

# ***LegalMetric***

## **LegalMetric Individual Judge Report Judge Catherine D. Perry Patent Cases October 1994 to June 2014**

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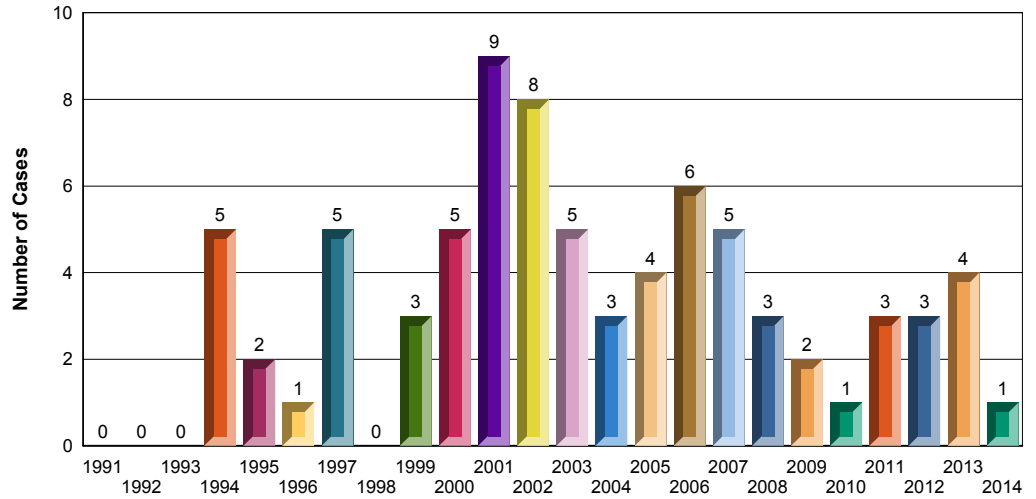
## Overview:

### Total Cases and Judgments

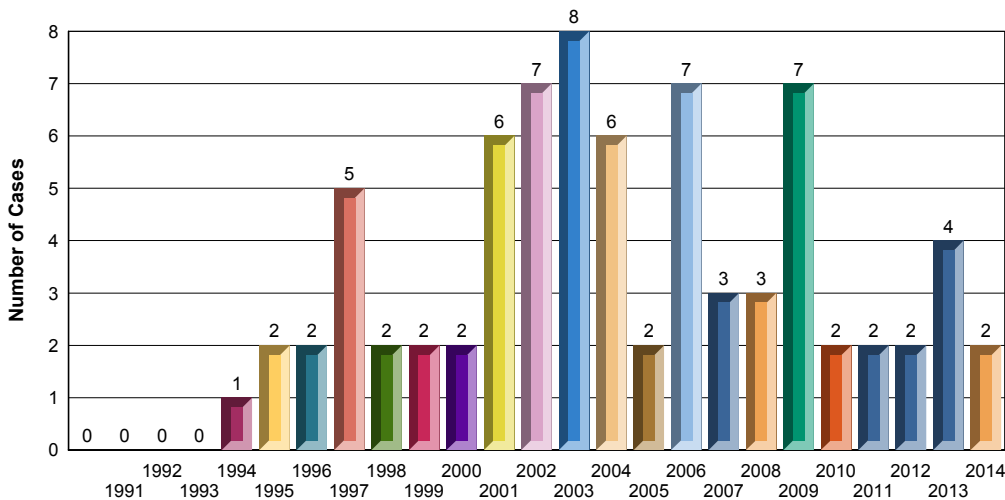
Judge Perry was appointed to the bench on October 07, 1994. This judge has been assigned 78 patent cases. Of these, 77 cases have been terminated. There have been judgments in favor of a party (includes consent and default judgments) in 25 case(s). The patent owner prevailed in 76.0% of these cases (while the accused infringer prevailed in 24.0% of these cases). (Note: In those instances where the judge previously served as a magistrate, earlier rulings issued while the judge was a magistrate are included in this report.)

The number of patent cases assigned to Judge Perry by year is shown in the chart to the right. Note that this includes cases filed in previous years and reassigned to this judge, where applicable.

### Number of Cases Filed, by Year



### Number of Cases Decided, by Year



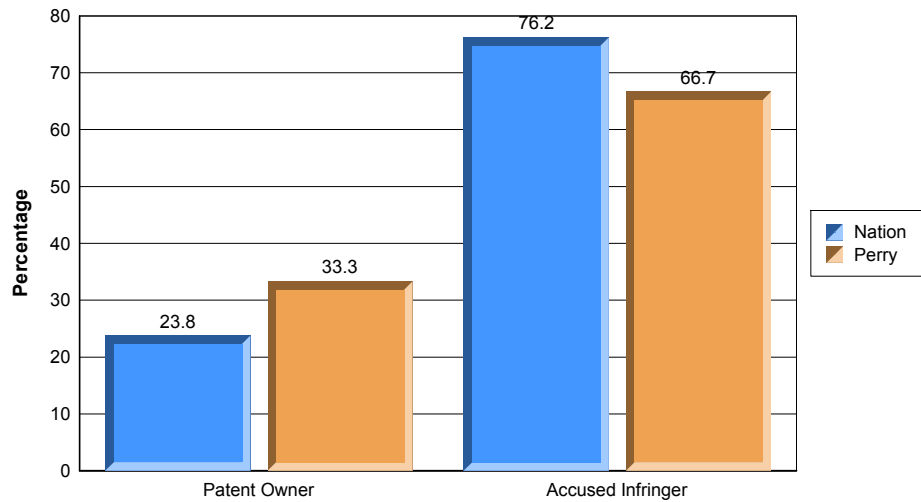
The number of patent cases decided by Judge Perry by year is shown in the chart to the left. This can include cases decided earlier which are subsequently assigned to this judge for post-decision rulings.

## Overview:

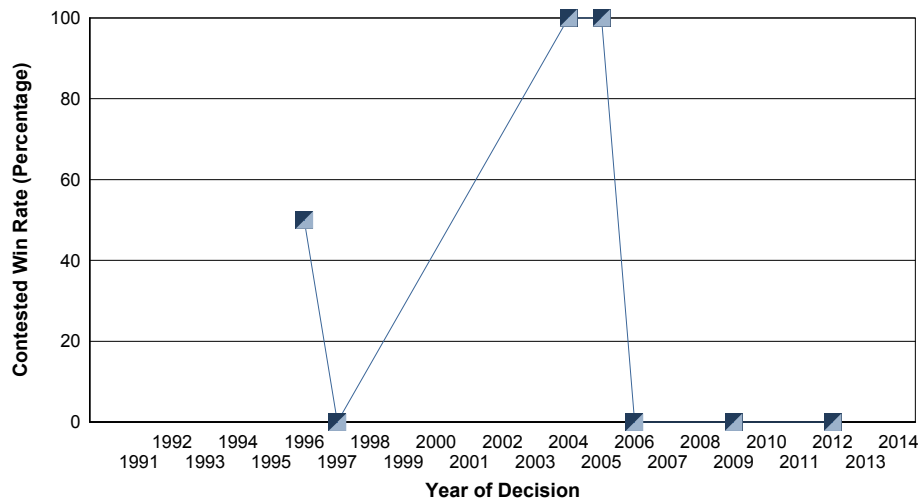
### Contested Judgments

There have been 9 contested judgments in these cases (does not include consent and default judgments). The patent owner prevailed in 33.3% of these cases, while the accused infringer prevailed in 66.7% of these cases. These figures are compared to the corresponding nationwide numbers below. In addition, the patentee contested win rate for the judge by year is shown in the second chart below.

### Contested Win Rates, Judge v. Nation



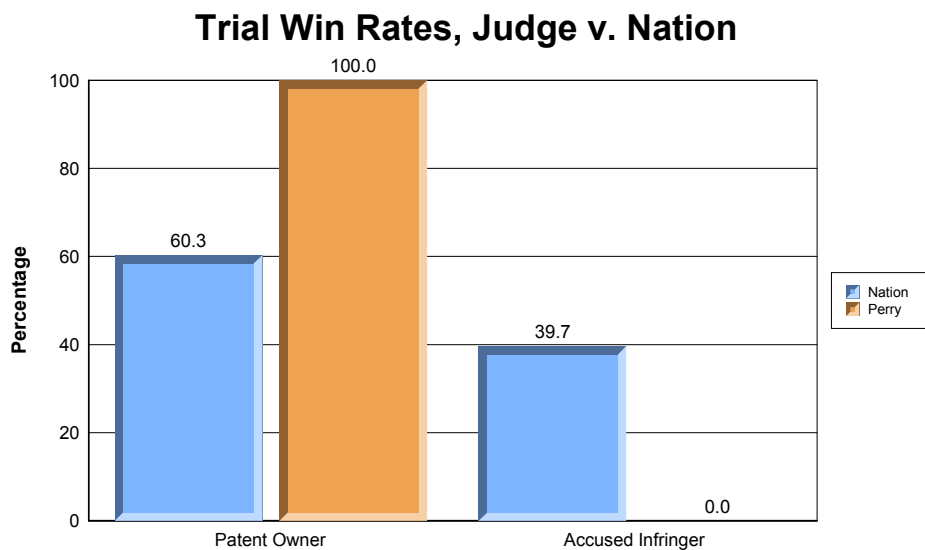
### Contested Win Rate by Year



## Overview:

### Trials

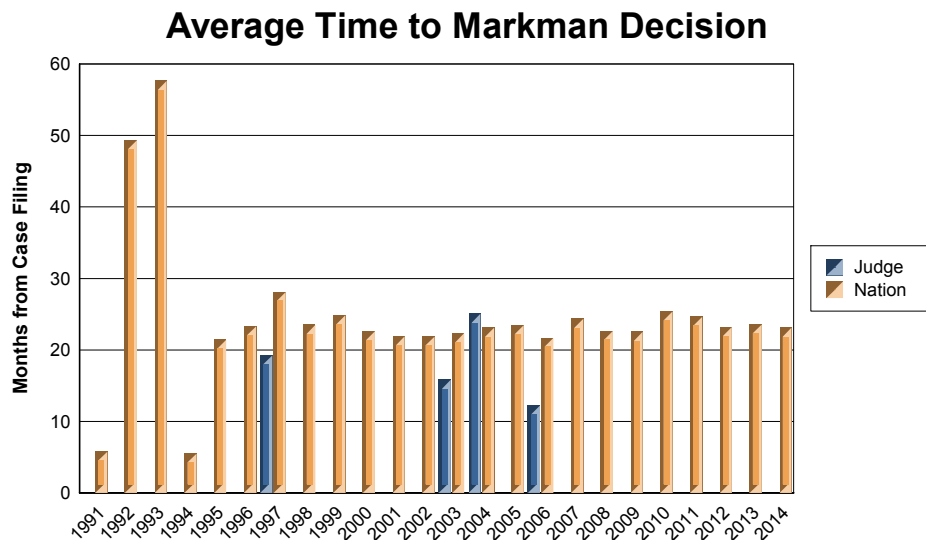
There have been 2 terminations by trial in these cases (includes both bench and jury trials). The patent owner prevailed in 100.0% of these case, while the accused infringer prevailed in 0.0% of these cases. Trials on which judgment has not been entered are not included in these figures. These figures are compared to the corresponding nationwide numbers below.



## Overview:

### Markman Rulings

There were 4 Markman/claim construction rulings in these cases, not counting rulings made in connection with summary judgment motions. The average time from case filing to Markman rulings was 18.1 months. The variation from year to year is shown below. For more information, see the Markman/Claim Construction section below.

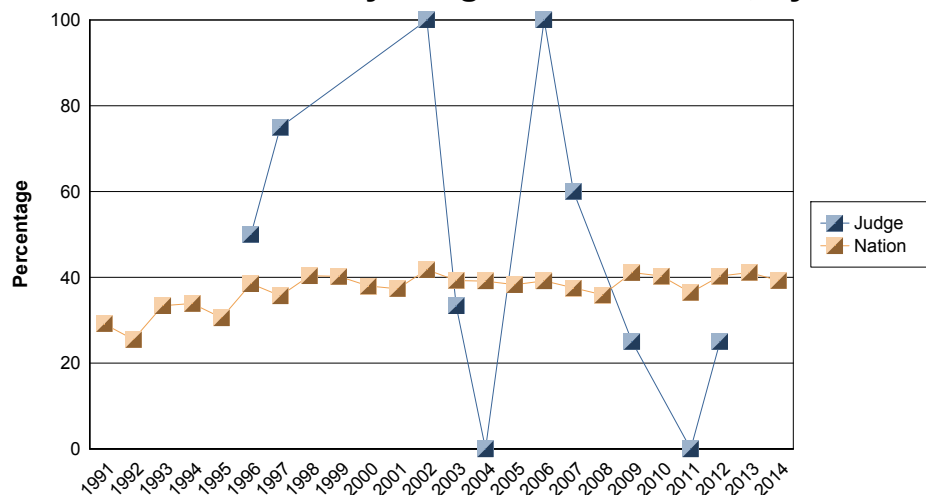


## Overview:

### Summary Judgment

There were 50 summary judgment rulings on contested motions in these cases. The win rate on these contested motions was 51.0%. In this report, a decision granting a motion in part and denying it in part is treated as 1/2 a decision for the movant. The variation from year to year is shown below. For more information, see the Summary Judgment Motion section below.

### Contested Summary Judgment Win Rates, by Year

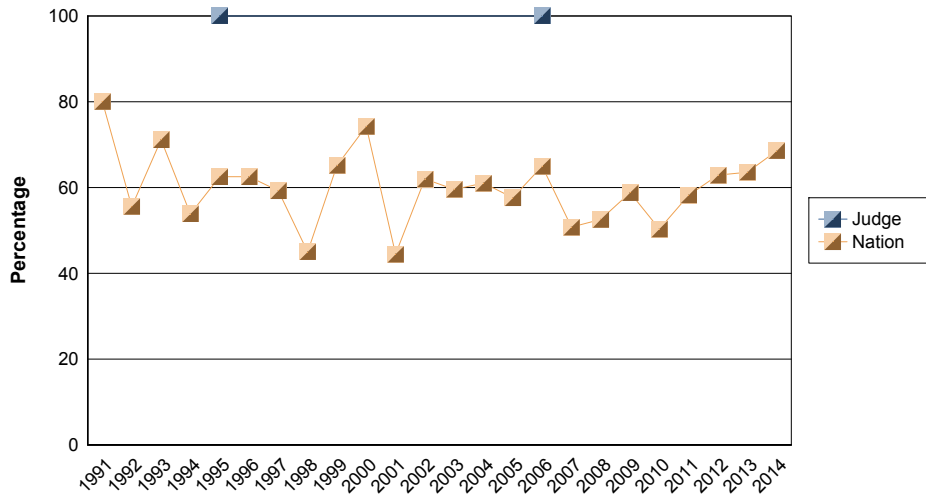


## Overview:

### Stay Pending Reexamination

LegalMetric found 2 rulings on contested motions for stay pending reexamination in these cases. The win rate on these contested motions was 100.0%. In this report, a decision granting a motion in part and denying it in part is treated as 1/2 a decision for the movant. The variation from year to year is shown below. For more information, see the Stay Pending Reexamination section below.

**Contested Stay Pending Reexam Win Rates, by Year**

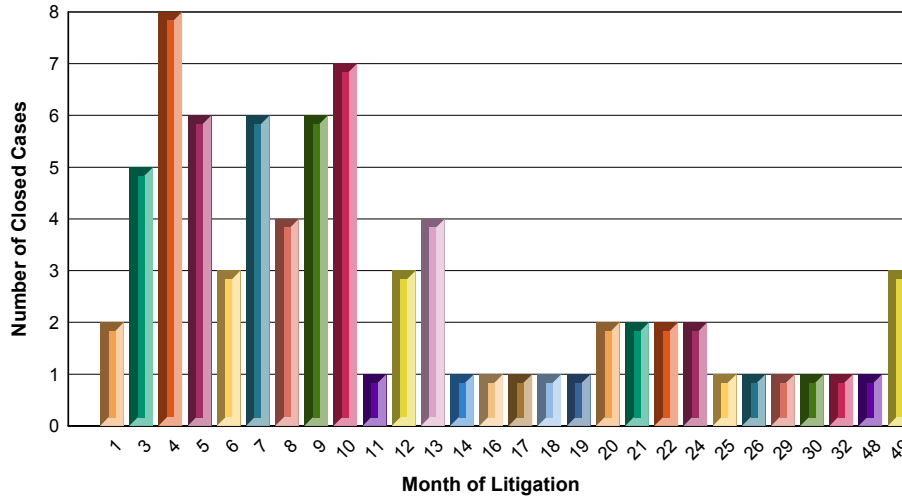


## Overview:

### Time to Disposition-All Cases

The average time from case filing to case disposition by Judge Perry is 13.1 months. The distribution of case terminations by month of litigation is shown below for the first 48 months of litigation. Cases still open at the end of 48 months, if any, are all lumped into month "49". Months with no closed cases are omitted from the chart.

### Distribution of All Closed Cases

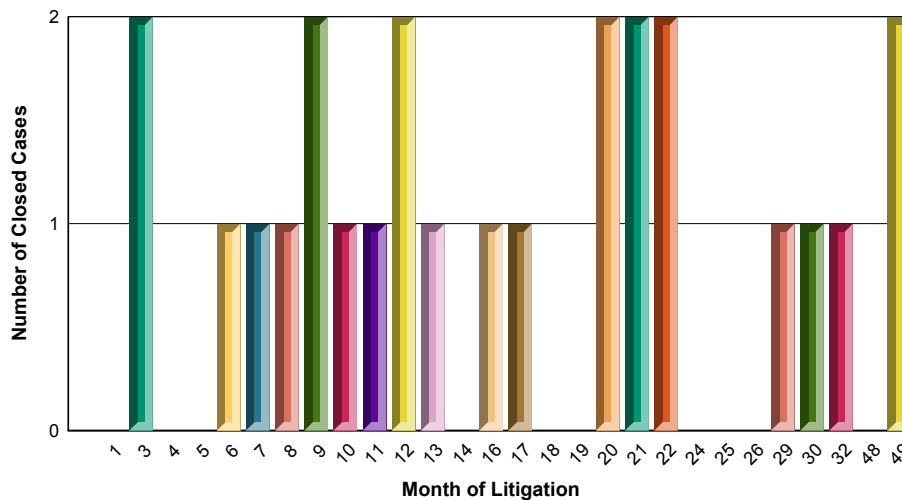


## Overview:

### Time to Disposition-Cases with Judgments

The average time from case filing to case disposition by judgment in favor of a party (includes consent and default judgments) in these cases is 19.7 months. The distribution of judgments by month of litigation is shown below for the first 48 months of litigation. Cases still open at the end of 48 months, if any, are all lumped into month "49". Months with no closed cases are omitted from the chart.

### Distribution of Cases Closed by Judgment

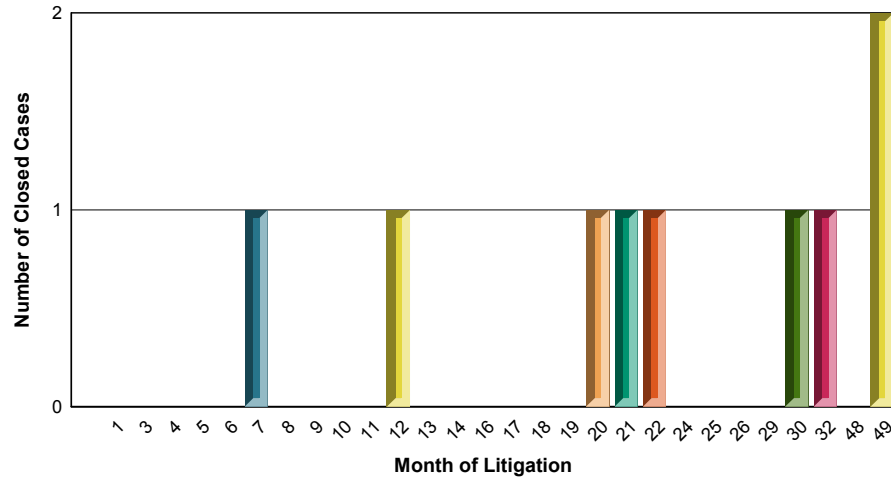


## Overview:

### Time to Disposition-Contested Judgments

The average time from case filing to case disposition by contested judgment (does NOT include consent and default judgments) in these cases is 32.4 months. The distribution of judgments by month of litigation is shown below for the first 48 months of litigation. Cases still open at the end of 48 months, if any, are all lumped into month "49". Months with no closed cases are omitted from the chart.

### Distribution of Cases Closed by Contested Judgment

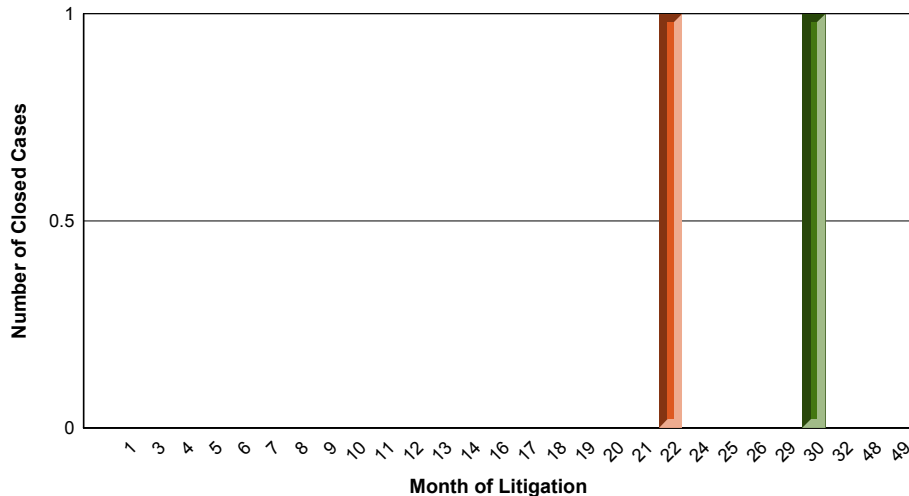


## Overview:

### Time to Disposition-Trials

The average time from case filing to case disposition by trial (includes bench and jury trials) in these cases is 25.5 months. The distribution of judgments by month of litigation is shown below for the first 48 months of litigation. Cases still open at the end of 48 months, if any, are all lumped into month "49". Months with no closed cases are omitted from the chart.

### Distribution of Cases Closed by Trial

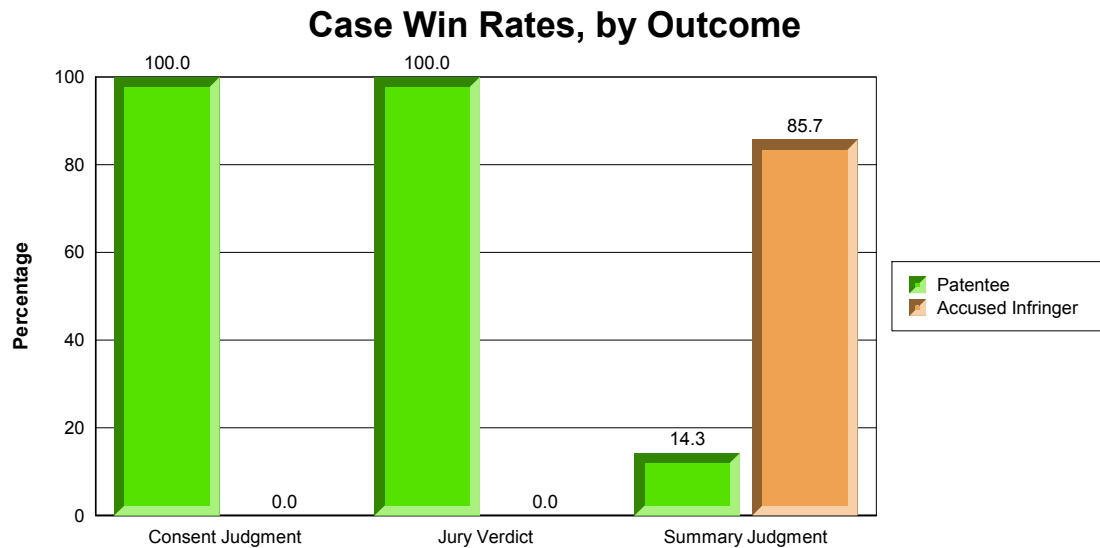




## Case Outcomes with Judgments:

The win rates for patent owners and accused infringers by various outcomes are shown below. Details for each outcome are set forth in the following sections of the report.

	Patentee Win Rate	Accused Infringer
<b>Total</b>	76.0	24.0
<b>Consent Judgment</b>	100.0	0.0
<b>Jury Verdict</b>	100.0	0.0
<b>Summary Judgment</b>	14.3	85.7

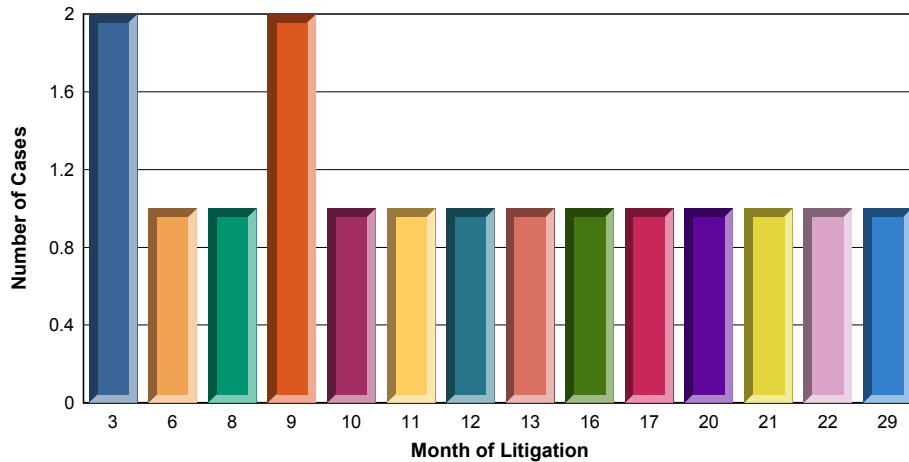


## Consent Judgment

There was/were 16 case(s) terminated by Consent Judgment. The patentee win rate was 100.0% and the accused infringer win rate was 0.0%. The average time to case termination in months from case filing was 12.6. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

### Distribution of Outcomes by Month

For Consent Judgment

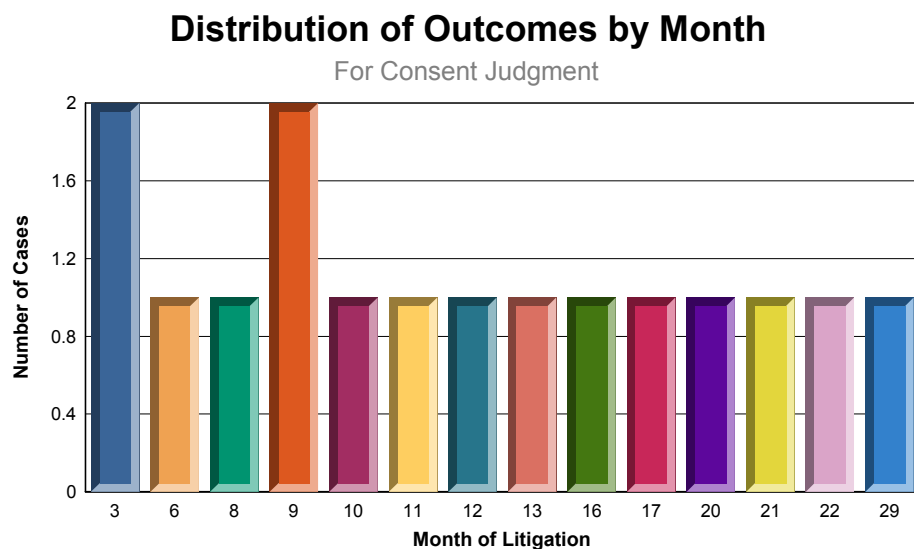


The supporting data is shown below.

Case Name	Case Number	Outcome	Prevailing Party	Pendency
Monsanto Company v. Godfredson	4:99cv01691	Consent Judgment	Patentee	19.7
Monsanto Company v. Morlan, et al	1:02cv00077	Consent Judgment	Patentee	21.0
Monsanto Company et al v. Ryan et al	4:06cv00100	Consent Judgment	Patentee	9.4
Monsanto Company et al v. Kevin Dart et al	4:09cv00474	Consent Judgment	Patentee	10.3
Monsanto Company et al v. Clark et al	1:04cv00039	Consent Judgment	Patentee	8.3
Monsanto Company et al v. Trivette et al	4:07cv00343	Consent Judgment	Patentee	28.3
Sigma-Aldrich Co. v. Aves Labs, Inc.	4:00cv01331	Consent Judgment	Patentee	3.0
Monsanto Company et al v. Tidball et al	4:07cv02079	Consent Judgment	Patentee	21.1
Sigma-Aldrich Co. v. Alpha Diagnostics	4:00cv01332	Consent Judgment	Patentee	3.0
Monsanto Company et al v. LaValle	4:08cv00043	Consent Judgment	Patentee	8.2
Jubilee Promotional v. Financial Stationers	4:01cv00170	Consent Judgment	Patentee	5.5
Emerson Electric Co. v. Tacony Corporation	4:94cv01458	Consent Judgment	Patentee	16.3
Monsanto Company v. Timmerman	4:02cv01631	Consent Judgment	Patentee	7.6
Star Manufacturing International, Inc. v. Carrier Commercial Refrigeration, Inc.	4:03cv01546	Consent Judgment	Patentee	11.7
				10

## Consent Judgment

There was/were 16 case(s) terminated by Consent Judgment. The patentee win rate was 100.0% and the accused infringer win rate was 0.0%. The average time to case termination in months from case filing was 12.6. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

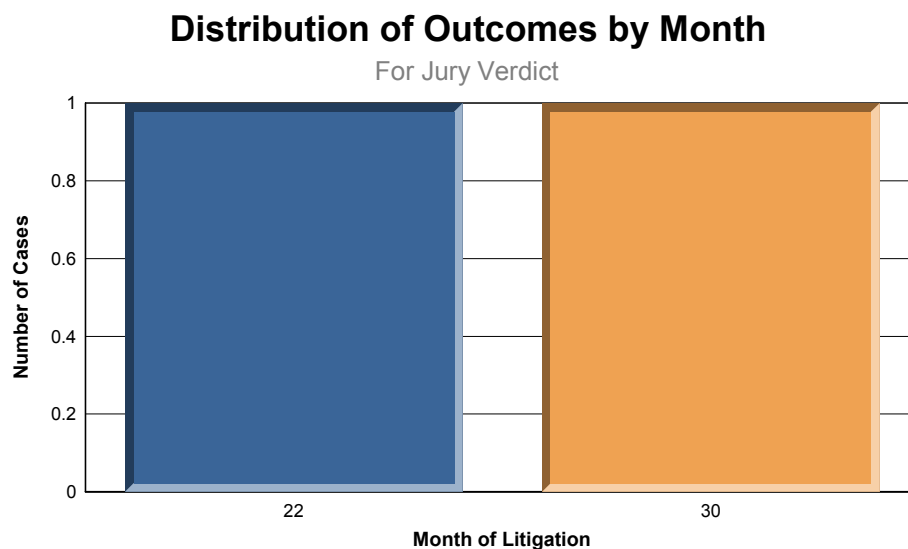


The supporting data is shown below.

Case Name	Case Number	Outcome	Prevailing Party	Pendency
Sigma-Aldrich Co. et al v. Alexis Corporation et al	4:04cv00302	Consent Judgment	Patentee	15.0
Monsanto Company v. Lea	1:00cv00037	Consent Judgment	Patentee	12.7

## Jury Verdict

There was/were 2 case(s) terminated by Jury Verdict. The patentee win rate was 100.0% and the accused infringer win rate was 0.0%. The average time to case termination in months from case filing was 25.5. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

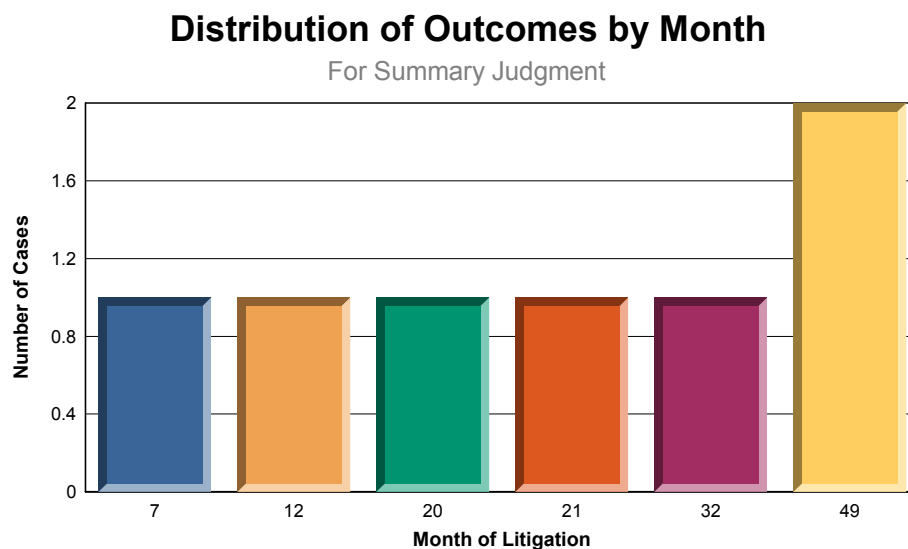


The supporting data is shown below.

Case Name	Case Number	Outcome	Prevailing Party	Pendency
Emerson Electric Co. v. General Electric Co.	4:94cv01038	Jury Verdict	Patentee	21.6
Meridian Enterprises v. Carlson Marketing, et al	4:01cv01955	Jury Verdict	Patentee	29.3

## Summary Judgment

There was/were 7 case(s) terminated by Summary Judgment. The patentee win rate was 14.3% and the accused infringer win rate was 85.7%. The average time to case termination in months from case filing was 34.4. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".



The supporting data is shown below.

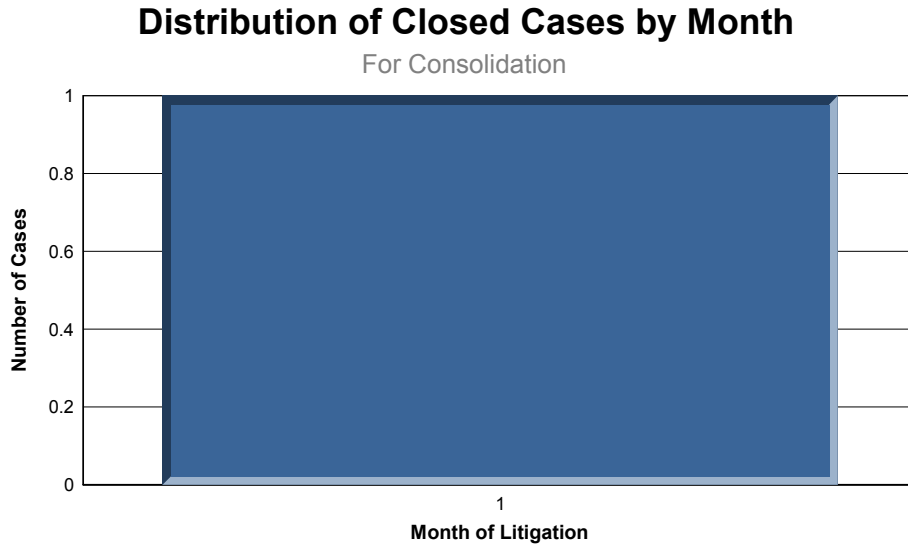
Case Name	Case Number	Outcome	Prevailing Party	Pendency
Advanced Software Design Corporation et al v. Federal Reserve Bank of St. Louis et al	4:07cv00185	Summary Judgment	Accused Infringer	31.3
American Piledriving Equipment, Inc. v. Hammer & Steel, Inc.	4:11cv00811	Summary Judgment	Accused Infringer	11.5
Monsanto Company v. McFarling	4:00cv00084	Summary Judgment	Patentee	65.1
Unidynamics Corp v. Automatic Prod Intl, et al	4:95cv01185	Summary Judgment	Accused Infringer	20.8
Storz Instrument Co v. Alcon Laboratories	4:96cv00254	Summary Judgment	Accused Infringer	6.9
BP Chemicals Ltd. v. Jiangsu Sopo Corp, et al	4:99cv00323	Summary Judgment	Accused Infringer	85.9
Leggett & Platt, Incorporated et al v. Vutek, Inc.	4:05cv00788	Summary Judgment	Accused Infringer	19.3

## Case Outcomes with No Judgments in Favor of a Party:

The cases terminated without a judgment in favor of a party are identified below, including the distribution of those outcomes by month of litigation.

### Consolidation

There was/were 1 case(s) terminated by Consolidation. The average time to case termination in months from case filing was 0.2. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

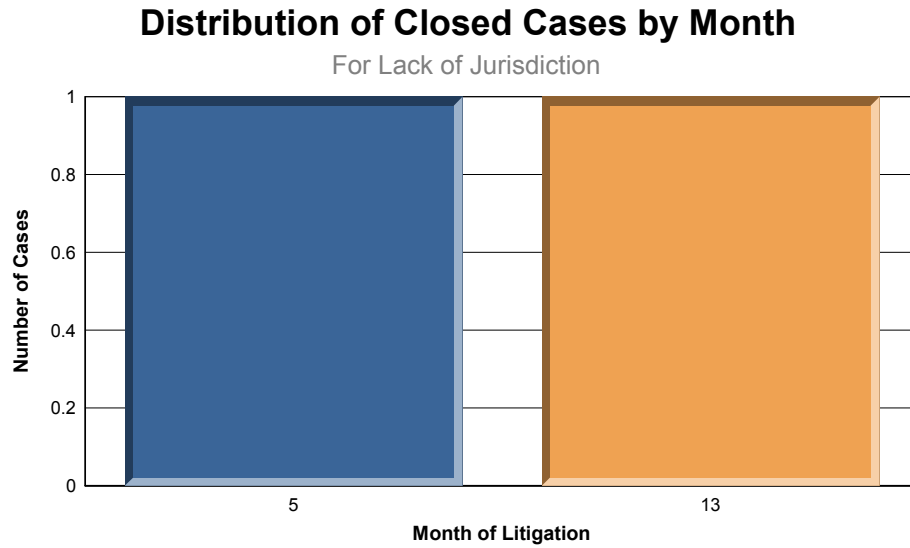


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Monsanto Company v. Dawson, et al	4:01cv00318	Consolidation	0.2

## Lack of Jurisdiction

There was/were 2 case(s) terminated by Lack of Jurisdiction. The average time to case termination in months from case filing was 8.9. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

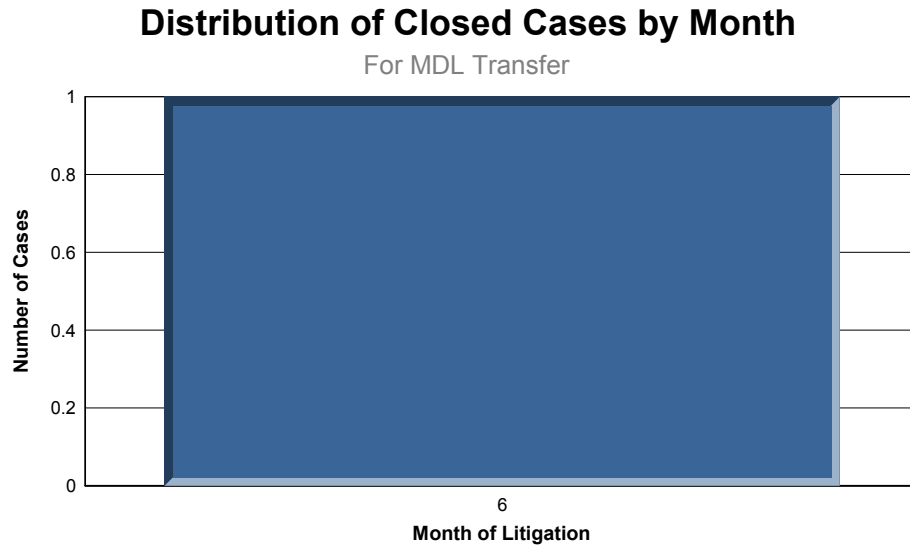


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Build-A-Bear, et al v. DN/MN, Inc., et al	4:02cv01291	Lack of Jurisdiction	5.0
American Recreation Products LLC v. Tennier Industries, Inc.	4:13cv00421	Lack of Jurisdiction	12.8

## MDL Transfer

There was/were 1 case(s) terminated by MDL Transfer. The average time to case termination in months from case filing was 5.5. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".



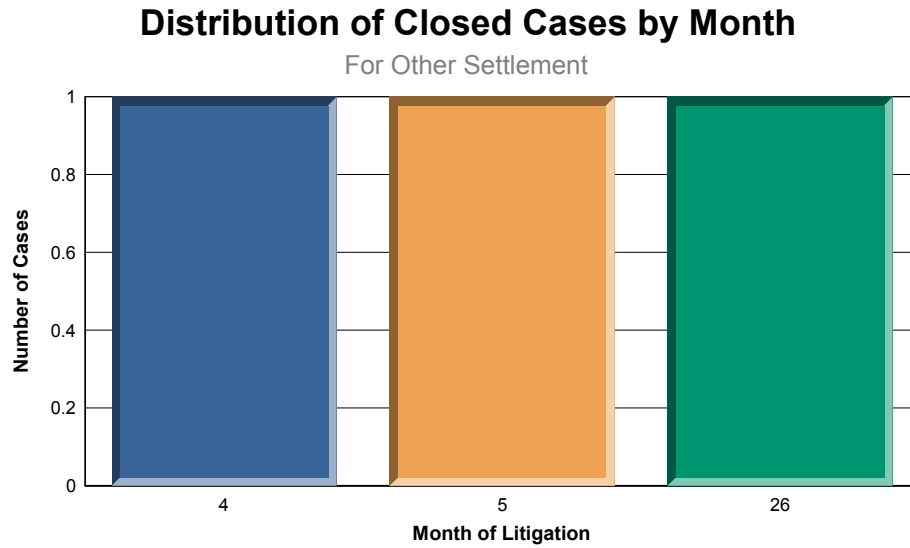
The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Unified Messaging Solutions, LLC v. Sprint Nextel Corporation	4:12cv00371	MDL Transfer	5.5



## Other Settlement

There was/were 3 case(s) terminated by Other Settlement. The average time to case termination in months from case filing was 11.3. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

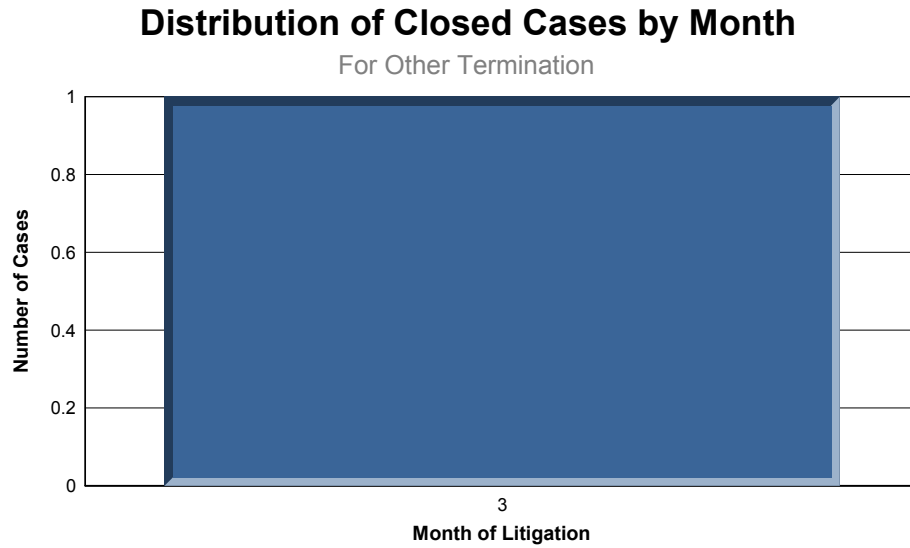


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Synergetics, Inc. v. Iridex Corporation	4:06cv01104	Other Settlement	3.8
Husky Corporation v. Catlow, Inc.	4:97cv01475	Other Settlement	26.0
Brilliant Optical Solutions LLC v. Windstream Corporation	4:13cv00618	Other Settlement	4.2

### Other Termination

There was/were 1 case(s) terminated by Other Termination. The average time to case termination in months from case filing was 2.0. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

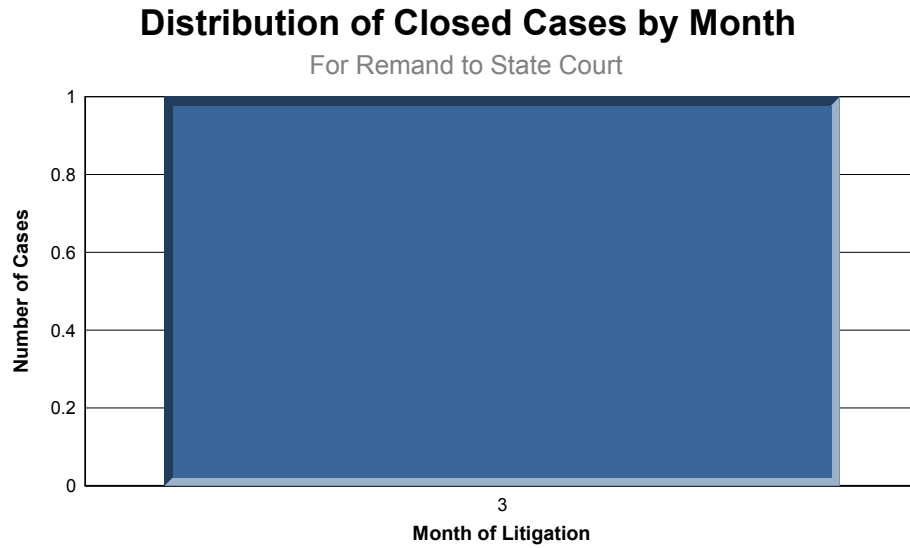


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Monsanto Company v. Morlan, et al	4:02cv00476	Other Termination	2.0

## Remand to State Court

There was/were 1 case(s) terminated by Remand to State Court. The average time to case termination in months from case filing was 2.7. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

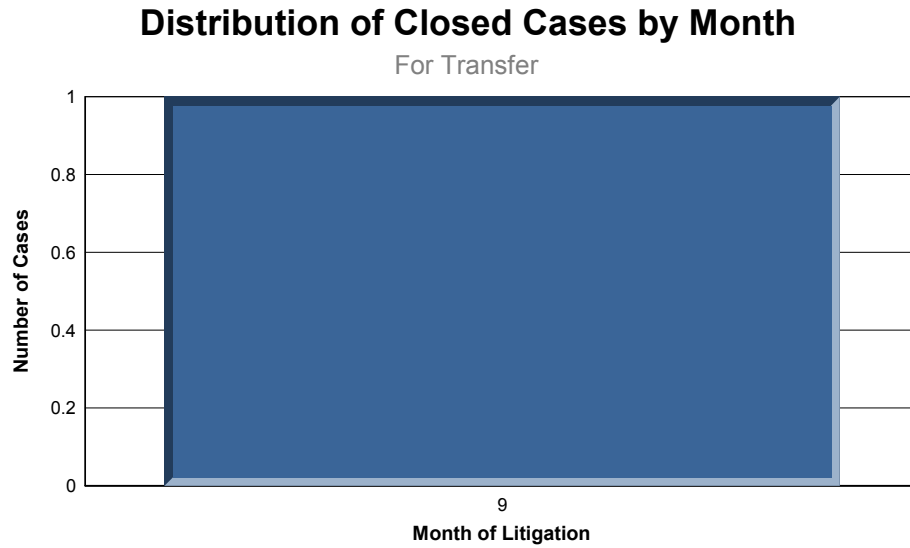


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Avery, et al v. Procter & Gamble Mfg, et al	4:97cv01836	Remand to State Court	2.7

## Transfer

There was/were 1 case(s) terminated by Transfer. The average time to case termination in months from case filing was 8.6. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

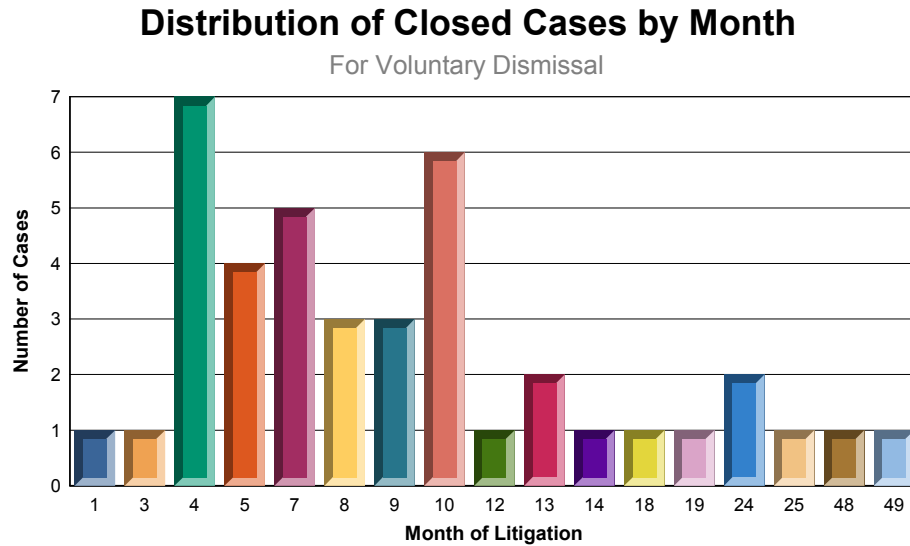


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Laser Vision Centers v. Custom Trailerwerks, et al	4:99cv00396	Transfer	8.6

## Voluntary Dismissal

There was/were 41 case(s) terminated by Voluntary Dismissal. The average time to case termination in months from case filing was 10.7. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

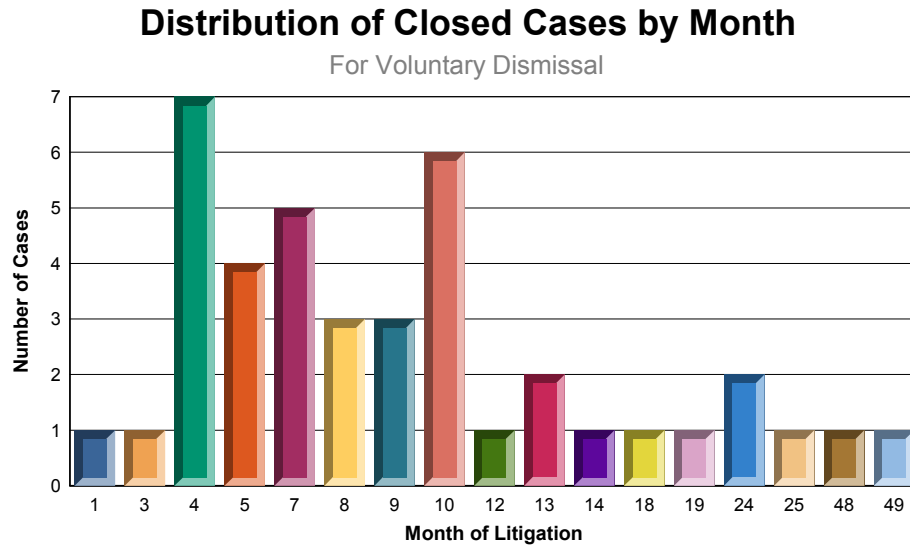


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Monsanto Company v. Bryant	1:01cv00187	Voluntary Dismissal	8.9
Maritz Inc. v. Meridian Enterprises	4:00cv00387	Voluntary Dismissal	17.8
Inter-Global, Inc. v. Polymer Products LLC	4:01cv00128	Voluntary Dismissal	9.6
Duke Manufacturing v. Prince Castle, Inc.	4:01cv01129	Voluntary Dismissal	8.5
Monsanto Technology, et al v. Chemical Products, et al	4:01cv01794	Voluntary Dismissal	12.7
Star Manufacturing v. Gehl Guernsey Farms	4:01cv01805	Voluntary Dismissal	13.6
Monsanto Company, et al v. Bayer CropScience LP, et al	4:01cv01825	Voluntary Dismissal	23.1
Protein Tech Intl v. Solbar Hazor LTD., et al	4:02cv00118	Voluntary Dismissal	8.6
Synergetics, Inc. v. Iris Med Instruments, et al	4:02cv00238	Voluntary Dismissal	3.5
Emerson Electric Co. v. Harbor Freight Tools, et al	4:02cv01485	Voluntary Dismissal	3.7
Monsanto Company v. Bayer BioScience	4:03cv00042	Voluntary Dismissal	9.1
Brookstone Company v. Restoration Hardware, et al	4:03cv00264	Voluntary Dismissal	6.7
Bayer BioScience v. Monsanto Company	4:03cv00432	Voluntary Dismissal	6.2
Rawlings Sporting Goods Company, Inc. v. Molten U.S. A., Inc.	4:05cv00874	Voluntary Dismissal	8.0
Iridex Corporation v. Synergetics USA, Inc.	4:05cv01916	Voluntary Dismissal	18.4
Watlow Electric Manufacturing Company v. Ogden Manufacturing Company	4:05cv02094	Voluntary Dismissal	47.2

## Voluntary Dismissal

There was/were 41 case(s) terminated by Voluntary Dismissal. The average time to case termination in months from case filing was 10.7. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

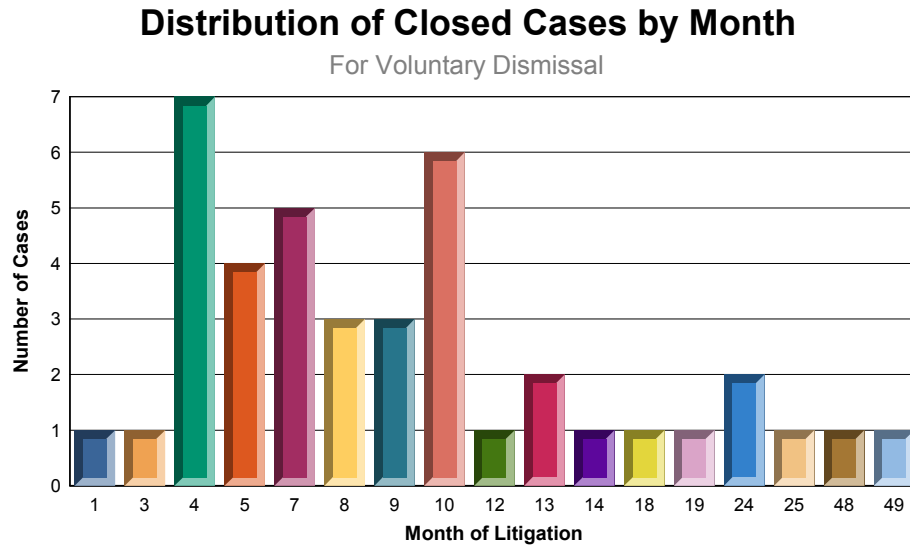


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Essex P.B. & R. Corp. v. Niemann	4:06cv00146	Voluntary Dismissal	3.5
Synergetics, Inc. v. Peregrine Surgical, LTD.	4:06cv01632	Voluntary Dismissal	6.7
Golden Trade, S.R.L. v. Lanxess Corporation, et al.	4:07cv01164	Voluntary Dismissal	9.4
Vutek, Inc. v. Leggett & Platt, Incorporated et al	4:07cv01886	Voluntary Dismissal	24.2
Permea, Inc. v. A/G Technology Corp	4:94cv01199	Voluntary Dismissal	3.9
Emerson Electric Co. v. Murray Feiss Inport, et al	4:94cv01455	Voluntary Dismissal	6.2
Roton Barrier, Inc. v. Pemko Manufacturing	4:95cv01322	Voluntary Dismissal	23.9
Binks Manufacturing, et al v. Siegel-Robert, Inc.	4:97cv00318	Voluntary Dismissal	11.1
It's Dents Or Us Inc v. Autospect, Inc.	4:97cv00351	Voluntary Dismissal	7.2
Koplar Interactive v. Competitive Media, et al	4:97cv01305	Voluntary Dismissal	4.9
JOAO Bock Transaction Systems, LLC v. Scottrade, Inc.	4:13cv01254	Voluntary Dismissal	9.9
Brilliant Optical Solutions LLC v. XO Holdings, Inc, et al.	4:13cv00615	Voluntary Dismissal	6.3
Emerson Electric Co. v. Nikota U.S.A., Inc.	4:03cv01358	Voluntary Dismissal	4.6
Sigma-Aldrich Company v. Pierce Biotechnology, Inc.	4:04cv00671	Voluntary Dismissal	4.1
Watlow Electric Manufacturing Company v. Danaher Corporation	4:06cv00009	Voluntary Dismissal	4.3
Monsanto Company v. XY, Inc.	4:06cv00992	Voluntary Dismissal	7.4

## Voluntary Dismissal

There was/were 41 case(s) terminated by Voluntary Dismissal. The average time to case termination in months from case filing was 10.7. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".

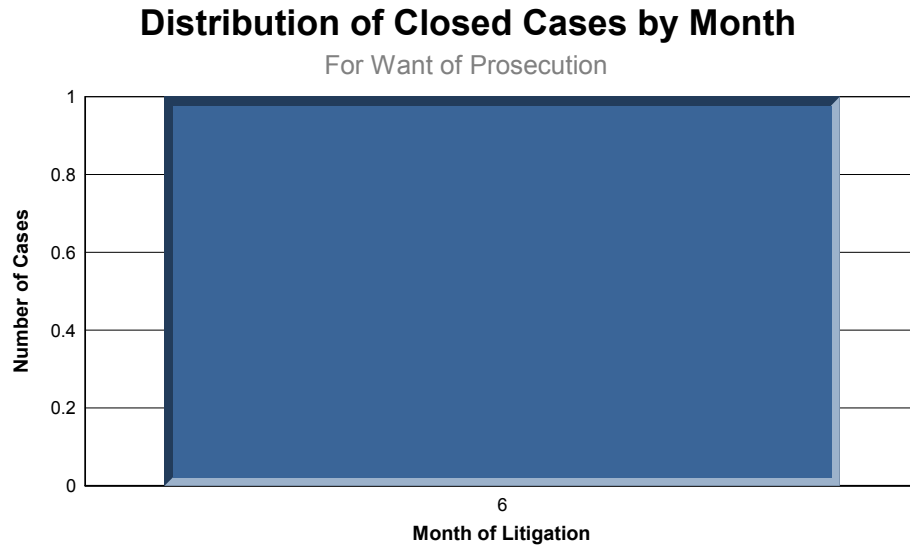


The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Emerson Electric Co. v. Quorum Intl Inc, et al	4:94cv01291	Voluntary Dismissal	50.1
Mitchell v. Vita Distributing, LLC	4:08cv00972	Voluntary Dismissal	4.0
Whitney Design, Inc. v. B & R Plastics, Inc.	4:08cv01140	Voluntary Dismissal	13.0
C.A.P.S., Inc. v. Gateway Plastics, Inc.	4:09cv00766	Voluntary Dismissal	3.2
Furminator, Inc. v. Andis Company	4:10cv00377	Voluntary Dismissal	2.2
Permalok Corporation v. Oilfield Pipe & Supply, Inc.	4:11cv00241	Voluntary Dismissal	3.2
John C. Kupferle Foundry Company v. Mueller Water Products Inc. et al	4:11cv02140	Voluntary Dismissal	0.1
Emerson Electric Co. v. Anaheim Manufacturing Co.	4:12cv00504	Voluntary Dismissal	9.9
PB&J Software, LLC v. BackupAgent B.V.	4:12cv00691	Voluntary Dismissal	9.6

## Want of Prosecution

There was/were 1 case(s) terminated by Want of Prosecution. The average time to case termination in months from case filing was 5.3. The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart. Cases still pending after four years (if any) are lumped into month "49".



The supporting data is shown below.

Case Name	Case Number	Outcome	Pendency
Star Manufacturing v. Amer Permanent Ware, et al	4:02cv00641	Want of Prosecution	5.3



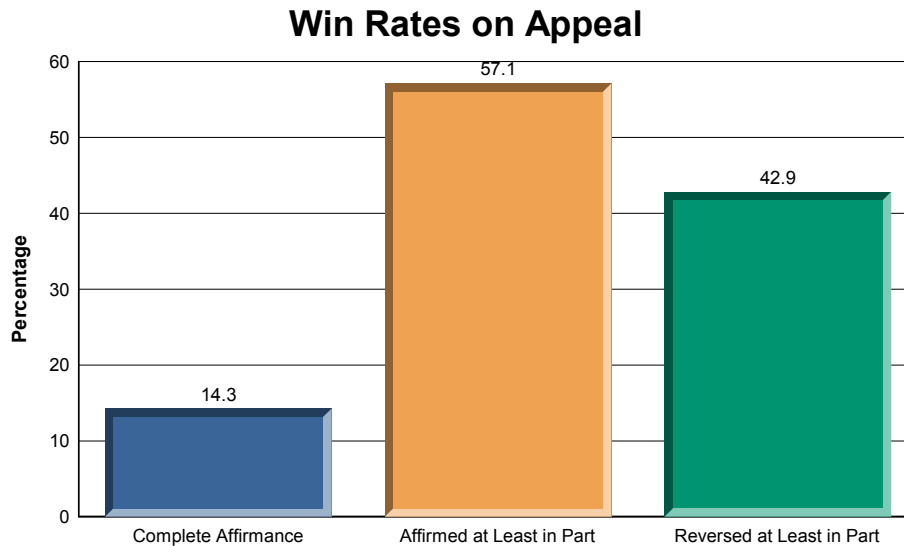
## Awards and Settlement Amounts:

The awards or settlement amounts found in these cases (if any) are shown below.

<u>Case Name</u>	<u>Case Number</u>	<u>Case Outcome</u>	<u>Date of Decision</u>	<u>Amount</u>
Jubilee Promotional v. Financial Stationers	4:01cv00170	Consent Judgment	7/18/2001	\$2,300

## Appeal Outcomes:

There have been 8 appealed cases. The results of those appeals (if any) are shown below. Note that the appeal may be an interlocutory appeal or an appeal of a final judgment. The complete affirmance rate (affirmance with no other action), affirmed at least in part rate, and the reversed at least in part rate are shown below.



<u>Case Name</u>	<u>Case Number</u>	<u>Case Outcome</u>	<u>Appeal Outcome</u>
Meridian Enterprises v. Carlson Marketing, et al	4:01cv01955	Jury Verdict	Dismissed
BP Chemicals Ltd. v. Jiangsu Sopo Corp, et al	4:99cv00323	Summary Judgment	Reversed,Remanded
Leggett & Platt, Incorporated et al v. Vutek, Inc.	4:05cv00788	Summary Judgment	Affirmed
Storz Instrument Co v. Alcon Laboratories	4:96cv00254	Summary Judgment	Remanded
Advanced Software Design Corporation et al v. Federal Reserve Bank of St. Louis et al	4:07cv00185	Summary Judgment	Affirmed,Reversed,Vacated, Remanded,Dismissed
Unidynamics Corp v. Automatic Prod Intl, et al	4:95cv01185	Summary Judgment	Affirmed,Vacated,Remanded
Monsanto Company v. McFarling	4:00cv00084	Summary Judgment	Affirmed,Vacated,Remanded
Emerson Electric Co. v. Quorum Intl Inc, et al	4:94cv01291	Voluntary Dismissal	Reversed

## Motion Outcomes:

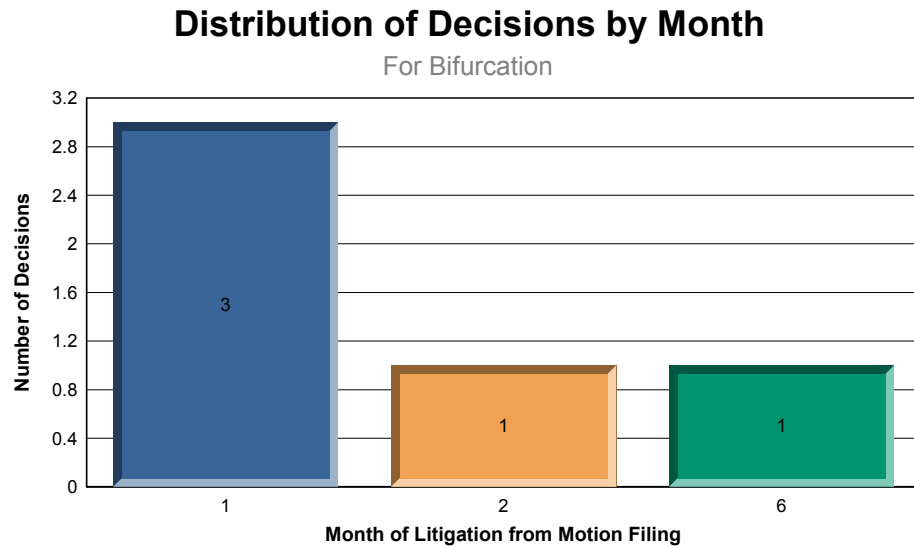
The number of contested motion decisions, win rate, and time in months from motion filing to decision by Judge Perry in these cases are shown below, broken out by motion type and movant. The movant for Markman decisions is listed as "Unknown" in LegalMetric's system because there is not requirement for an actual motion to initiate the claim construction process, and the win rate is arbitrarily set to "0". The stay motions listed below include all stay motions, not just stay pending reexamination motions. See following sections for details. For all motion types, the average win rate on plaintiff's motions was 61.0%, the average win rate on defendant's motions was 32.5% and the difference was 28.5%. The nationwide difference on plaintiff v. defendant motion win rates in patent cases is 6%.

		Number	Win Rate	Pendency
<b>Bifurcation</b>	<b>Total</b>	5	40.0	1.7
	<b>Defendant</b>	3	33.3	0.4
	<b>Plaintiff</b>	2	50.0	3.6
<b>Consolidate</b>	<b>Total</b>	1	100.0	0.1
	<b>Plaintiff</b>	1	100.0	0.1
<b>Default Motion</b>	<b>Total</b>	2	50.0	2.5
	<b>Defendant</b>	1	0.0	1.5
	<b>Plaintiff</b>	1	100.0	3.5
<b>Discovery</b>	<b>Total</b>	59	49.2	1.0
	<b>Defendant</b>	21	21.4	1.1
	<b>Plaintiff</b>	38	64.5	0.9
<b>Dismissal</b>	<b>Total</b>	23	45.7	4.7
	<b>Defendant</b>	19	39.5	5.3
	<b>Plaintiff</b>	4	75.0	1.9
<b>Expert/Daubert</b>	<b>Total</b>	13	23.1	1.5
	<b>Defendant</b>	8	0.0	1.5
	<b>Plaintiff</b>	5	60.0	1.6
<b>Judgment on the Pleadings</b>	<b>Total</b>	2	100.0	2.5
	<b>Defendant</b>	2	100.0	2.5
<b>Markman Decision</b>	<b>Total</b>	4	0.0	18.1
	<b>Unknown</b>	4	0.0	18.1
<b>Permanent Injunction</b>	<b>Total</b>	1	0.0	0.0
	<b>Plaintiff</b>	1	0.0	0.0
<b>Post-trial</b>	<b>Total</b>	30	23.3	0.5
	<b>Defendant</b>	17	11.8	0.9
	<b>Plaintiff</b>	13	38.5	0.0
<b>Preliminary Injunction</b>	<b>Total</b>	1	100.0	0.8
	<b>Plaintiff</b>	1	100.0	0.8

		<b>Number</b>	<b>Win Rate</b>	<b>Pendency</b>
<b>Remand Motion</b>	<b>Total</b>	1	100.0	1.8
	<b>Plaintiff</b>	1	100.0	1.8
<b>Sanctions/Attorneys Fees</b>	<b>Total</b>	10	25.0	2.2
	<b>Defendant</b>	3	33.3	4.0
	<b>Plaintiff</b>	7	21.4	1.5
<b>Stay</b>	<b>Total</b>	14	82.1	1.7
	<b>Defendant</b>	11	86.4	2.0
	<b>Plaintiff</b>	3	66.7	0.8
<b>Summary Judgment</b>	<b>Total</b>	50	51.0	4.0
	<b>Defendant</b>	26	36.5	3.9
	<b>Plaintiff</b>	24	66.7	4.1
<b>Temporary Restraining Order Motion</b>	<b>Total</b>	4	100.0	0.0
	<b>Plaintiff</b>	4	100.0	0.0
<b>Transfer Motion</b>	<b>Total</b>	9	22.2	5.1
	<b>Defendant</b>	9	22.2	5.1

## Bifurcation

There were 5 Bifurcation contested decisions by Judge Perry. The overall contested win rate on these motions was 40.0%. The average time (in months) from motion filing to decision was 1.7. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

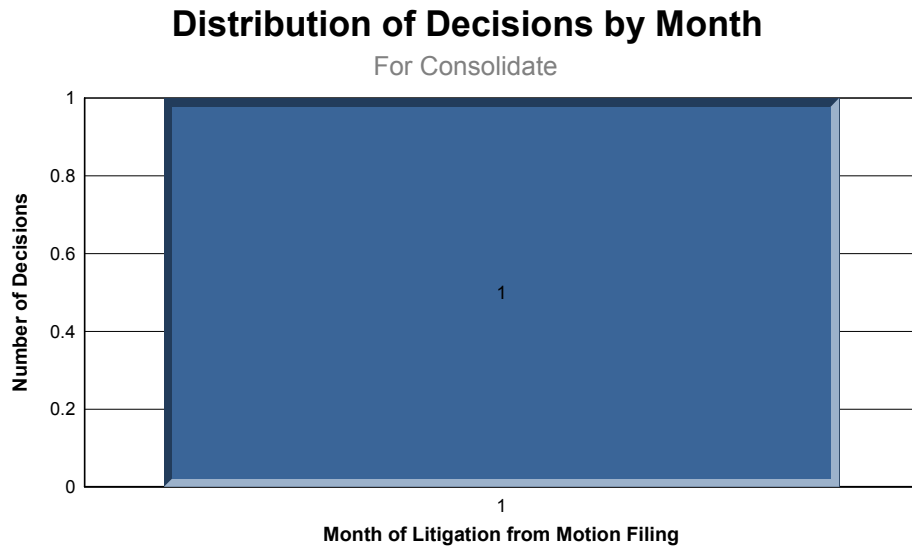


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:96cv00254	Granted	Plaintiff	1.8	5/14/96
4:94cv01038	Denied	Plaintiff	5.4	1/30/96
4:01cv01955	Denied	Defendant	0.1	2/6/04
4:01cv01955	Granted	Defendant	0.2	1/28/04
4:02cv00161	Denied	Defendant	0.7	7/16/03

**Consolidate**

There were 1 Consolidate contested decisions by Judge Perry. The overall contested win rate on these motions was 100.0%. The average time (in months) from motion filing to decision was 0.1. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

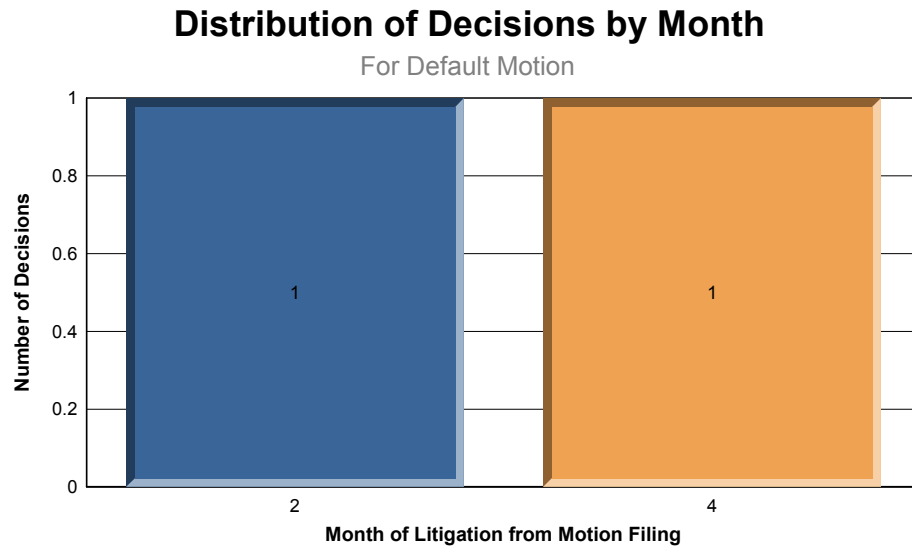


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:00cv00084	Granted	Plaintiff	0.1	6/15/01

## Default Motion

There were 2 Default Motion contested decisions by Judge Perry. The overall contested win rate on these motions was 50.0%. The average time (in months) from motion filing to decision was 2.5. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.



The supporting data is shown below.

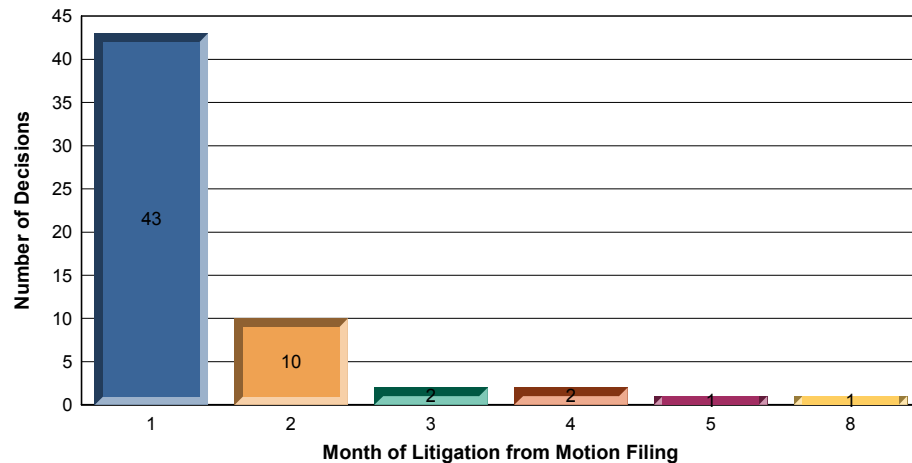
Case Number	Decision	Movant	Pendency	Date of Decision
4:99cv00323	Granted	Plaintiff	3.5	6/28/01
4:94cv01038	Denied	Defendant	1.5	12/5/95

## Discovery

There were 59 Discovery contested decisions by Judge Perry. The overall contested win rate on these motions was 49.2%. The average time (in months) from motion filing to decision was 1.0. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

### Distribution of Decisions by Month

For Discovery



The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:94cv01291	Granted	Plaintiff	0.2	12/19/95
4:06cv01632	Granted in part, Denied in Part	Plaintiff	0.9	4/25/07
4:07cv00185	Granted	Plaintiff	0.1	2/29/12
4:99cv01691	Denied	Defendant	0.1	4/13/00
4:99cv01691	Granted in part, Denied in Part	Plaintiff	0.6	4/13/00
4:95cv01185	Denied	Plaintiff	0.1	3/11/96
4:94cv01038	Denied	Defendant	3.9	12/5/95
4:94cv01038	Denied	Defendant	4.1	12/5/95
4:94cv01038	Granted	Plaintiff	1.3	2/1/95
4:94cv01038	Granted	Defendant	0.0	12/13/94
4:02cv01631	Granted	Plaintiff	0.1	10/28/02
4:02cv00476	Granted	Plaintiff	0.0	4/4/02
4:00cv00084	Granted	Plaintiff	0.8	10/4/01
1:02cv00077	Granted in part, Denied in Part	Plaintiff	1.8	1/30/03
1:02cv00077	Granted	Plaintiff	0.7	12/11/02
1:00cv00037	Denied without Prejudice	Plaintiff	1.1	4/6/01
1:02cv00077	Granted	Plaintiff	0.0	4/4/02



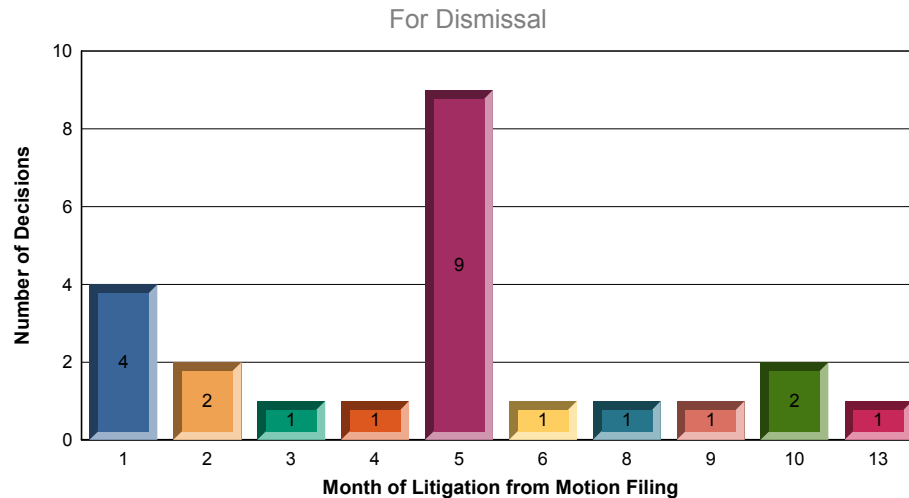
1:04cv00039	Granted	Plaintiff	0.6	5/3/04
4:02cv00476	Granted	Plaintiff	0.0	4/4/02
4:06cv00100	Denied	Plaintiff	3.2	4/26/06
4:97cv01475	Granted	Plaintiff	0.0	12/16/97
4:07cv01886	Granted	Defendant	0.0	11/9/07
4:07cv00343	Granted	Plaintiff	0.2	1/2/08
4:95cv01322	Denied without Prejudice	Defendant	0.2	5/27/97
4:95cv01322	Denied	Defendant	0.5	4/4/96
4:01cv01955	Denied	Defendant	0.8	7/18/03
1:02cv00077	Granted	Plaintiff	0.7	12/11/02
1:02cv00077	Denied without Prejudice	Defendant	0.2	10/22/02
1:00cv00037	Denied	Defendant	0.4	3/15/01
4:05cv01916	Denied	Defendant	0.2	10/31/06
4:99cv00323	Granted in part, Denied in Part	Plaintiff	0.5	6/13/03
4:99cv00323	Granted	Plaintiff	7.4	3/31/03
4:99cv00323	Denied	Plaintiff	2.0	5/29/01
4:97cv01475	Granted	Defendant	0.6	11/9/98
4:96cv00254	Denied	Defendant	0.4	7/30/96
4:96cv00254	Denied	Defendant	0.0	6/5/96
4:96cv00254	Denied	Plaintiff	0.0	6/5/96
4:95cv01322	Denied	Defendant	1.7	5/27/97
4:95cv01185	Denied	Defendant	2.8	7/31/96
4:94cv01291	Granted	Plaintiff	0.9	6/8/98
4:94cv01291	Granted	Defendant	0.9	6/8/98
4:94cv01038	Granted in part, Denied in Part	Plaintiff	0.4	1/16/96
4:94cv01038	Denied	Defendant	3.0	12/5/95
4:94cv01038	Denied	Plaintiff	0.1	6/23/95
4:94cv01038	Granted in part, Denied in Part	Defendant	1.5	5/11/95
4:94cv01038	Denied	Plaintiff	0.4	3/24/95
4:94cv01038	Denied	Defendant	0.8	3/24/95
4:02cv00161	Granted in part, Denied in Part	Plaintiff	1.1	7/16/03
4:00cv00084	Granted	Plaintiff	0.5	10/4/01
4:00cv00084	Granted in part, Denied in Part	Plaintiff	1.9	3/21/01
1:00cv00037	Granted	Plaintiff	0.4	11/15/00

4:00cv00084	Granted in part, Denied in Part	Plaintiff	1.9	3/21/01
4:05cv01916	Granted	Plaintiff	0.9	7/7/06
4:05cv01916	Denied	Plaintiff	0.1	11/6/06
4:05cv01916	Granted	Plaintiff	0.5	2/2/07
4:05cv01916	Granted	Plaintiff	0.7	3/12/07
4:06cv00992	Denied	Plaintiff	0.9	11/3/06
4:07cv00343	Denied	Defendant	1.2	7/30/08
4:11cv00811	Granted in part, Denied in Part	Plaintiff	0.5	9/22/11

## Dismissal

There were 23 Dismissal contested decisions by Judge Perry. The overall contested win rate on these motions was 45.7%. The average time (in months) from motion filing to decision was 4.7. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

### Distribution of Decisions by Month



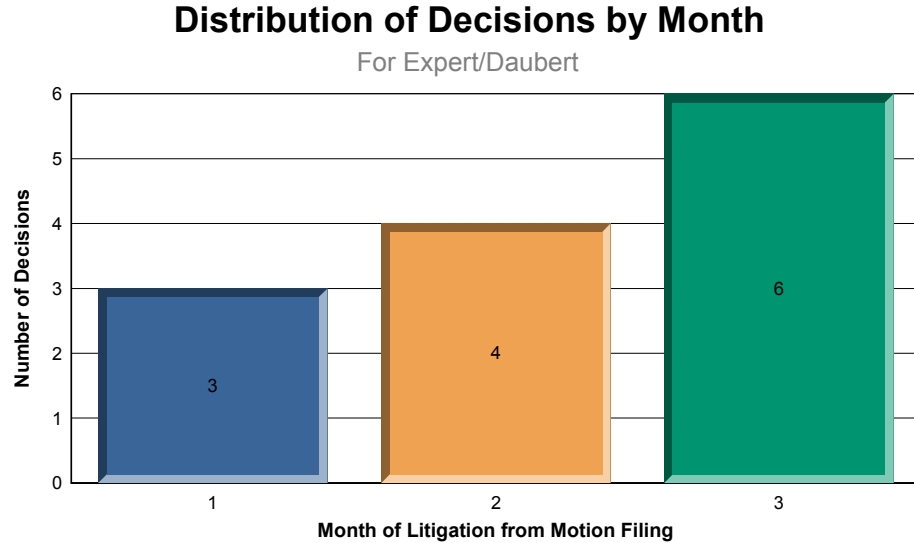
The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:99cv01691	Denied	Defendant	4.7	4/13/00
4:99cv00396	Denied	Defendant	5.0	11/30/99
4:95cv01322	Granted in part, Denied in Part	Defendant	12.8	9/26/96
4:02cv01291	Granted	Defendant	3.8	1/21/03
4:94cv01291	Granted	Plaintiff	0.7	9/3/98
4:95cv01185	Granted	Plaintiff	4.5	7/31/96
4:99cv00323	Granted	Defendant	5.3	5/29/01
4:99cv00323	Granted	Defendant	8.2	3/31/03
4:99cv00323	Denied	Defendant	10.0	3/29/04
4:99cv00396	Denied	Defendant	5.0	11/30/99
4:99cv00396	Denied	Defendant	5.0	11/30/99
4:99cv00396	Denied	Defendant	5.0	11/30/99
4:00cv00084	Denied	Defendant	0.4	4/13/00
4:01cv01825	Granted	Defendant	4.3	5/2/02
4:03cv00042	Denied	Defendant	4.6	7/1/03
4:03cv01546	Granted in part, Denied in Part	Plaintiff	1.6	5/7/04
4:99cv00323	Denied	Defendant	4.8	4/26/06
4:07cv00185	Granted	Defendant	7.9	11/9/07
4:07cv00343	Denied	Defendant	1.4	5/8/07
4:07cv01886	Denied	Defendant	2.0	2/20/08

4:08cv01140	Granted in part, Denied in Part	Plaintiff	0.6	4/29/09
4:12cv00691	Granted	Defendant	0.9	10/15/12
4:13cv00421	Granted	Defendant	9.6	3/31/14

## Expert/Daubert

There were 13 Expert/Daubert contested decisions by Judge Perry. The overall contested win rate on these motions was 23.1%. The average time (in months) from motion filing to decision (or in the case of Markman rulings, from case filing to decision) was 1.5. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

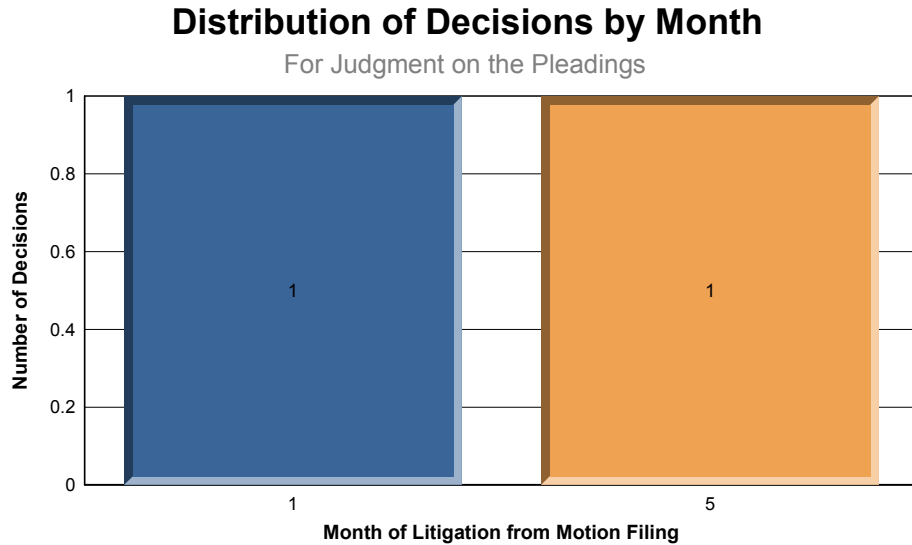


The supporting data is shown below. The table below identifies motion subjects ("What") and grounds ("Why") and includes the designation GIP for those subjects and grounds which were granted in part and denied in part.

Case Number	Decision	Movant	Pendency	Date	What	Why
4:94cv01038	Denied	Defendant	0.1	2/15/96		
4:94cv01038	Granted	Plaintiff	0.1	2/15/96		
4:94cv01038	Denied	Defendant	0.1	2/15/96		Willfulness
4:00cv00084	Denied	Defendant	1.3	3/14/05		Damages
4:00cv00084	Granted	Plaintiff	1.2	3/14/05		
4:01cv01955	Denied	Defendant	2.1	12/18/03		
4:05cv01916	Denied	Defendant	2.3	12/8/06		
4:05cv01916	Denied	Defendant	2.3	12/8/06		
4:07cv02079	Granted	Plaintiff	1.1	8/26/09		
4:07cv00185	Denied	Defendant	2.7	5/15/12		Damages
4:07cv00185	Denied	Plaintiff	2.7	5/15/12		
4:07cv00185	Denied	Plaintiff	2.7	5/15/12		
4:07cv00185	Denied	Defendant	1.1	5/15/12		

### Judgment on the Pleadings

There were 2 Judgment on the Pleadings contested decisions by Judge Perry. The overall contested win rate on these motions was 100.0%. The average time (in months) from motion filing to decision was 2.5. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

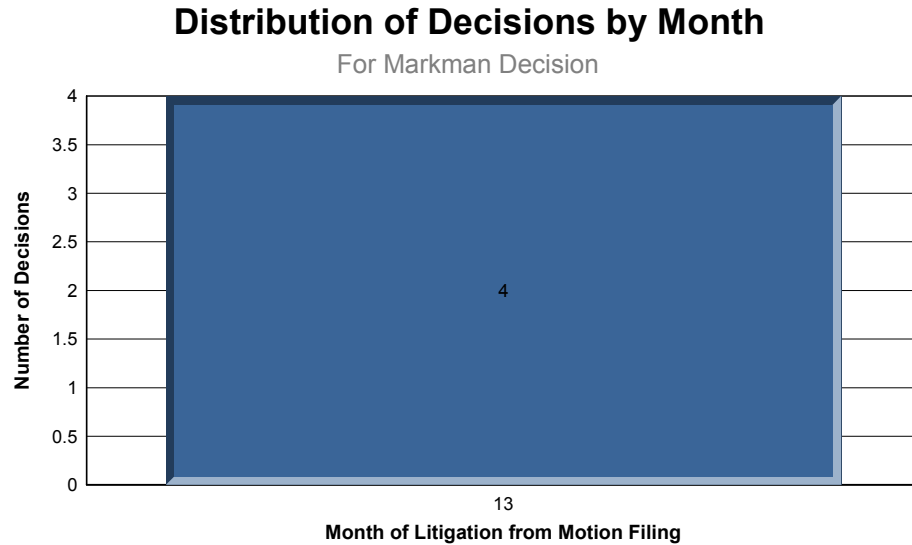


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:07cv00185	Granted	Defendant	0.1	12/3/07
4:99cv00323	Granted	Defendant	4.8	4/26/06

## Markman Decision

There were 4 Markman Decision contested decisions by Judge Perry. The overall contested win rate on these motions was 0.0%. The average time (in months) from motion filing to decision was 18.1. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

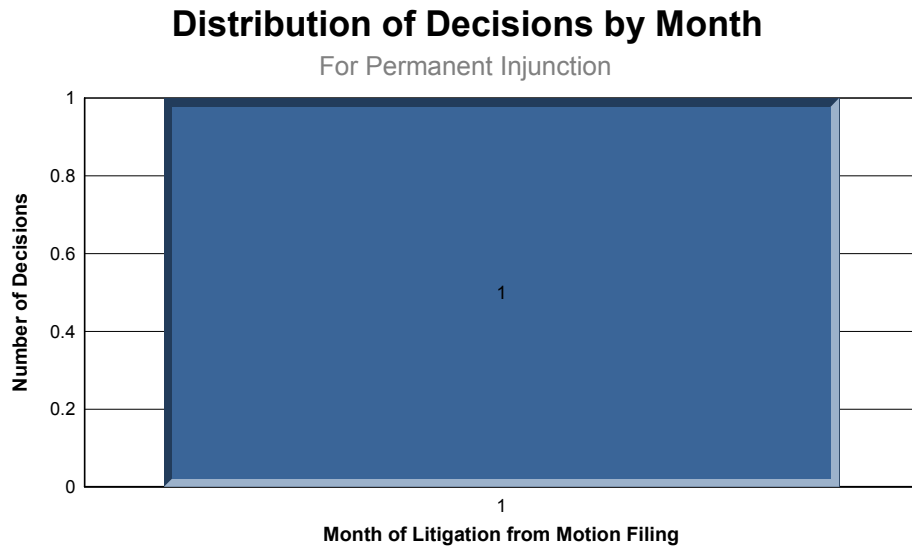


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:05cv00788	Markman Decision	Unknown	12.3	5/25/06
4:95cv01185	Markman Decision	Unknown	19.3	2/4/97
4:01cv01955	Markman Decision	Unknown	15.8	4/10/03
4:02cv00161	Markman Decision	Unknown	25.1	3/3/04

## Permanent Injunction

There were 1 Permanent Injunction contested decisions by Judge Perry. The overall contested win rate on these motions was 0.0%. The average time (in months) from motion filing to decision was 0.0. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.



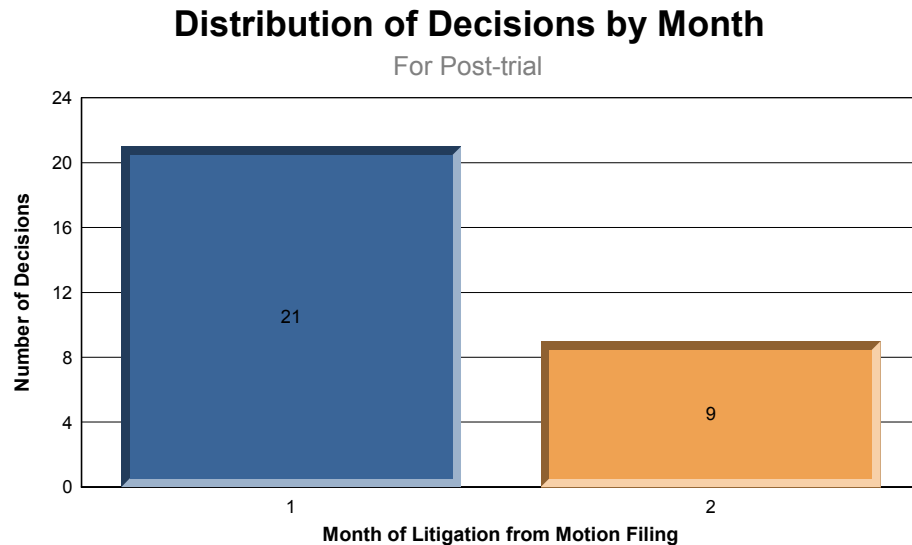
The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:00cv00084	Denied	Plaintiff	0.0	12/6/02



## Post-trial

There were 30 Post-trial contested decisions by Judge Perry. The overall contested win rate on these motions was 23.3%. The average time (in months) from motion filing to decision (or in the case of Markman rulings, from case filing to decision) was 0.5. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.



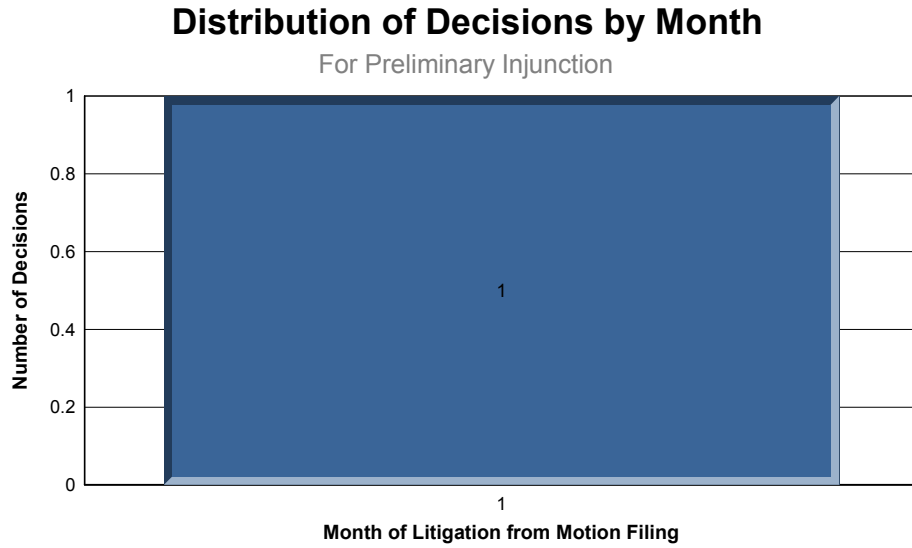
The supporting data is shown below. The table below identifies motion subjects ("What") and grounds ("Why") and includes the designation GIP for those subjects and grounds which were granted in part and denied in part.

Case Number	Decision	Movant	Pendency	Date	What	Why
4:00cv00084	Denied	Defendant	1.5	8/23/05		
4:01cv01955	Denied	Plaintiff	0.0	2/17/04		Infringement
4:01cv01955	Denied	Plaintiff	0.0	2/17/04		Infringement
4:01cv01955	Denied	Plaintiff	0.0	2/17/04		Validity; Anticipation
4:01cv01955	Granted	Plaintiff	0.0	2/17/04		Validity; Obviousness
4:01cv01955	Denied	Plaintiff	0.0	2/17/04		No Laches; No Equitable Estoppel
4:01cv01955	Granted	Plaintiff	0.0	2/17/04		Validity; Written Description
4:01cv01955	Granted	Plaintiff	0.0	2/17/04		Validity; Enablement
4:01cv01955	Granted	Defendant	0.0	2/17/04		Noninfringement; Invalidity
4:01cv01955	Denied	Defendant	1.6	7/28/04		Equitable Estoppel
4:01cv01955	Denied	Defendant	1.6	7/28/04		Unenforceability; Inequitable Conduct
4:01cv01955	Denied	Defendant	1.6	7/28/04		Infringement; Willfulness
4:01cv01955	Denied	Defendant	1.6	7/28/04		Invalidity
4:01cv01955	Denied	Defendant	1.6	7/28/04		Judicial Disqualification
4:01cv01955	Denied	Defendant	1.6	7/28/04		Laches
4:01cv01955	Denied	Defendant	1.6	7/28/04		Claim Construction
4:01cv01955	Denied	Defendant	1.6	7/28/04		Damages
4:94cv01038	Denied	Plaintiff	0.0	2/27/96		Infringement
4:94cv01038	Denied	Plaintiff	0.0	2/27/96		Validity; Obviousness

4:94cv01038	Denied	Plaintiff	0.0	2/27/96	Validity; Anticipation; Obviousness
4:94cv01038	Granted	Plaintiff	0.0	2/27/96	Validity; Anticipation; Obviousness
4:94cv01038	Denied	Defendant	0.3	3/7/96	Invalidity; Best Mode
4:94cv01038	Granted	Plaintiff	0.1	3/7/96	Validity; Anticipation; Obviousness
4:94cv01038	Denied	Defendant	0.0	3/7/96	Limitation on Damages
4:94cv01038	Denied	Defendant	0.0	3/7/96	No Willfulness
4:94cv01038	Granted	Defendant	0.0	3/7/96	Noninfringement; Literal
4:94cv01038	Denied	Defendant	0.0	3/7/96	Noninfringement; Doctrine of Equivalents
4:94cv01038	Denied	Defendant	0.0	3/7/96	Invalidity; Best Mode
4:94cv01038	Denied	Defendant	0.0	3/7/96	Invalidity; Anticipation
4:94cv01038	Denied	Plaintiff	0.0	3/7/96	No Attorney Fees

## Preliminary Injunction

There were 1 Preliminary Injunction contested decisions by Judge Perry. The overall contested win rate on these motions was 100.0%. The average time (in months) from motion filing to decision was 0.8. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

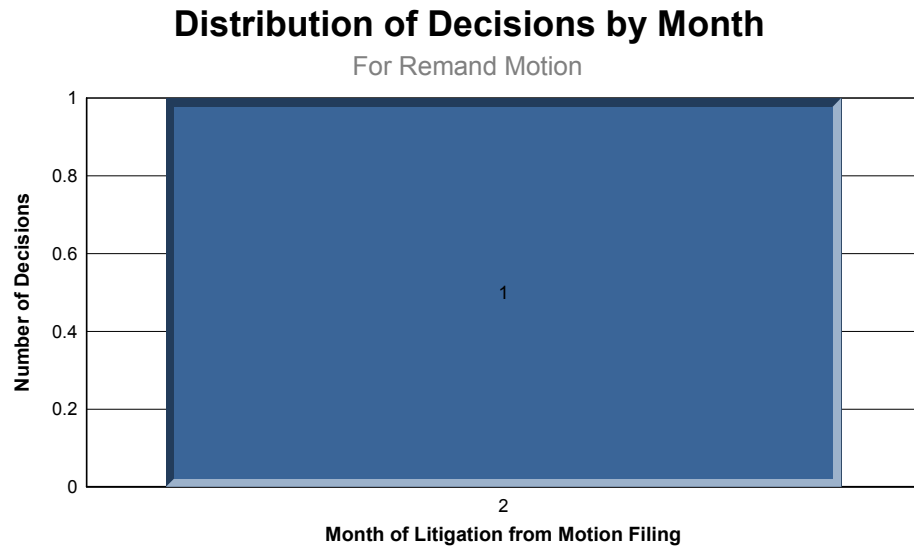


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:00cv00084	Granted	Plaintiff	0.8	4/18/01

## Remand Motion

There were 1 Remand Motion contested decisions by Judge Perry. The overall contested win rate on these motions was 100.0%. The average time (in months) from motion filing to decision was 1.8. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

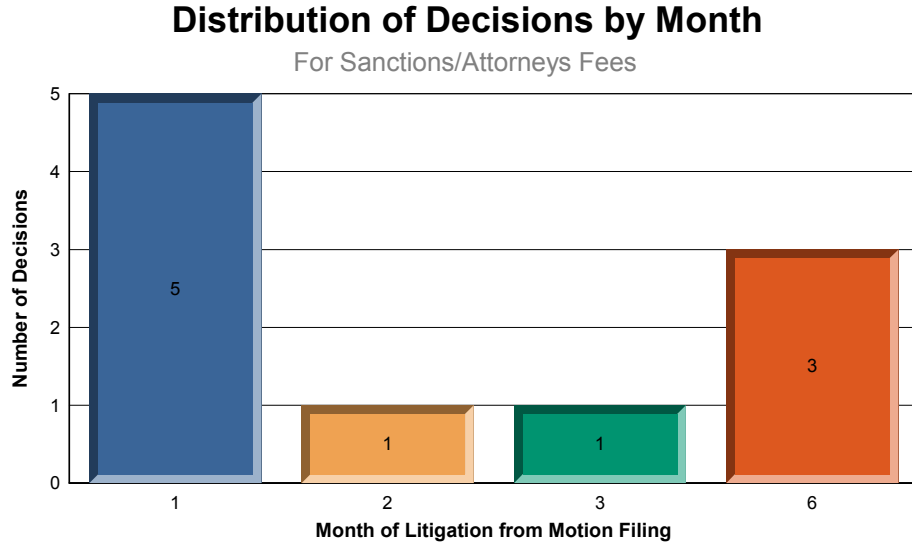


The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:97cv01836	Granted	Plaintiff	1.8	11/25/97

**Sanctions/Attorneys Fees**

There were 10 Sanctions/Attorneys Fees contested decisions by Judge Perry. The overall contested win rate on these motions was 25.0%. The average time (in months) from motion filing to decision (or in the case of Markman rulings, from case filing to decision) was 2.2. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

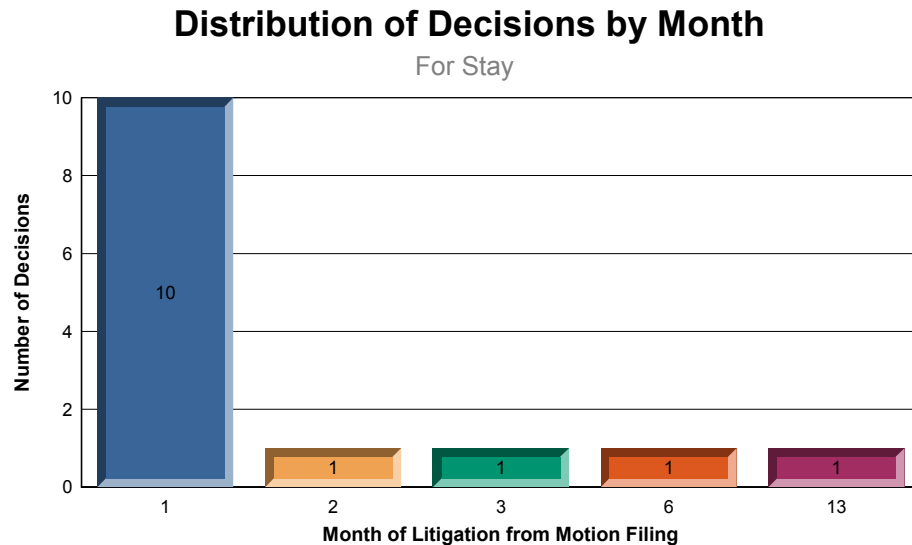


The supporting data is shown below. The table below identifies motion subjects ("What") and grounds ("Why") and includes the designation GIP for those subjects and grounds which were granted in part and denied in part.

Case Number	Decision	Movant	Pendency	Date	What	Why
4:97cv01475	Granted	Defendant	0.6	11/9/98	Sanctions	Discovery
4:94cv01038	Denied	Plaintiff	0.3	2/15/96	Sanctions	Unknown
4:94cv01038	Denied	Plaintiff	5.4	12/5/95	Sanctions	Unknown
4:94cv01038	Granted	Plaintiff	0.5	6/23/95	Sanctions	Contempt
4:00cv00084	Denied	Plaintiff	0.0	12/6/02	Attorney Fees	Post-Judgment
4:00cv00084	Denied	Plaintiff	1.2	6/23/05	Attorney Fees	Post-Judgment
4:01cv01955	Denied	Plaintiff	0.1	1/28/04	Sanctions	Unknown
4:01cv01955	Granted in part, Denied in Part	Plaintiff	2.8	5/25/04	Attorney Fees	Post-Judgment
4:11cv00811	Denied	Defendant	5.7	4/24/12	Sanctions	Rule 11
4:11cv00811	Denied	Defendant	5.7	4/24/12	Attorney Fees	35 USC 285

## Stay

There were 14 Stay contested decisions by Judge Perry. The overall contested win rate on these motions was 82.1%. The average time (in months) from motion filing to decision (or in the case of Markman rulings, from case filing to decision) was 1.7. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.



The supporting data is shown below. The table below identifies motion subjects ("What") and grounds ("Why") and includes the designation GIP for those subjects and grounds which were granted in part and denied in part.

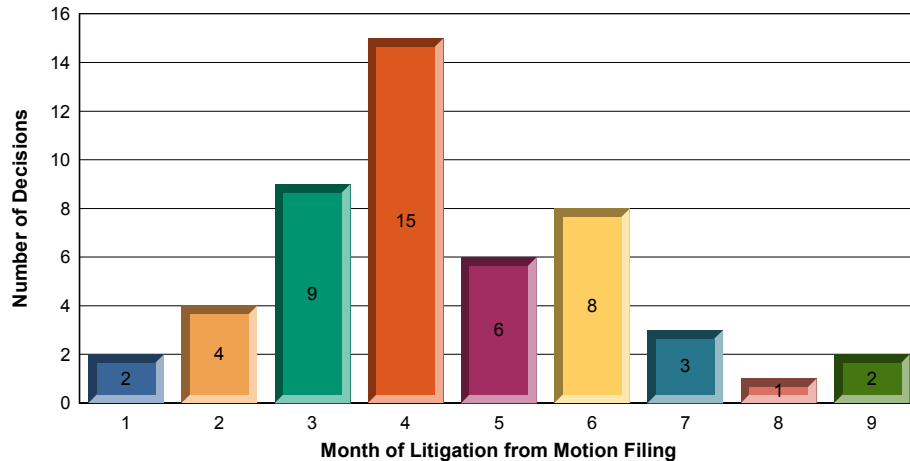
Case Number	Decision	Movant	Pendency	Date	What	Why
4:95cv01322	Granted	Defendant	0.5	4/4/96	Discovery	
4:95cv01322	Granted in part, Denied in Part	Defendant	12.8	9/26/96	Case	Pending Other Litigation
4:95cv01185	Granted	Defendant	0.1	3/10/97	Case	Pending Appeal
4:94cv01291	Granted	Plaintiff	0.2	12/19/95	Discovery	
4:94cv01291	Granted	Defendant	5.8	12/21/95	Case	Pending Reexam
4:02cv01631	Granted	Plaintiff	0.0	5/20/03	Case	Pending Settlement
4:00cv00084	Granted	Defendant	0.5	3/21/01	Deadlines	
4:01cv01955	Granted	Defendant	0.0	6/3/04	Enforcement of Judgment	
4:05cv02094	Granted	Defendant	1.7	7/10/06	Case	Pending Reexam
4:06cv00146	Granted	Defendant	0.1	5/1/06		
4:07cv01886	Denied	Defendant	0.3	3/6/08	Case	Pending Related Litigation
4:08cv01140	Granted	Defendant	0.1	11/12/08	Case	Pending Other Litigation
4:11cv00811	Denied	Plaintiff	2.1	4/24/12	State Court Proceedings	
4:13cv00780	Granted	Defendant	0.0	8/16/13	Deadlines	

## Summary Judgment

There were 50 Summary Judgment contested decisions by Judge Perry. The overall contested win rate on these motions was 51.0%. The average time (in months) from motion filing to decision (or in the case of Markman rulings, from case filing to decision) was 4.0. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

### Distribution of Decisions by Month

For Summary Judgment



The supporting data is shown below. The table below identifies motion subjects ("What") and grounds ("Why") and includes the designation GIP for those subjects and grounds which were granted in part and denied in part.

Case Number	Decision	Movant	Pendency	Date	What	Why
4:05cv00788	Granted	Defendant	2.8	12/26/06	Invalidity	Anticipation; Obviousness; Indefiniteness
4:07cv00185	Denied	Defendant	3.3	8/31/09	Invalidity	
4:07cv00185	Denied	Defendant	3.6	5/15/12	Invalidity	Anticipation; Obviousness
4:07cv00185	Denied	Defendant	3.6	5/15/12	Invalidity	35 USC 101
4:96cv00254	Granted	Defendant	1.9	9/5/96	Noninfringement	
4:94cv01038	Granted	Plaintiff	6.6	1/30/96	Infringement	
4:01cv01955	Denied	Plaintiff	2.5	12/18/03	Infringement	
4:01cv01955	Denied	Defendant	2.5	12/18/03	Unenforceability	Inequitable Conduct
4:05cv01916	Granted	Plaintiff	3.4	2/27/07	Infringement	
4:05cv01916	Granted in part, Denied in Part	Defendant	3.4	2/27/07	Noninfringement	Literal; Doctrine of Equivalents
4:07cv00185	Granted	Defendant	3.3	8/31/09	Noninfringement	Literal
4:07cv00185	Denied	Defendant	2.2	11/29/11	Noninfringement	Inducing
4:07cv00185	Denied	Plaintiff	3.6	5/15/12	Infringement	
4:96cv00254	Denied	Defendant	1.5	8/26/96	Invalidity	Double Patenting
4:95cv01185	Granted	Plaintiff	3.0	2/4/97	Infringement	
4:95cv01185	Denied	Defendant	3.4	2/4/97	Noninfringement	Design
4:95cv01185	Granted	Defendant	3.4	2/4/97	Noninfringement	Doctrine of Equivalents
4:95cv01185	Granted	Defendant	3.4	2/4/97	Noninfringement	Literal
4:95cv01185	Granted	Plaintiff	4.2	2/4/97	Enforceability	Inequitable Conduct

4:95cv01185	Granted	Plaintiff	4.2	2/4/97	Validity	112
4:95cv01185	Granted	Plaintiff	4.2	2/4/97	Validity	102; 103
4:95cv01185	Denied	Plaintiff	4.2	2/4/97	Infringement	Literal
4:94cv01038	Granted in part, Denied in Part	Plaintiff	5.4	1/30/96	Enforceability	Inequitable Conduct
4:94cv01038	Granted	Plaintiff	5.4	1/30/96	Validity	101; 102; 112
4:94cv01038	Denied	Defendant	5.4	1/30/96		
4:94cv01038	Denied	Defendant	5.4	1/30/96		
4:94cv01038	Denied	Defendant	5.4	1/30/96		
4:94cv01038	Granted	Plaintiff	5.9	1/30/96		
4:94cv01038	Granted in part, Denied in Part	Plaintiff	6.6	1/30/96	Validity	101-Granted; 102(b)-Granted; Other-Denied
4:94cv01038	Granted	Plaintiff	8.7	1/30/96		
4:00cv00084	Granted	Plaintiff	0.0	11/15/02	Breach of Contract	
4:00cv00084	Granted	Plaintiff	4.7	11/5/02		
1:02cv00077	Denied	Plaintiff	5.1	1/5/04	Personal Liability; Breach of Contract	
4:01cv01955	Granted	Plaintiff	2.5	12/18/03	Enforceability	Inequitable Conduct
4:99cv00323	Granted	Defendant	4.8	4/26/06	No Lanham Act Violation; No Trade Secret Misappropriation	
4:94cv01038	Denied	Defendant	6.6	1/30/96		
4:05cv01916	Denied	Defendant	3.2	1/31/07	Laches; Equitable Estoppel	
4:05cv01916	Granted	Defendant	2.7	1/31/07	Improper Party	
4:05cv01916	Denied	Defendant	2.7	1/31/07	Repair	
4:05cv01916	Denied	Plaintiff	2.5	1/31/07	No Laches; No Equitable Estoppel	
4:05cv01916	Granted in part, Denied in Part	Plaintiff	3.7	3/9/07	Validity	Written Description-Granted; Enablement-Granted; Anticipation-Granted; Obviousness-Denied
4:05cv01916	Granted	Plaintiff	3.8	3/12/07	No False Advertising; No Defamation	
4:05cv01916	Granted	Plaintiff	1.9	1/31/07	No Repair	
4:07cv00185	Granted	Defendant	7.9	11/9/07	Section 1498 Defense	
4:07cv00343	Denied	Defendant	8.8	2/2/09	Unclean Hands	
4:07cv02079	Granted in part, Denied in Part	Plaintiff	2.0	3/16/09	Infringement-Granted; Breach of Contract-Denied; Willfulness-Denied	
4:07cv00185	Denied	Plaintiff	3.5	8/31/09	Validity	
4:07cv00185	Denied	Defendant	3.3	8/31/09	No Standing	
4:11cv00811	Denied without Prejudice	Defendant	0.7	6/10/11		



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4:11cv00811

Granted

Defendant

5.7

4/24/12

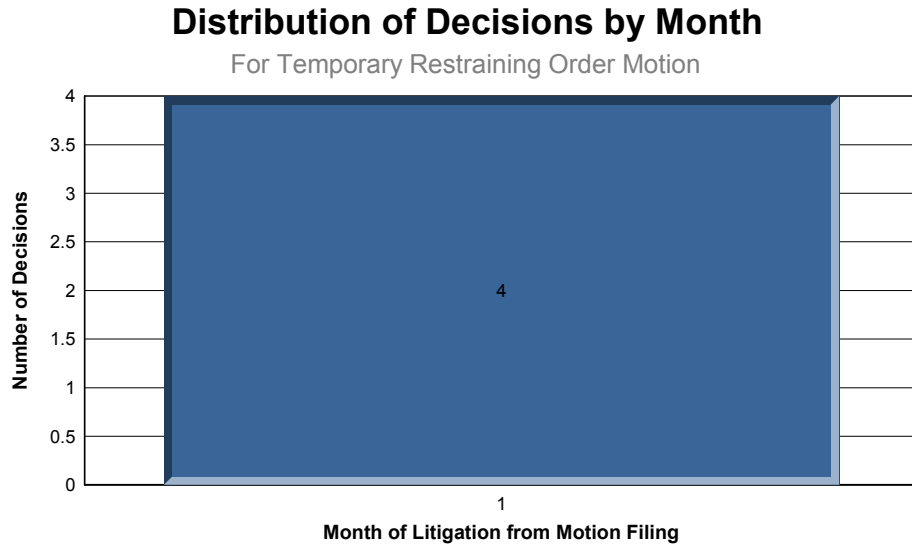
Lack of Standing

Outside Six Year Limitation  
on Damages

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**Temporary Restraining Order Motion**

There were 4 Temporary Restraining Order Motion contested decisions by Judge Perry. The overall contested win rate on these motions was 100.0%. The average time (in months) from motion filing to decision was 0.0. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.



The supporting data is shown below.

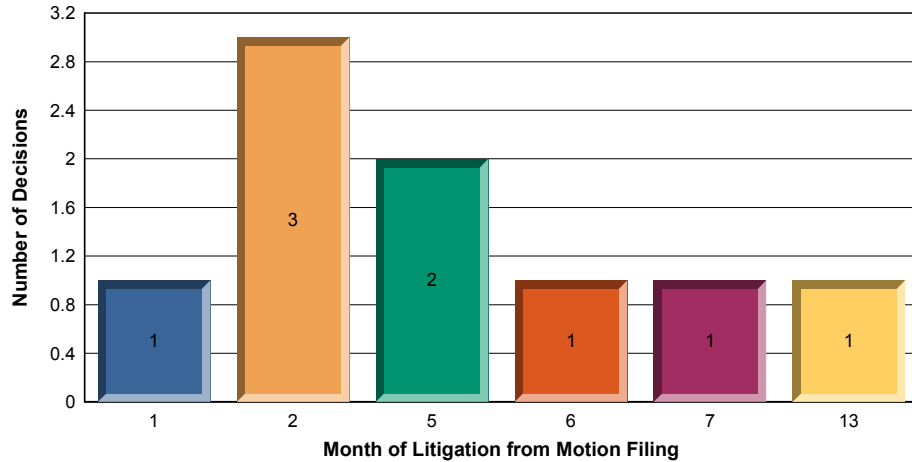
Case Number	Decision	Movant	Pendency	Date of Decision
4:02cv01631	Granted	Plaintiff	0.1	10/29/02
4:02cv00476	Granted	Plaintiff	0.0	4/4/02
4:00cv00084	Granted	Plaintiff	0.0	3/29/00
1:02cv00077	Granted	Plaintiff	0.0	4/4/02

**Transfer Motion**

There were 9 Transfer Motion contested decisions by Judge Perry. The overall contested win rate on these motions was 22.2%. The average time (in months) from motion filing to decision was 5.1. The distribution of time to decision for the first 12 months of motion pendency is shown below, with any motions remaining pendency after 12 months lumped into month "13". Months with no decisions are not included in the chart. Note that the first month includes all decisions occurring less than 1 month from motion filing.

**Distribution of Decisions by Month**

For Transfer Motion



The supporting data is shown below.

Case Number	Decision	Movant	Pendency	Date of Decision
4:99cv01691	Denied	Defendant	4.7	4/13/00
4:99cv00396	Granted	Defendant	6.6	11/30/99
4:02cv01631	Denied	Defendant	1.7	1/24/03
4:02cv00476	Granted	Defendant	1.1	6/4/02
4:01cv01805	Denied	Defendant	5.3	7/17/02
4:00cv00084	Denied	Defendant	0.4	4/13/00
1:02cv00077	Denied without Prejudice	Defendant	20.4	1/12/04
4:01cv01825	Denied	Defendant	4.3	5/2/02
4:08cv00043	Denied	Defendant	1.3	4/15/08