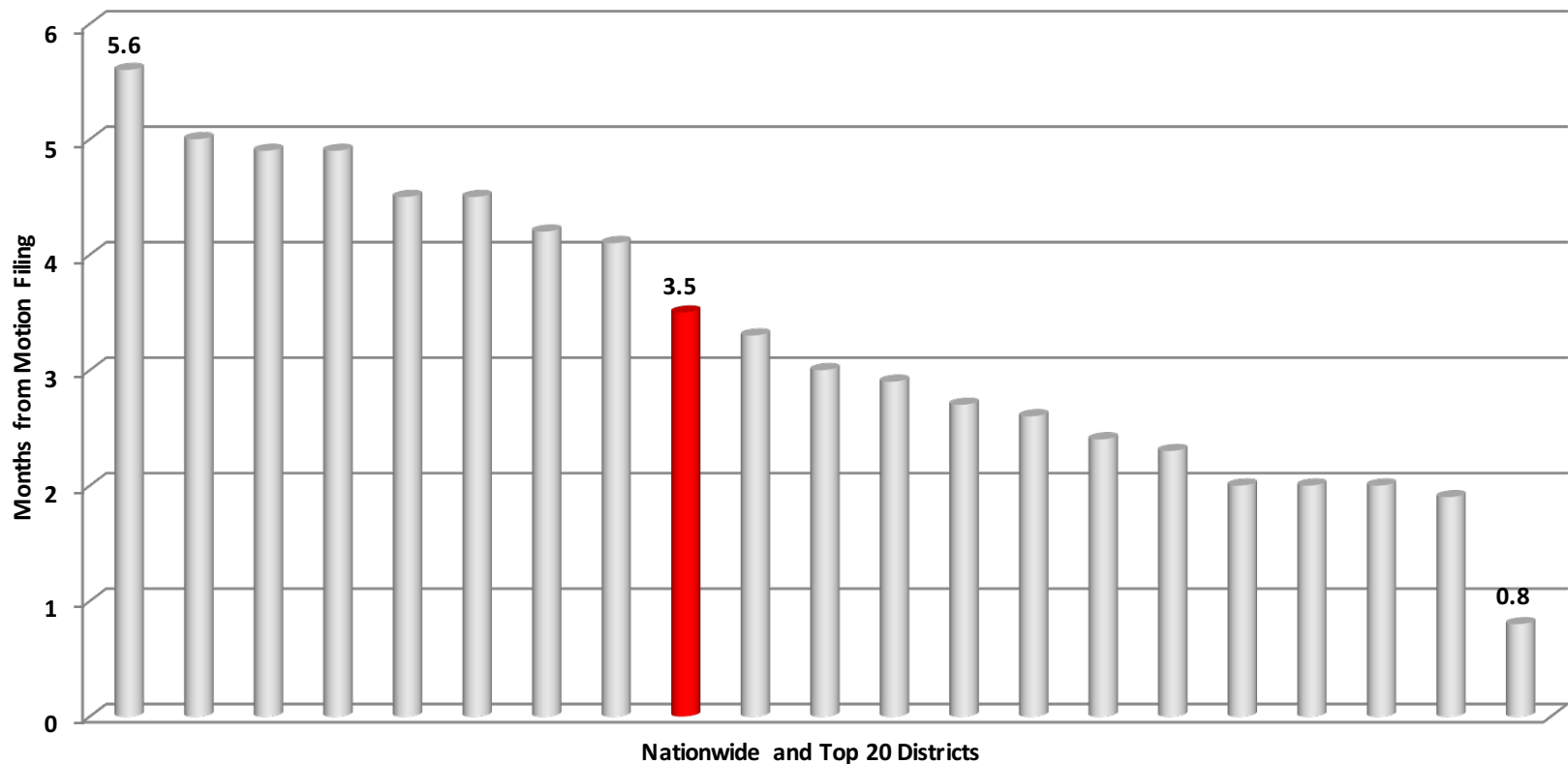


Preliminary Injunction Win Rates

- The nationwide average win rate on preliminary injunction motions in patent cases is 32%.
- The average for the top 20 districts ranges from 16% to 48%.

Time to Decision on Preliminary Injunction Motions

Average Time to Decision on Preliminary Injunction Motions

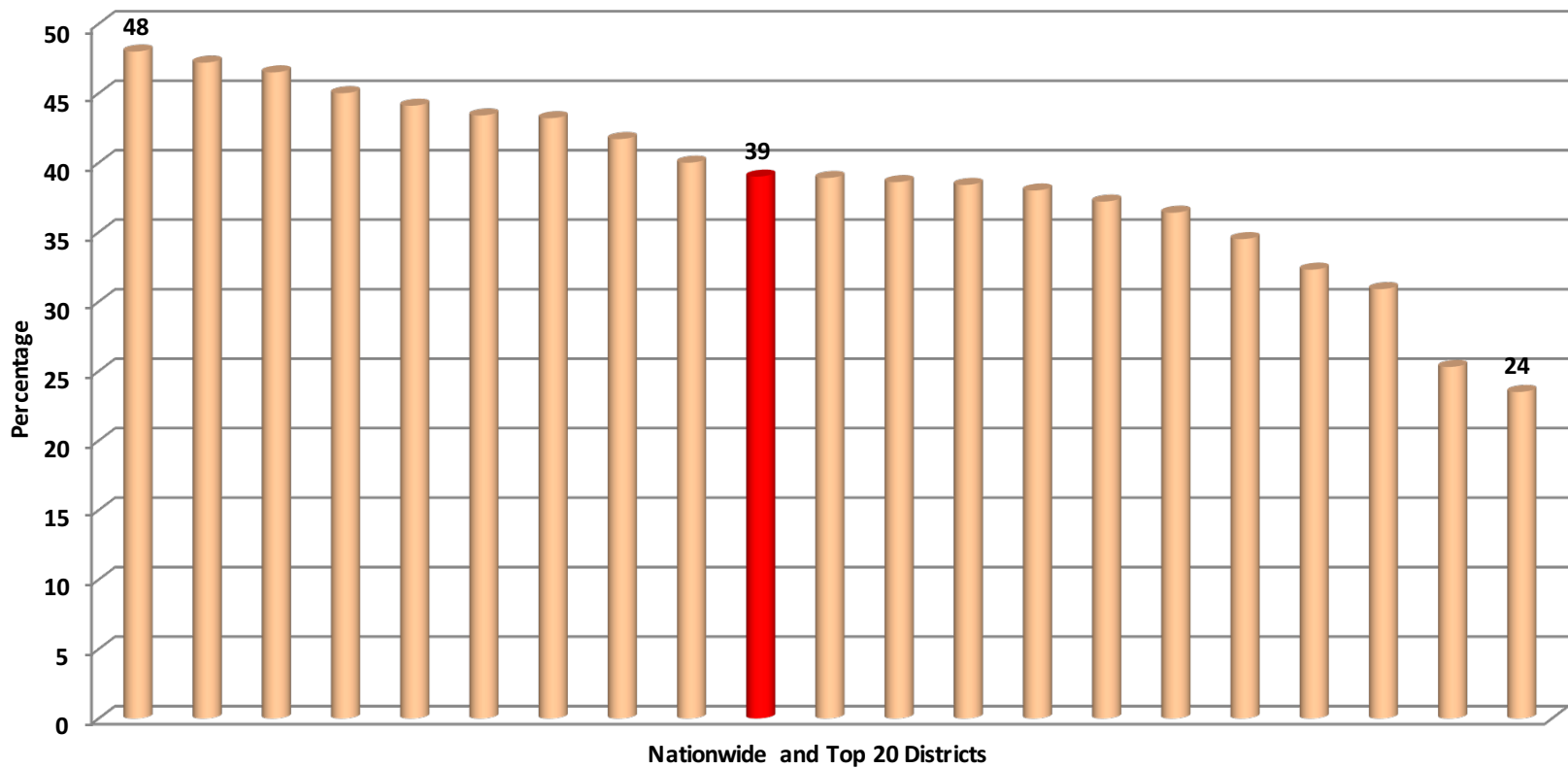


Time to Decision on Preliminary Injunction Motions

- Average Time from Motion Filing to Decision on Preliminary Injunction Motions in Patent Cases: 3.5 months.
- Range for Top 20 Districts: 0.8 months to 5.6 months.

Summary Judgment Motion Win Rates

Summary Judgment Win Rates

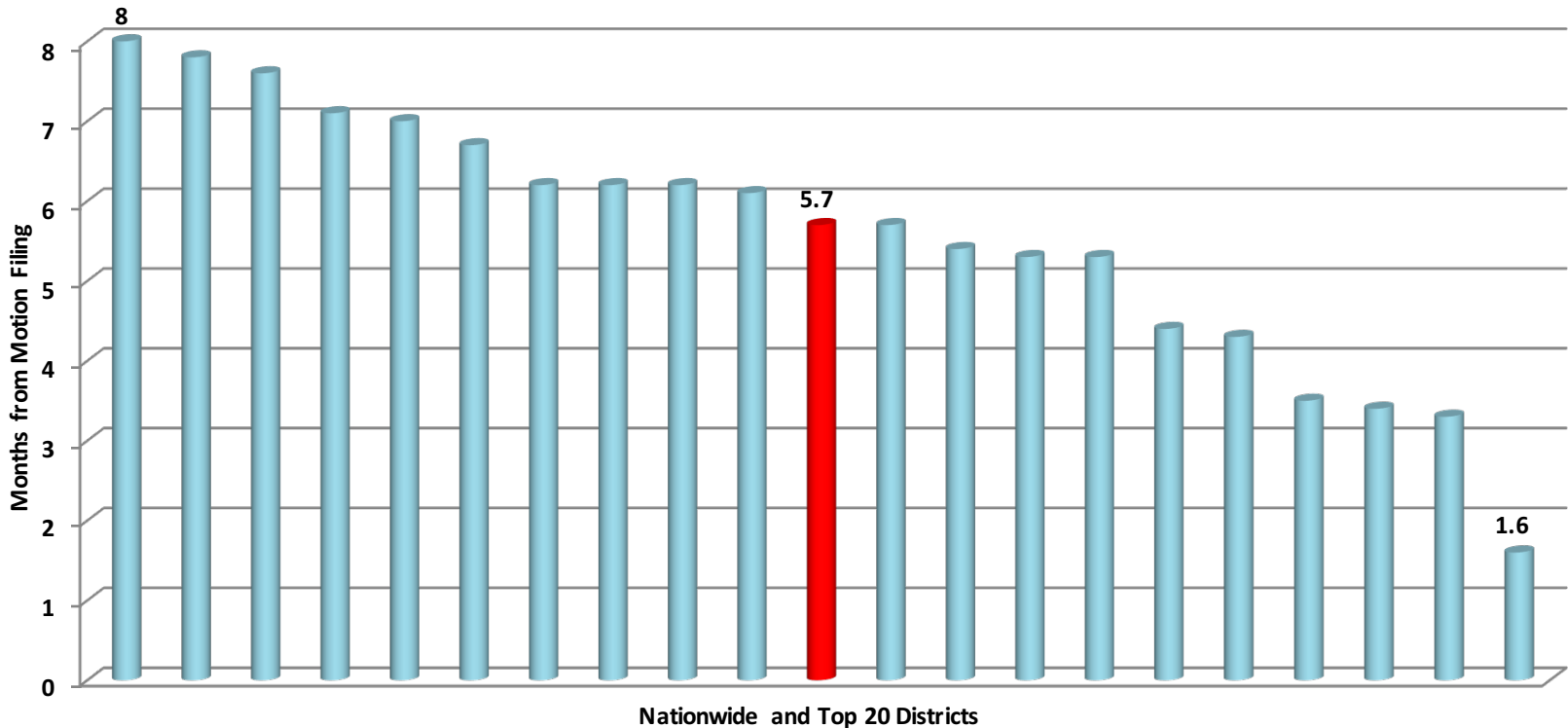


Summary Judgment Motion Win Rates

- Nationwide average win rate for summary judgment motions in patent cases: 39%
- Range in Top 20 districts: 24% to 48%.

Time to Decision on Summary Judgment Motions

Average Time to Decision on Summary Judgment Motions in Patent Cases

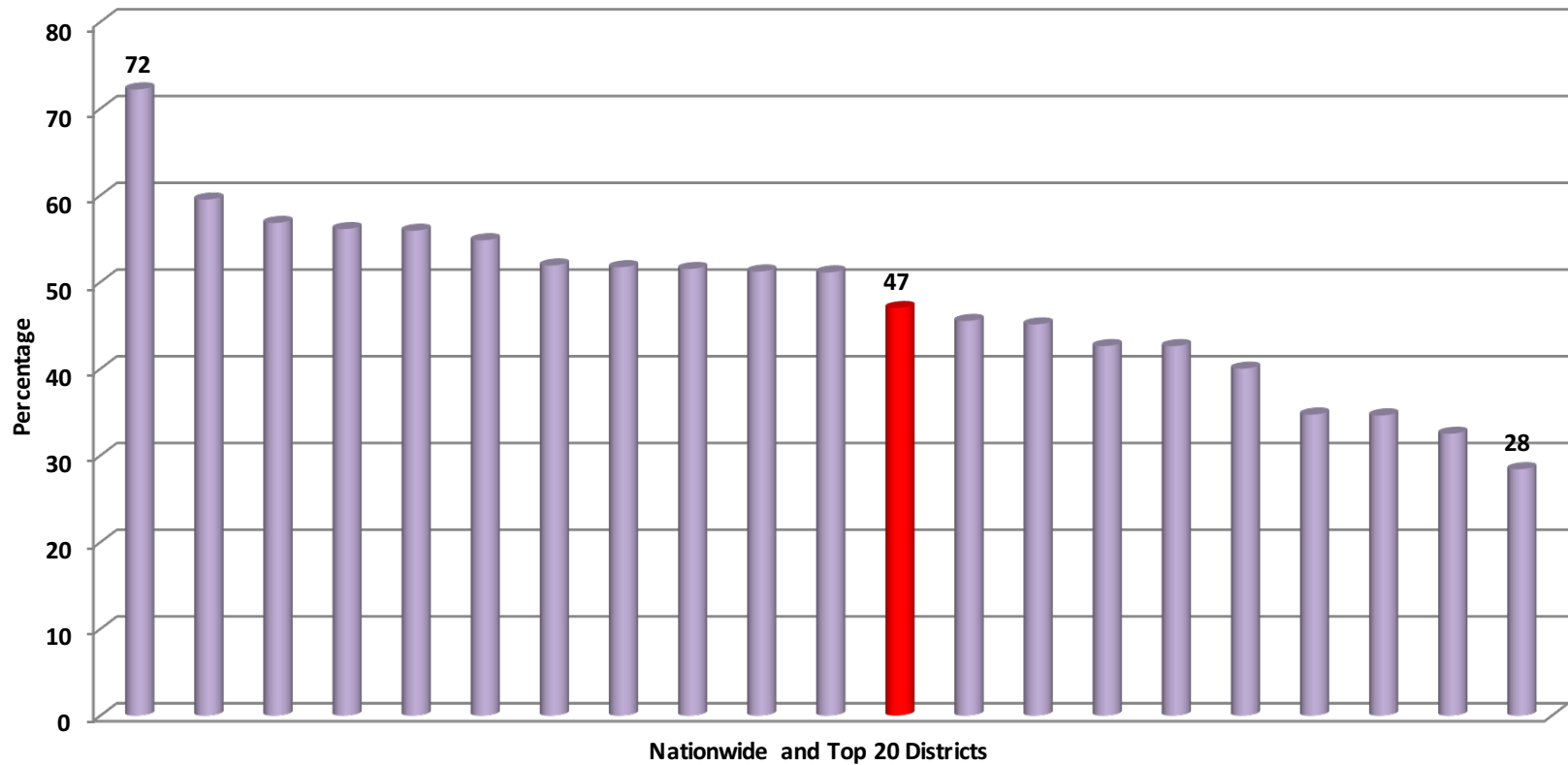


Time to Decision on Summary Judgment Motions

- Nationwide average time to decision on summary judgment motions in patent cases: 5.7 months.
- Range in Top 20 districts: 1.6 months to 8.0 months.

Transfer Motion Win Rates

Win Rates on Transfer Motions

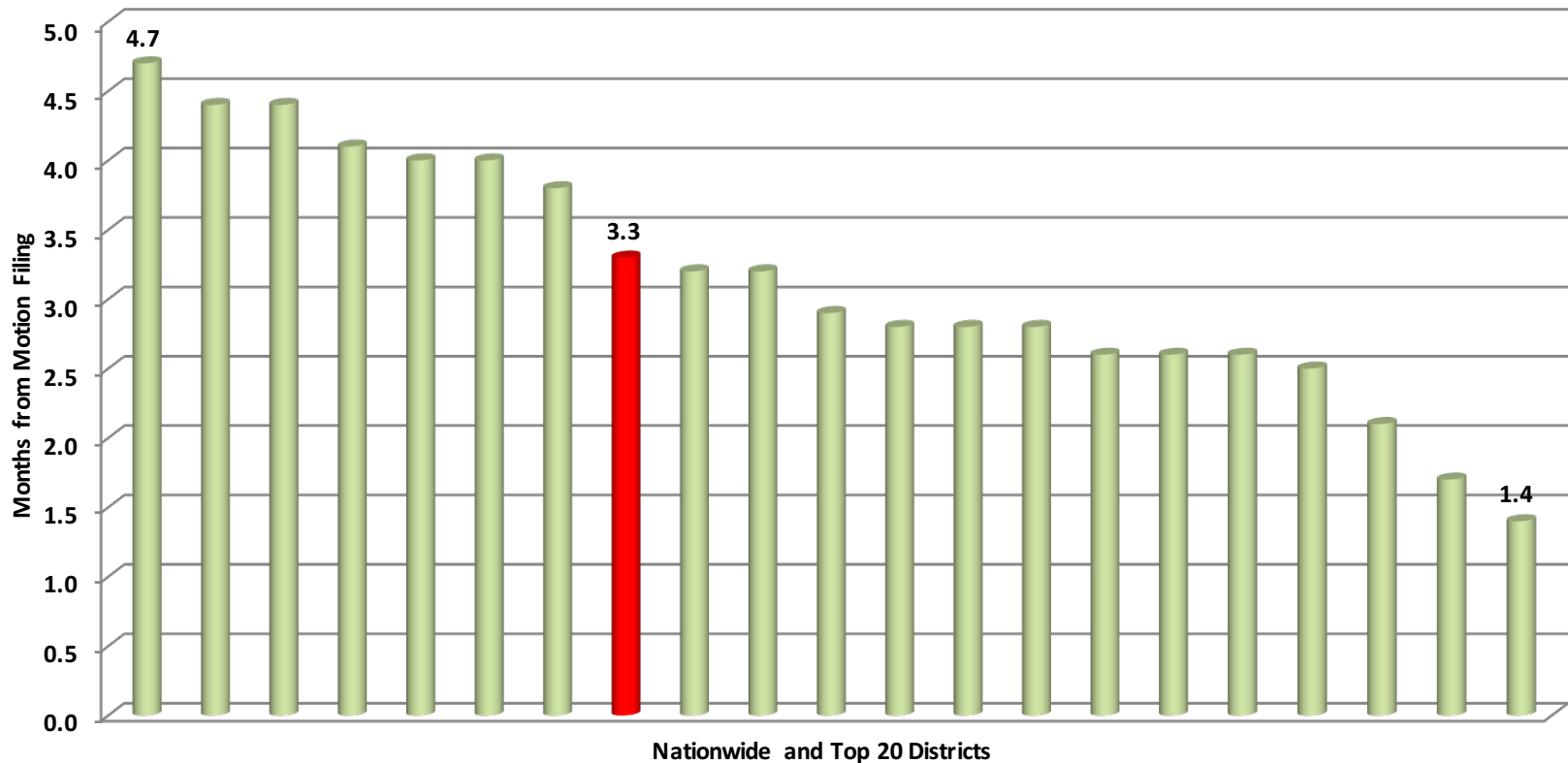


Transfer Motion Win Rates

- Nationwide average win rate on transfer motions in patent cases: 47%
- Range in Top 20 districts: 28% to 72%

Average Time to Decision on Transfer Motions

Average Time to Decision on Transfer Motions



Average Time to Decision on Transfer Motions

- Nationwide average time from motion filing to decision on transfer motions in patent cases: 3.3 months
- Range in Top 20 districts: 1.4 months to 4.7 months

Sources and Notes

- All figures are taken from LegalMetric's District Judge Reports and its Nationwide Markman Report, based on data from January, 1991 to February, 2009.
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