



# LegalMetric National Patent Litigation Report

**2009**

This report contains confidential and proprietary information of LegalMetric, LLC. Use of this information by anyone other than the purchaser or, if the purchaser is a law firm, the purchaser's client, or disclosure of this information to persons other than the purchaser or, if the purchaser is a law firm, the purchaser's client, without the consent of LegalMetric, LLC is prohibited.

The information contained in this report is obtained from the official docket records of the federal courts. No attempt has been made to correct that data. For example, cases may be misclassified in the official docket records. In addition, cases are classified only by the primary cause of action. Cases having multiple causes of action are analyzed only under the primary cause of action identified on the official court docket.

LegalMetric, LLC is not a law firm, does not provide legal advice, and is not engaged in the practice of law. No attorney-client relationship exists between LegalMetric, LLC and any user of its products. LegalMetric provides statistical and analytical information to anyone who desires to purchase that information. Any purchaser of LegalMetric products who wants legal advice should hire an attorney.

## Table of Contents

Overview .....	8
Part I.....	9
Patent Cases Filed Nationwide .....	9
Nationwide Case Win Rates.....	10
Nationwide Win Rates at Trial .....	11
Nationwide Win Rates on Motions in Patent Cases .....	12
Average Costs of Patent Litigation.....	13
Nationwide Time to Termination by Outcome.....	14
Part II—District to District Comparisons.....	15
Comparison of Number of Patent Cases Filed .....	15
Comparison of Overall Case Win Rates.....	19
Comparison of Contested Case Win Rates.....	23
Comparison of Bench Trial Win Rates.....	27
Comparison of Jury Trial Win Rates .....	31
Comparison of Complete Affirmance Rates .....	35
Comparison of Time to Termination for Contested Cases.....	39
Comparison of Time to Termination for All Cases .....	43
Comparison of Time to Termination by Bench Trial.....	47
Comparison of Time to Termination by Jury Trial .....	51
Comparison of Time to Termination by Summary Judgment.....	55
Comparison of Time to Termination by Transfer.....	59
Comparison of Percentage of Cases Terminated by Consent Judgments .....	62
Comparison of Percentage of Cases Terminated by Involuntary Dismissals.....	66
Comparison of Percentage of Cases Terminated by Summary Judgment.....	70

Comparison of Percentage of Cases Terminated by Transfer .....	74
Comparison of Percentage of Cases Terminated by Bench Trial .....	78
Comparison of Percentage of Cases Terminated by Jury Trial .....	82
Comparison of Percentage of Cases Terminated by Voluntary Dismissals and Other Settlements.....	86
Comparison of Average Number of Patent Cases Per Judge .....	90
Comparison of Summary Judgment Win Rates (Dispositive and Non-Dispositive) .....	93
Comparison of Time to Decision on Summary Judgment Motions .....	97
Comparison of Preliminary Injunction Motion Win Rates .....	101
Comparison of Time to Decision on Preliminary Injunction Motions.....	105
Comparison of Transfer Motion Win Rates .....	109
Comparison of Time to Decision on Transfer Motions .....	113
Part III-Individual District Summaries .....	117
Alabama Middle District Court .....	117
Alabama Northern District Court.....	120
Alabama Southern District Court.....	125
Alaska District Court.....	129
Arizona District Court.....	129
Arkansas Eastern District Court .....	134
Arkansas Western District Court.....	139
California Central District Court.....	144
California Eastern District Court .....	149
California Northern District Court.....	154
California Southern District Court.....	159
Colorado District Court .....	161
Connecticut District Court.....	163

Delaware District Court..... 168

District of Columbia District Court..... 170

Florida Middle District Court..... 172

Florida Northern District Court ..... 177

Florida Southern District Court ..... 182

Georgia Middle District Court ..... 187

Georgia Northern District Court ..... 191

Georgia Southern District Court ..... 196

Hawaii District Court..... 200

Idaho District Court ..... 202

Illinois Central District Court ..... 207

Illinois Northern District Court..... 212

Illinois Southern District Court..... 217

Indiana Northern District Court ..... 222

Indiana Southern District Court ..... 227

Iowa Northern District Court ..... 232

Iowa Southern District Court..... 237

Kansas District Court ..... 242

Kentucky Eastern District Court ..... 247

Kentucky Western District Court ..... 252

Louisiana Eastern District Court..... 256

Louisiana Middle District Court ..... 258

Louisiana Western District Court ..... 260

Maine District Court ..... 265

Maryland District Court..... 269

Massachusetts District Court .....	274
Michigan Eastern District Court .....	279
Michigan Western District Court.....	284
Minnesota District Court.....	289
Mississippi Northern District Court.....	294
Mississippi Southern District Court.....	298
Missouri Eastern District Court .....	302
Missouri Western District Court.....	307
Montana District Court .....	312
Nebraska District Court .....	317
Nevada District Court.....	322
New Hampshire District Court .....	327
New Jersey District Court.....	329
New Mexico District Court.....	334
New York Eastern District Court .....	339
New York Northern District Court.....	344
New York Southern District Court.....	349
New York Western District Court.....	354
North Carolina Eastern District Court .....	359
North Carolina Middle District Court .....	364
North Carolina Western District Court .....	369
North Dakota District Court .....	374
Ohio Northern District Court .....	378
Ohio Southern District Court .....	383
Oklahoma Eastern District Court .....	388

Oklahoma Northern District Court.....	389
Oklahoma Western District Court.....	391
Oregon District Court .....	393
Pennsylvania Eastern District Court .....	398
Pennsylvania Middle District Court.....	400
Pennsylvania Western District Court .....	405
Puerto Rico District Court .....	410
Rhode Island District Court .....	411
South Carolina District Court .....	413
South Dakota District Court .....	418
Tennessee Eastern District Court.....	423
Tennessee Middle District Court.....	428
Tennessee Western District Court .....	433
Texas Eastern District Court.....	438
Texas Northern District Court .....	443
Texas Southern District Court .....	448
Texas Western District Court .....	453
Utah District Court .....	458
Vermont District Court.....	463
Virginia Eastern District Court.....	468
Virginia Western District Court .....	473
Washington Eastern District Court .....	478
Washington Western District Court.....	480
West Virginia Northern District Court.....	485
West Virginia Southern District Court.....	490

Wisconsin Eastern District Court..... 495

Wisconsin Western District Court..... 500

Wyoming District Court ..... 502