

# ***LegalMetric***

## **LegalMetric District Study**

### **Eastern District of Texas**

#### **Patent Cases**

**January, 1991 to November, 2008**

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 .....	3
Motions .....	5
Case Breakdown by Judge and Division .....	9
Divisional Comparisons.....	10
What are the Odds—Terminations on the Merits .....	12
Patentee Win Rates By Judge .....	14
Breakout of Patentee & Accused Infringer Win Rate Statistics .....	15
Awards and Settlements.....	16
All Parties—All Terminations on the Merits.....	18
Decisions on Involuntary Motions to Dismiss—By Judge.....	18
Dispositions by Summary Judgment .....	19
Case Outcomes.....	19
Bench Trials—Number By Judge.....	21
Jury Trials—Number By Judge .....	21
Terminations by Transfer—Number By Judge.....	21
Trials—District-Wide By Prevailing Party and Trial Type.....	22
How Long?—Time to Termination .....	24
Average Pendency for All Terminations by Judgment—By Active Judge .....	31
Average Pendency for Bench Trials—By Active Judge.....	31
Average Pendency for Jury Trials—By Active Judge.....	32
Average Pendency for Cases Terminated by Summary Judgment—By Active Judge .....	32
Average Pendency for Cases Terminated by Transfer—By Active Judge.....	33
Appeals .....	34
Jury Demands.....	38
Experience.....	39
Total Number of Patent Cases—By Judge .....	39
Total Number of Cases with Claim Construction Activity—By Judge.....	40
Dismissal Motions—By Active Judge.....	42
Cases with Expert/Daubert Motions—By Active Judge .....	45
Cases with Increased Damages Motions—By Active Judge.....	48
Cases with Judgment on the Pleadings Motions—By Active Judge .....	51
Cases with Motions to Consolidate—By Active Judge.....	54
Cases with Motions to Intervene—By Active Judge.....	57
Cases with Permanent Injunction Motions—By Active Judge.....	60
Cases with Post-trial Motions—By Active Judge .....	62
Cases with Preliminary Injunction Activity—By Active Judge .....	64
Cases with Sanctions/Attorneys Fees Motions—By Active Judge .....	67
Cases with Stay Motions—By Active Judge .....	70
Cases with Summary Judgment Activity—By Active Judge .....	73
Cases with Transfer Activity—By Active Judge.....	76