



**LegalMetric District Comparison
Top 5 Sample (Misc. Districts)
in Patent Cases**

January 2000-February 2010

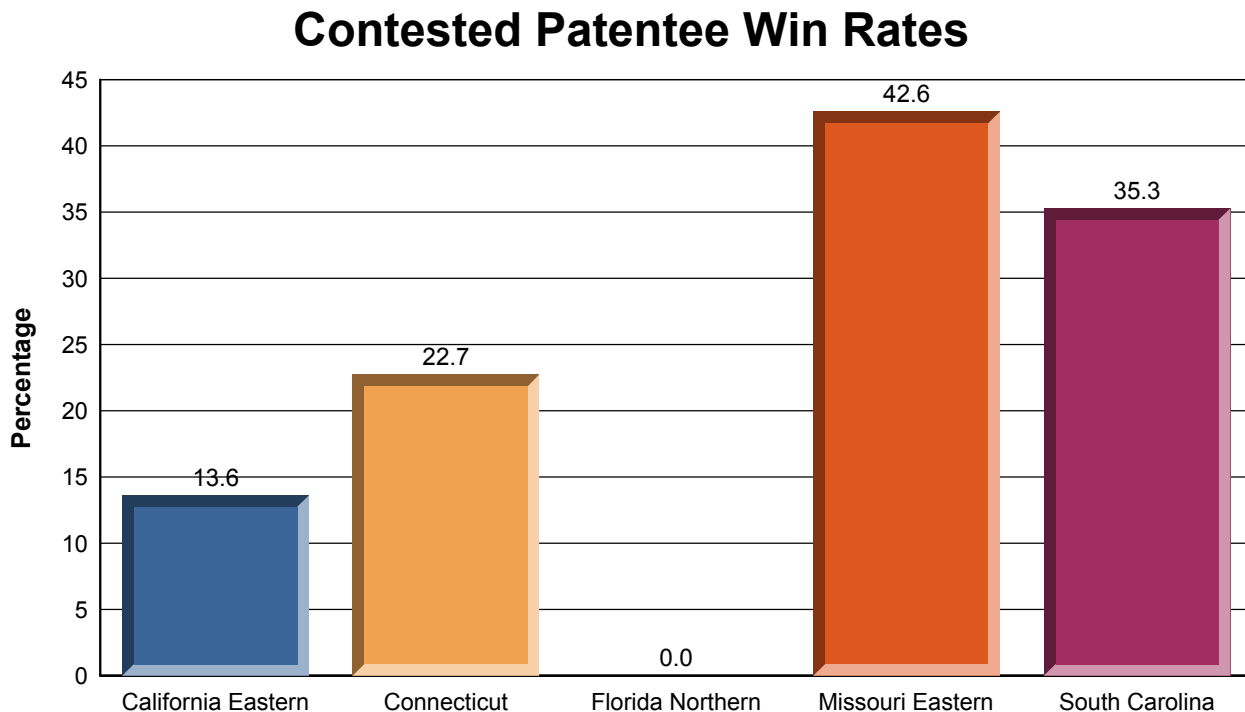
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Overview

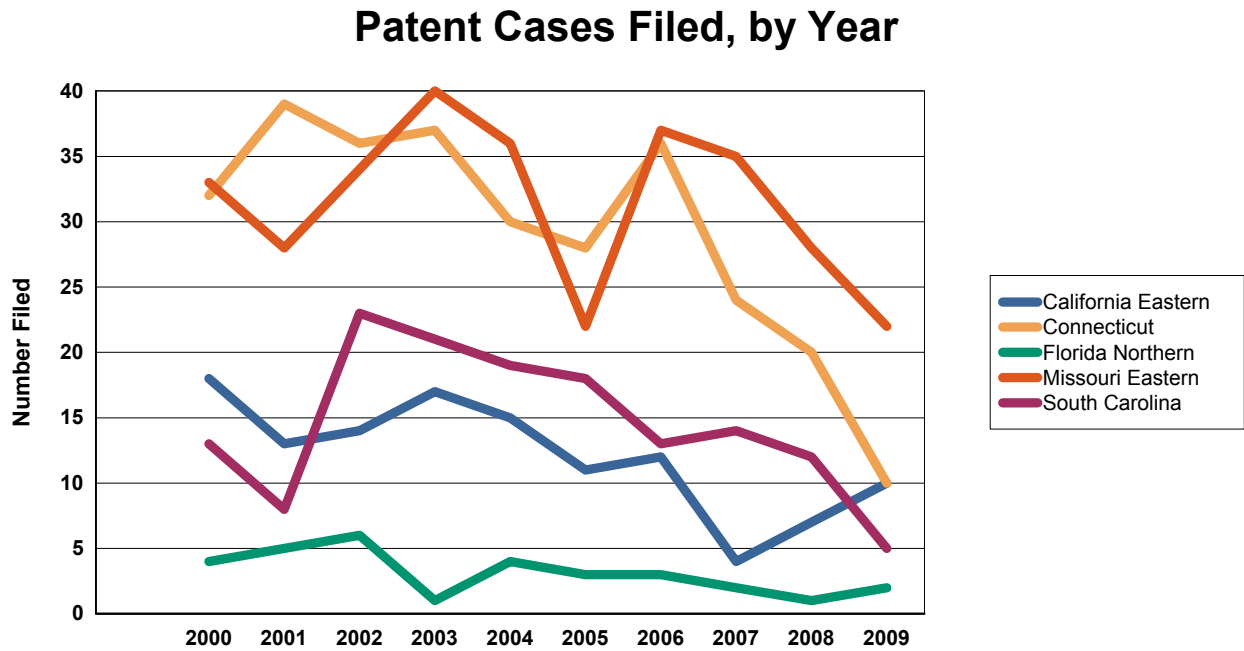
Dockets for patent cases in all the district courts were examined to identify the five districts most favorable to patent owners. Courts with fewer than 20 contested outcomes were not included in the final list. The districts and their contested patentee win rates are shown in the chart below. Whether a district is favorable or not is measured by the contested win rate for that district. Contested win rates include all judgments in favor of the patent owner, except for consent judgments and default judgments. Outcomes in which no enforceable judgment in favor of a party is entered, such as voluntary dismissals and dismissals for lack of jurisdiction, are not included. The contested win rate for each district is also weighted by the number of contested outcomes, so that districts with the same contested win rates but higher numbers of contested outcomes rank higher on the list.



These districts are compared in various ways in the sections which follow.

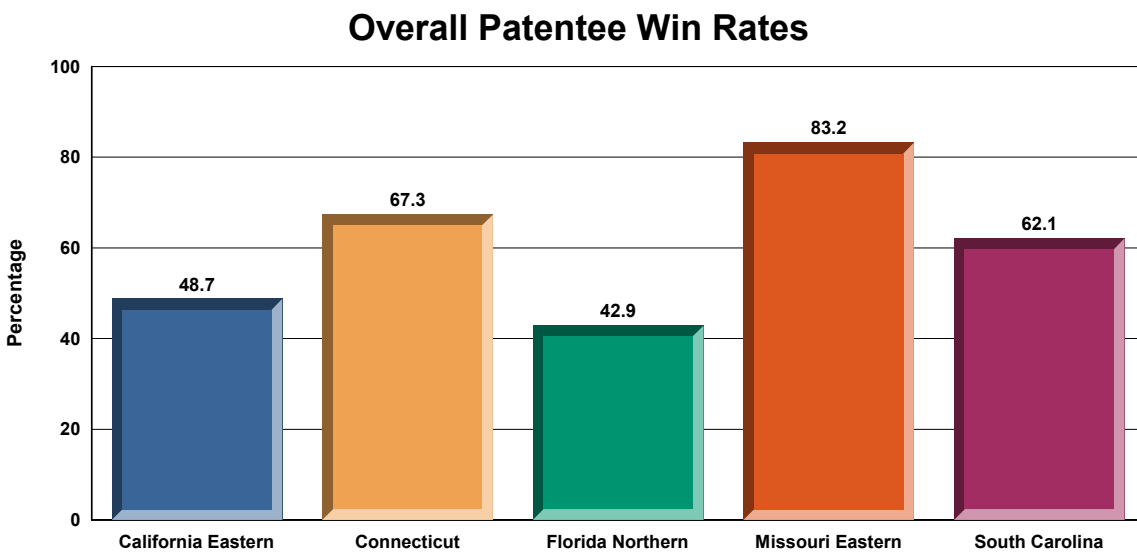
Comparison of Number of Patent Cases Filed

The number of patent cases filed in each district are shown below, broken out by year from 2000 on.



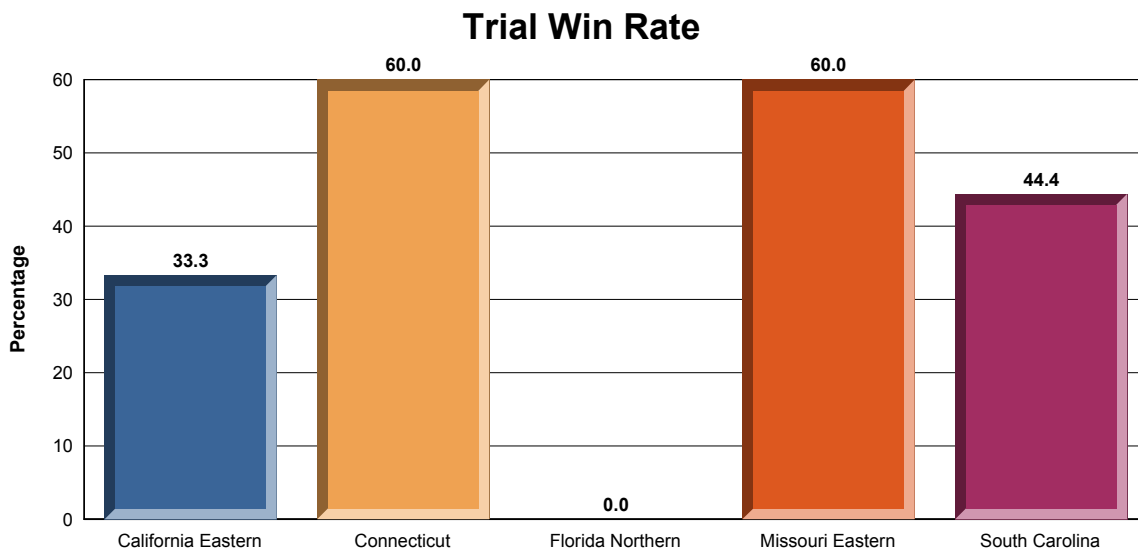
Comparison of Overall Case Win Rates

The overall patentee win rate in patent cases for these courts varied as shown below. (The overall win rate includes all cases in which a judgment is entered in favor of a party, including consent and default judgments.)



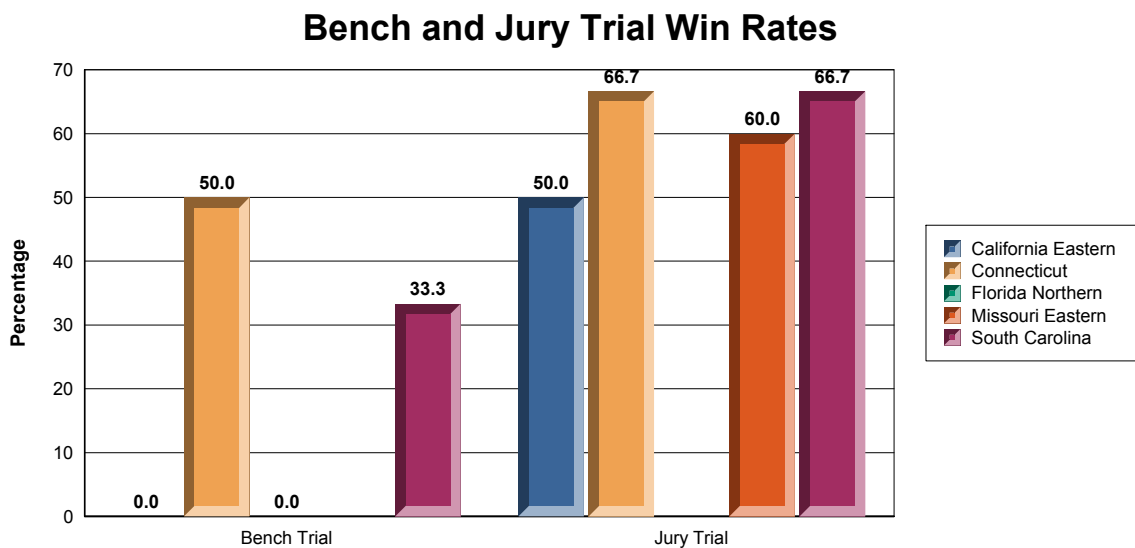
Comparison of Trial Win Rates

The average patentee win rate at trial (both bench and jury) for these courts varied as shown below.



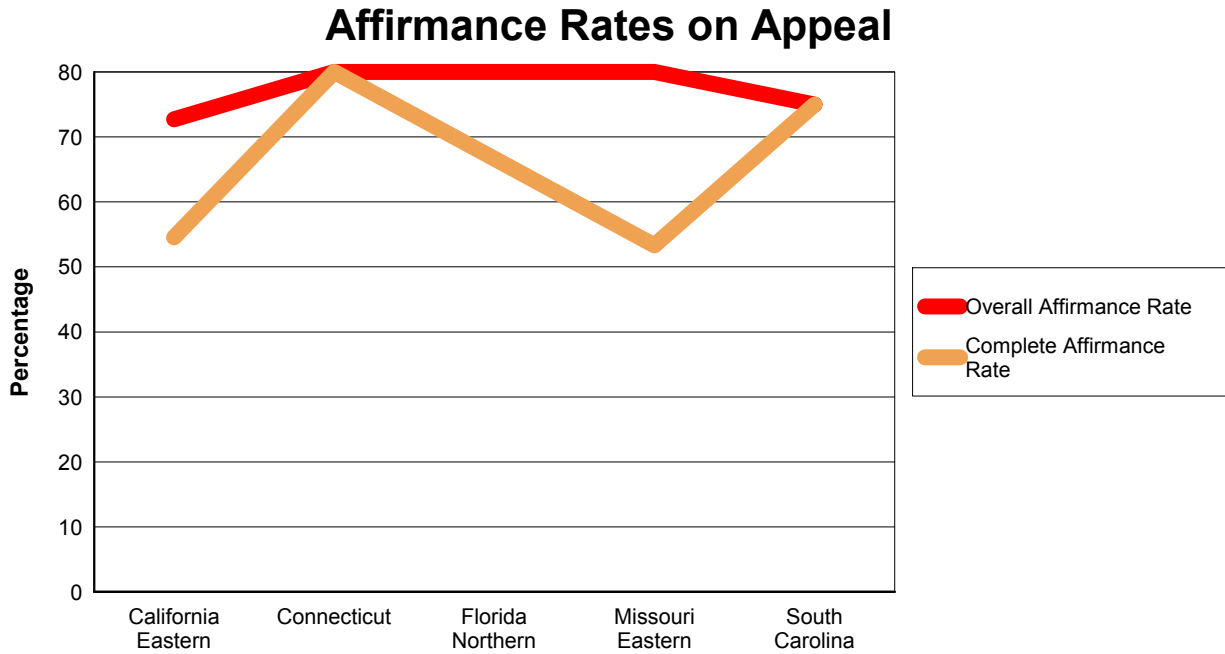
Comparison of Bench and Jury Trial Win Rates

The average patentee win rate by bench trial and by jury trial for these courts is shown below.



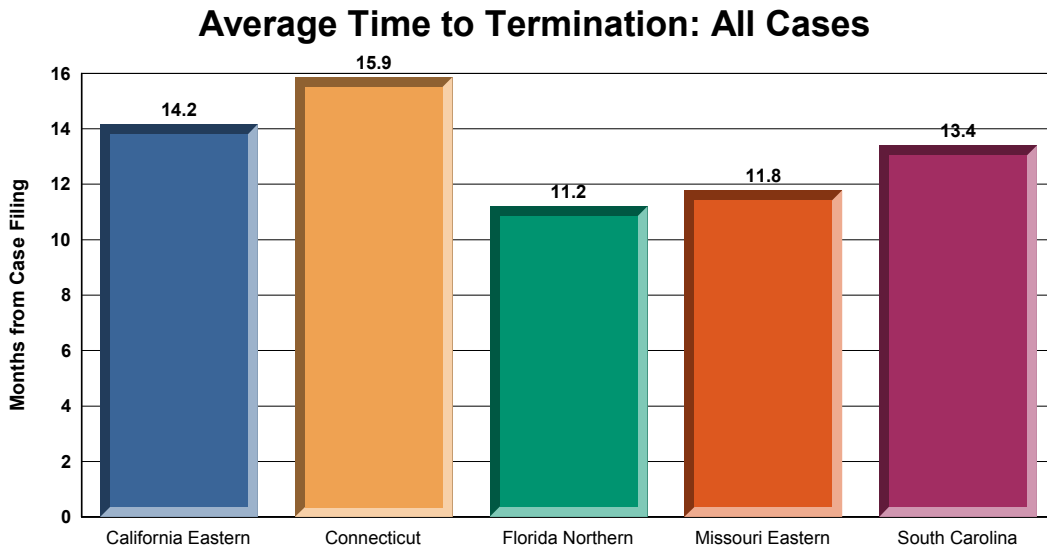
Affirmance Rates

The average affirmance rate and average complete affirmance rate for these districts are shown below. The affirmance rate is calculated from the number of appeals decisions affirming the lower court, at least in part, divided by the total number of appellate decisions. Dismissed appeals are not included in the computation. The complete affirmance rate only uses decisions which completely affirmed the lower court, with no other outcome, such as affirmed in part, remanded in part.



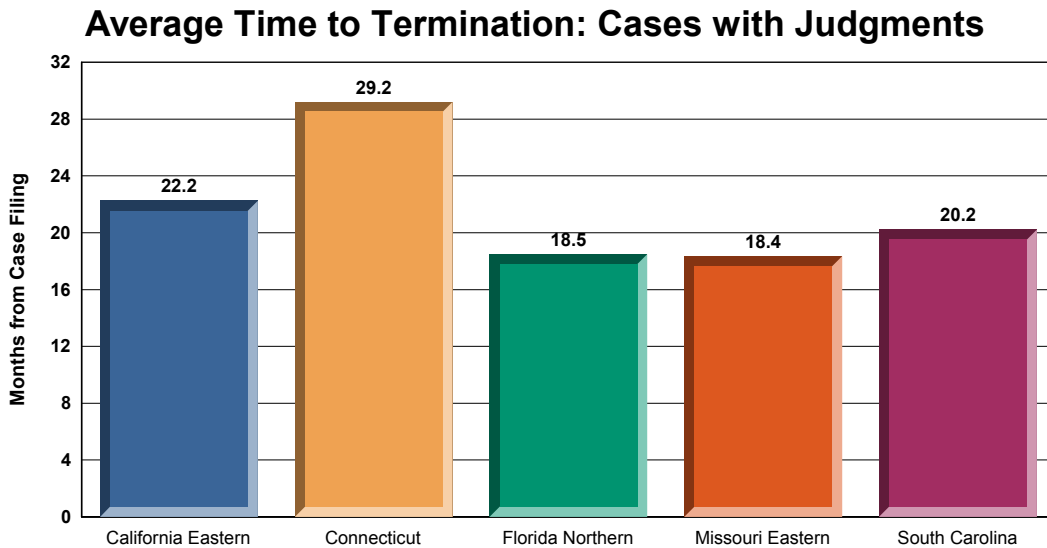
Time to Termination: All Cases

The average time from case filing to case termination, in months, for all patent cases in these districts is shown below. All terminated cases (including voluntary dismissals, settlements, etc. are included).



Time to Termination: All Cases with Judgments

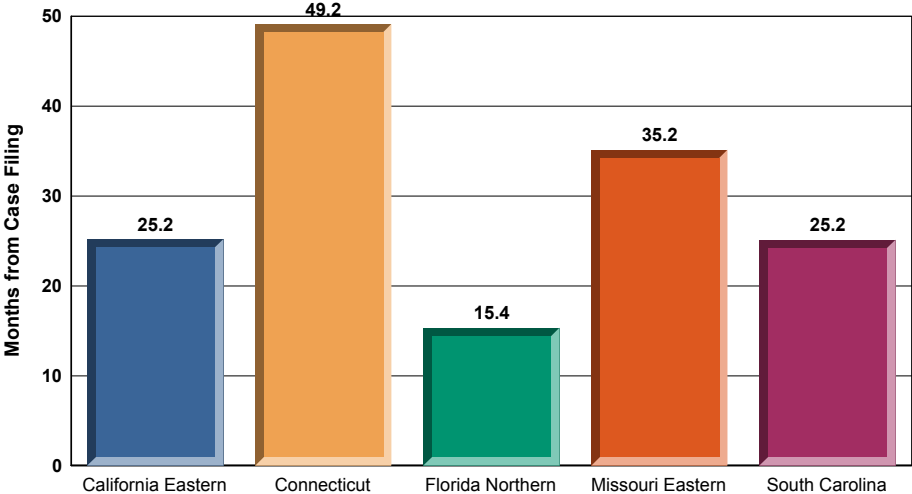
The average time from case filing to case termination, in months, for all patent cases terminated by judgment in these districts is shown below. This includes cases terminated by consent and default judgments.



Time to Termination: All Cases with Contested Judgments

The average time from case filing to case termination, in months, for all patent cases terminated by contested judgment in these districts is shown below. This does NOT include cases terminated by consent and default judgments.

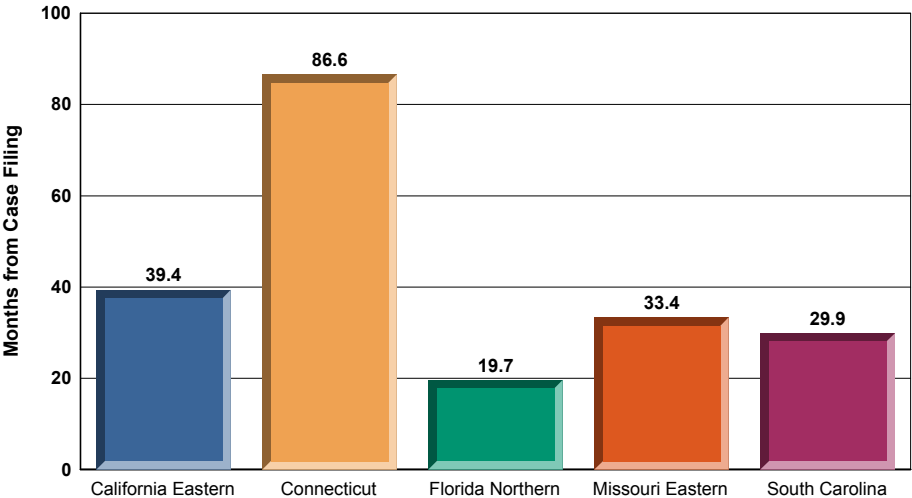
Average Time to Termination: Contested Judgments



Time to Termination: Trials

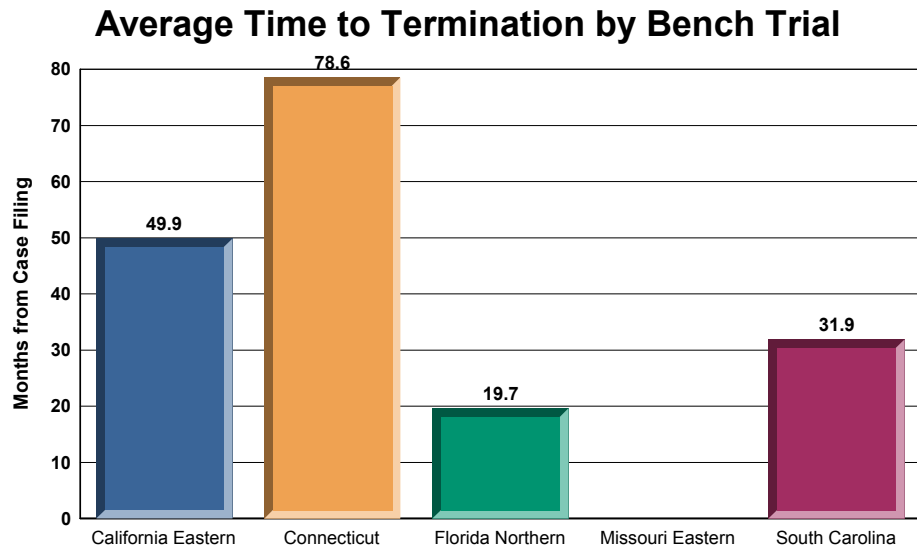
The average time from case filing to case termination, in months, for all patent cases terminated by trials in these districts is shown below. This includes both bench and jury trials.

Average Time to Termination by Trial



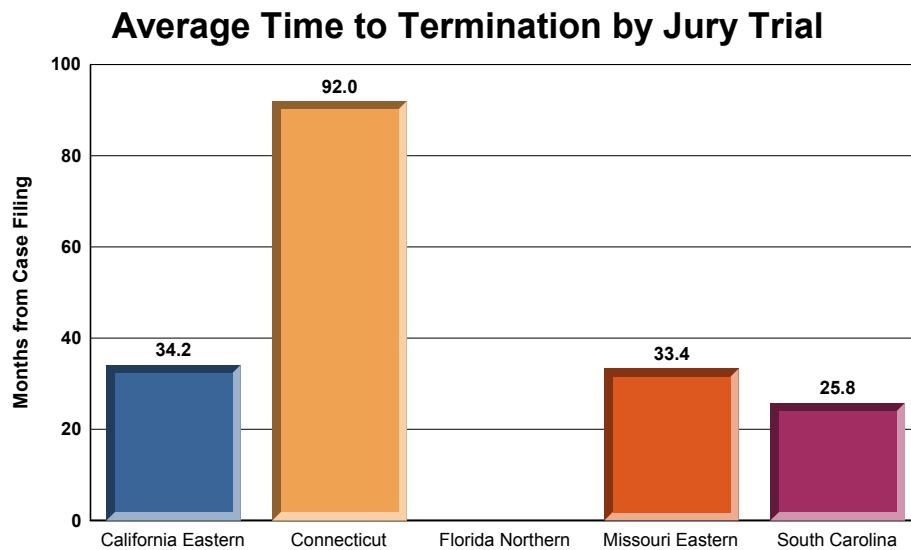
Time to Termination: Bench Trials

The average time from case filing to case termination, in months, for all patent cases terminated by bench trials in these districts is shown below.



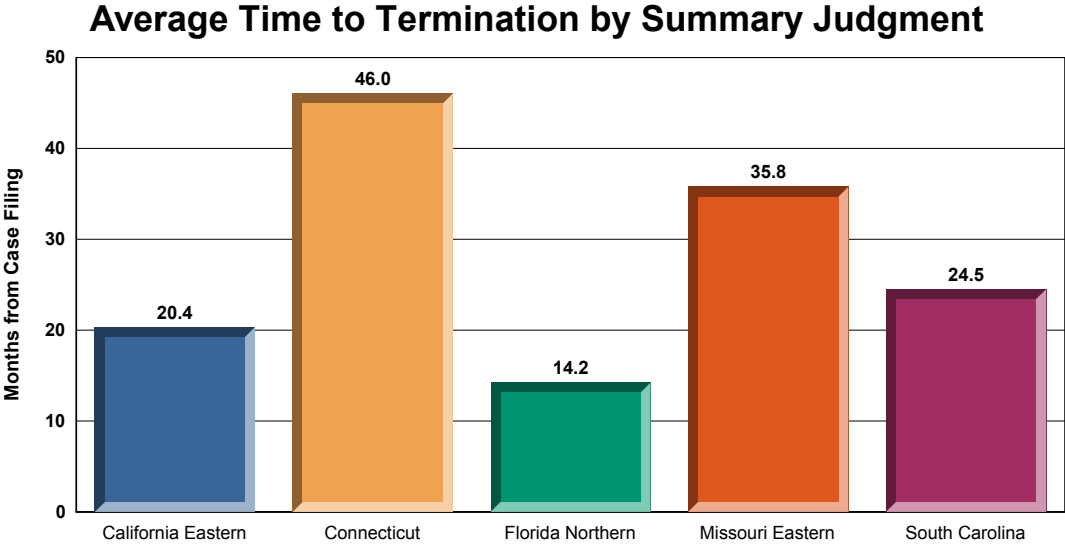
Time to Termination: Jury Trials

The average time from case filing to case termination, in months, for all patent cases terminated by jury trials in these districts is shown below.



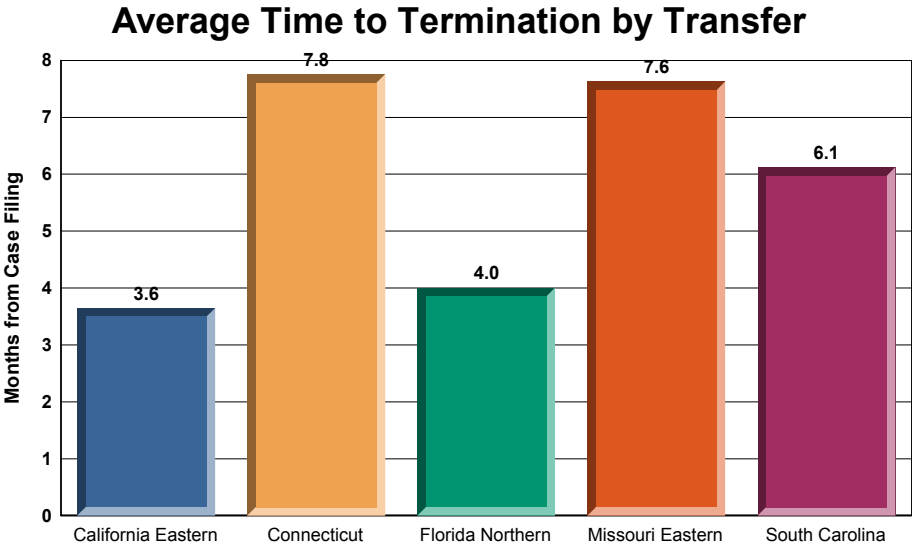
Time to Termination: Summary Judgment

The average time from case filing to case termination, in months, for all patent cases terminated by summary judgment in these districts is shown below. Note that the time to decision on summary judgment motions is a different metric and is considered below in the motions section of the report.



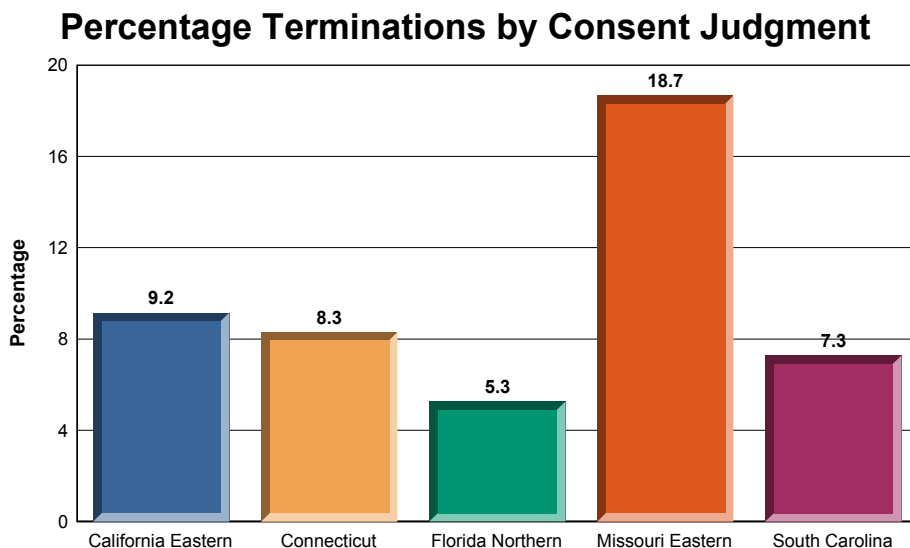
Time to Termination: Transfer

The average time from case filing to case termination, in months, for all patent cases terminated by transfer in these districts is shown below. Note that the time to decision on transfer motions is a different metric and is considered below in the motions section of the report. The average time to termination by transfer include terminations by MDL transfer.

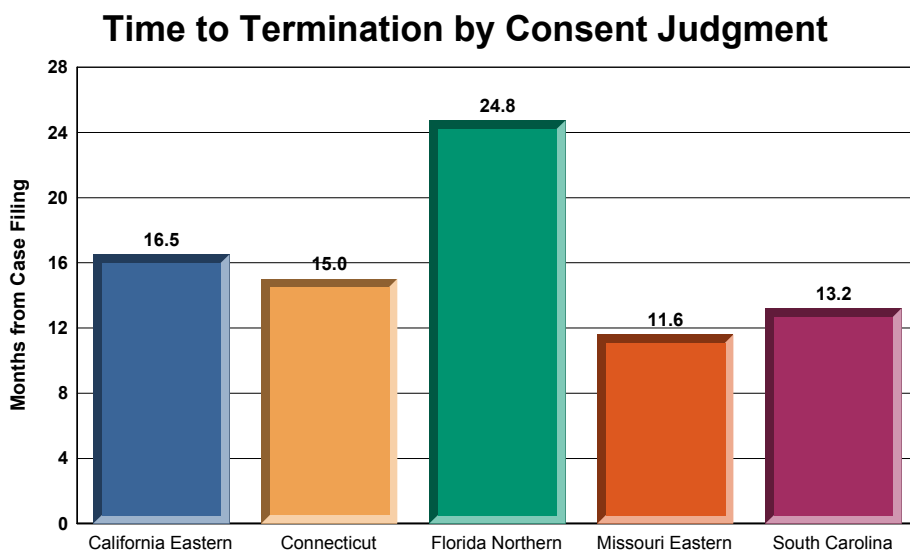


Terminations by Consent Judgment

The percentage of patent cases terminated by consent judgment in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by consent judgment.

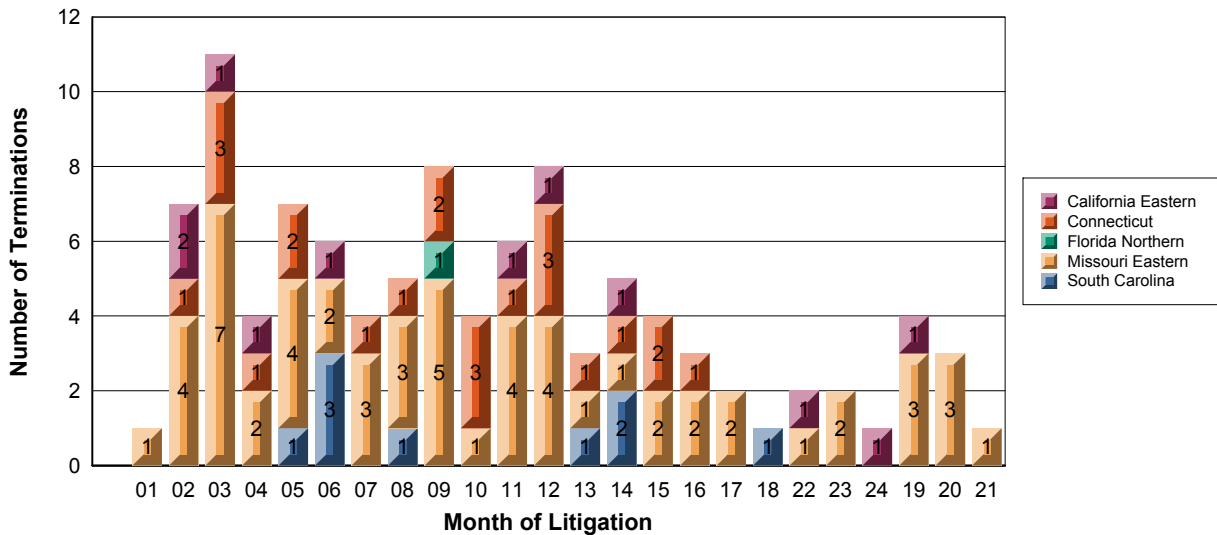


The average time (in months) from case filing to termination of these cases by consent judgment is shown below, by district.



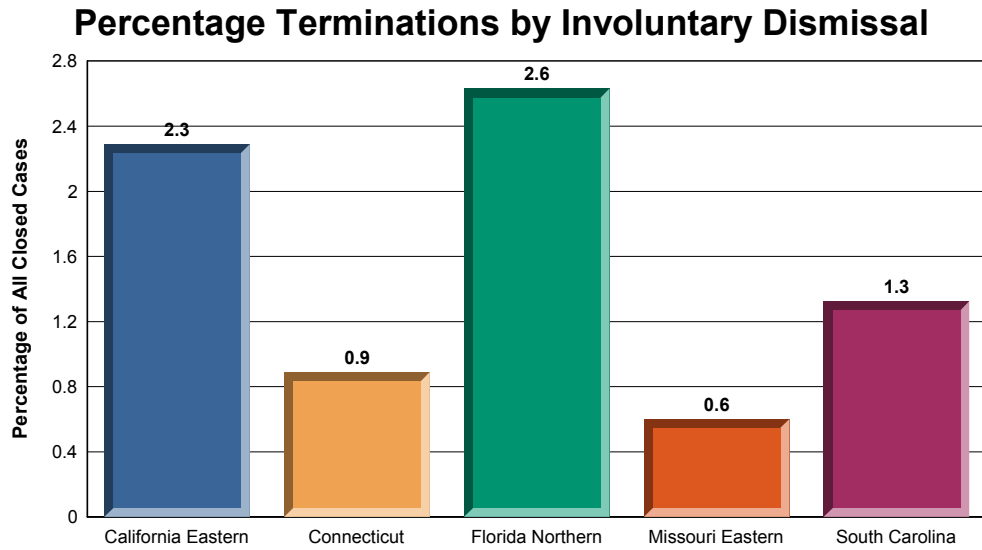
The distribution of terminations, by month of litigation, for cases terminated by consent judgment is illustrated below.

Distribution of Consent Judgment Terminations, by Month of Litigation

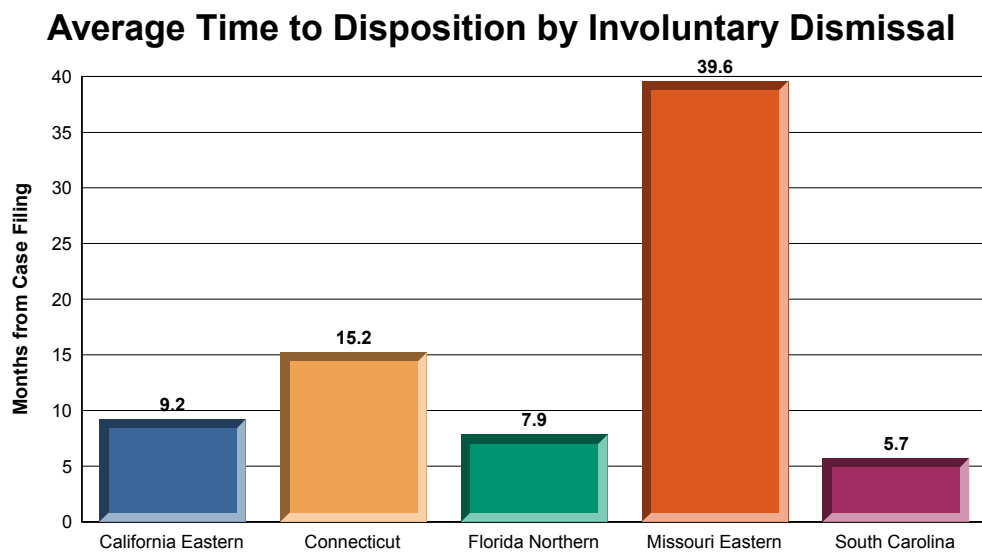


Terminations by Involuntary Dismissal

The percentage of patent cases terminated by involuntary dismissal in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by involuntary dismissal, and does not include terminations for lack of jurisdiction.

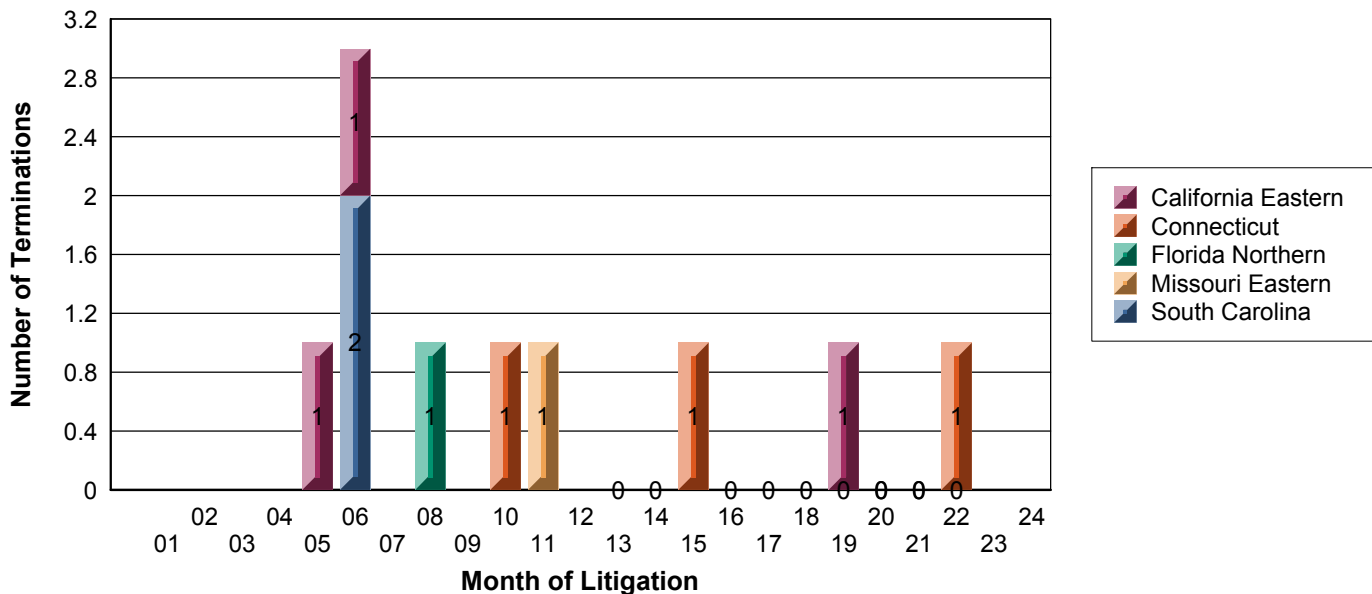


The average time (in months) from case filing to termination of these cases by involuntary dismissal is shown below, by district.



The distribution of terminations, by month of litigation, for cases terminated by involuntary dismissal is illustrated below.

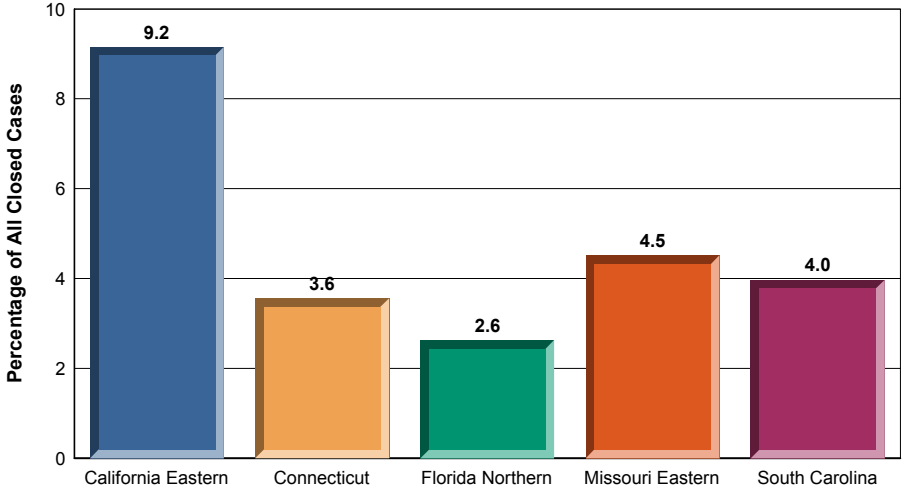
Distribution of Involuntary Dismissal Terminations, by Month of Litigation



Terminations by Summary Judgment

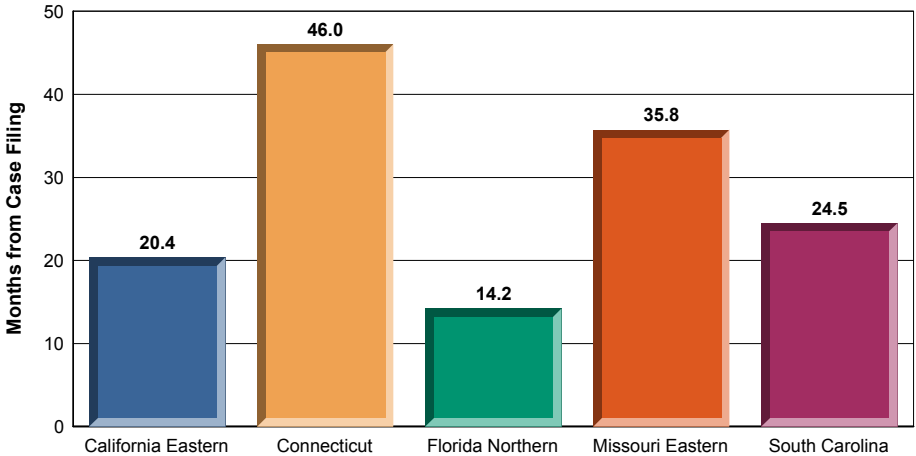
The percentage of patent cases terminated by summary judgment in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by summary judgment, and does not include non-dispositive summary judgment motions. For the latter, see the summary judgment motion section below.

Percentage Terminations by Summary Judgment



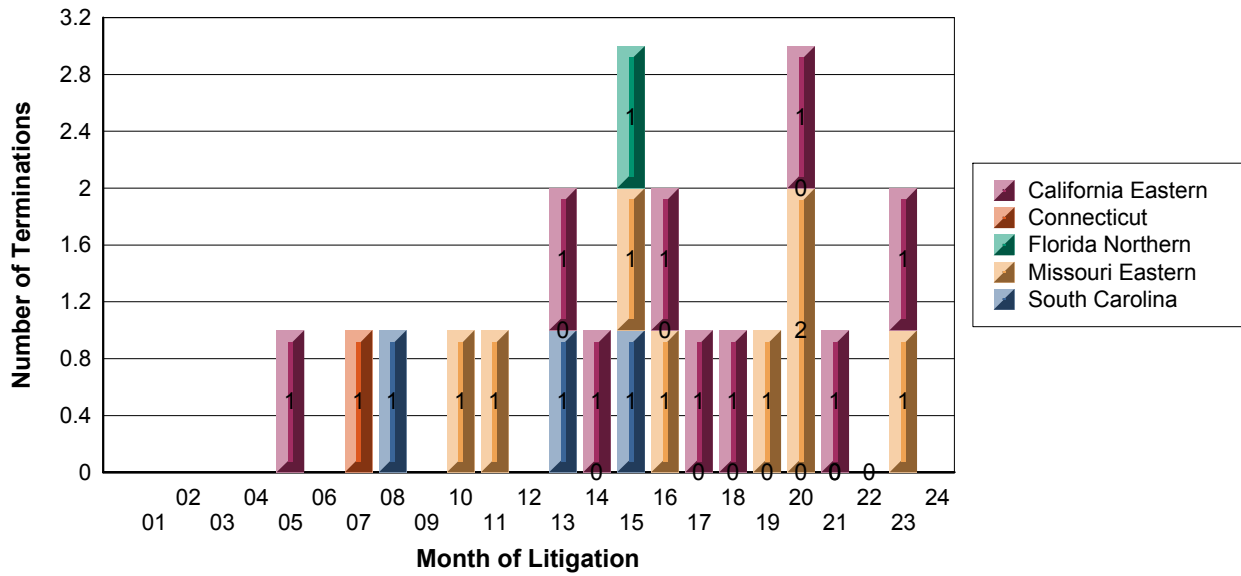
The average time (in months) from case filing to termination of these cases by summary judgment is shown below, by district.

Average Time to Case Disposition by Summary Judgment



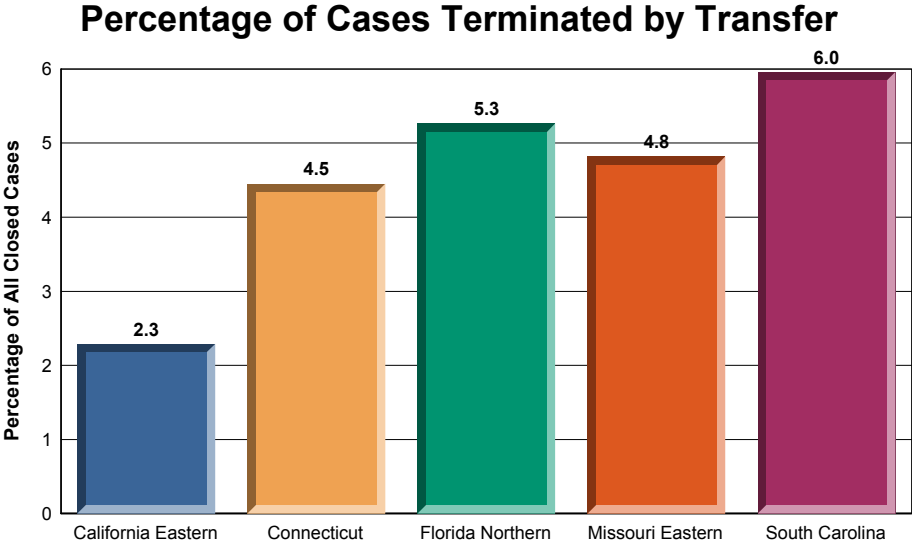
The distribution of terminations, by month of litigation, for cases terminated by summary judgment is illustrated below.

Distribution of Summary Judgment Terminations by Month of Litigation

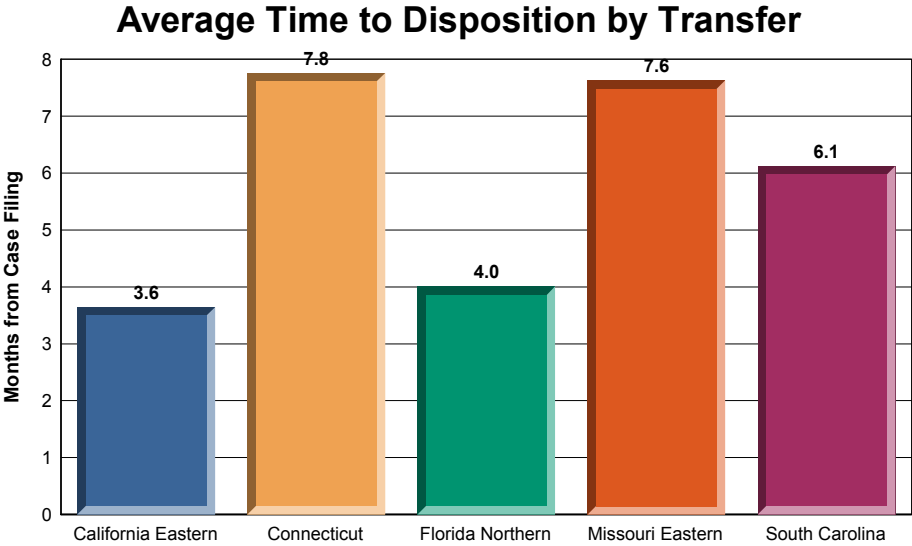


Terminations by Transfer

The percentage of patent cases terminated by transfer in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by transfer, and does not include non-dispositive transfer motions. For the latter, see the transfer motion section below. This section includes terminations by MDL transfer.

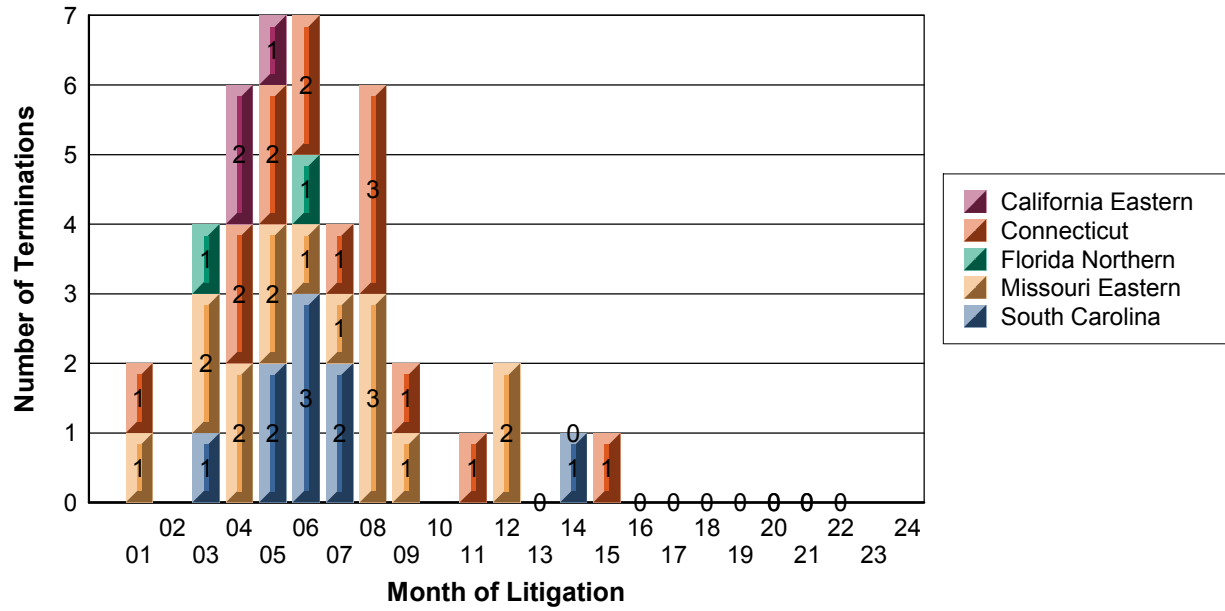


The average time (in months) from case filing to termination of these cases by transfer is shown below, by district.



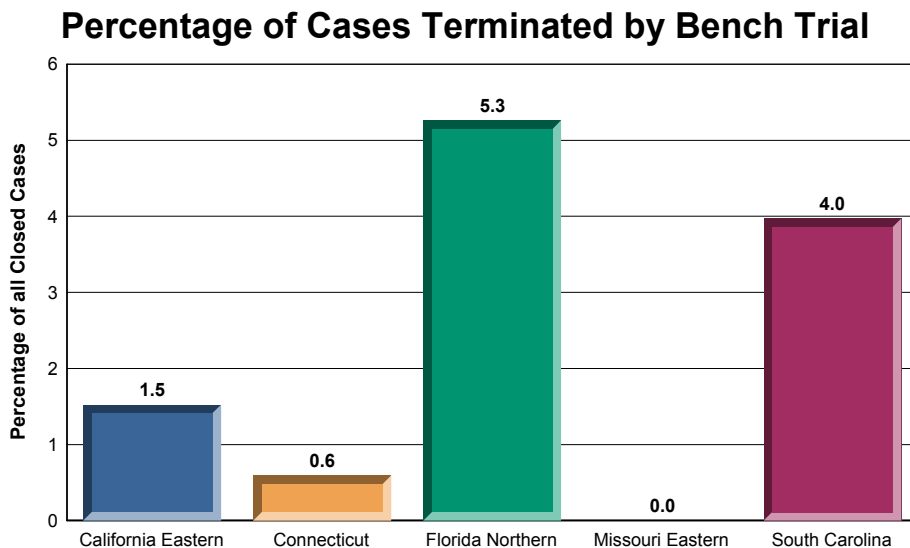
The distribution of terminations, by month of litigation, for cases terminated by transfer is illustrated below.

Distribution of Transfer Dispositions by Month of Litigation

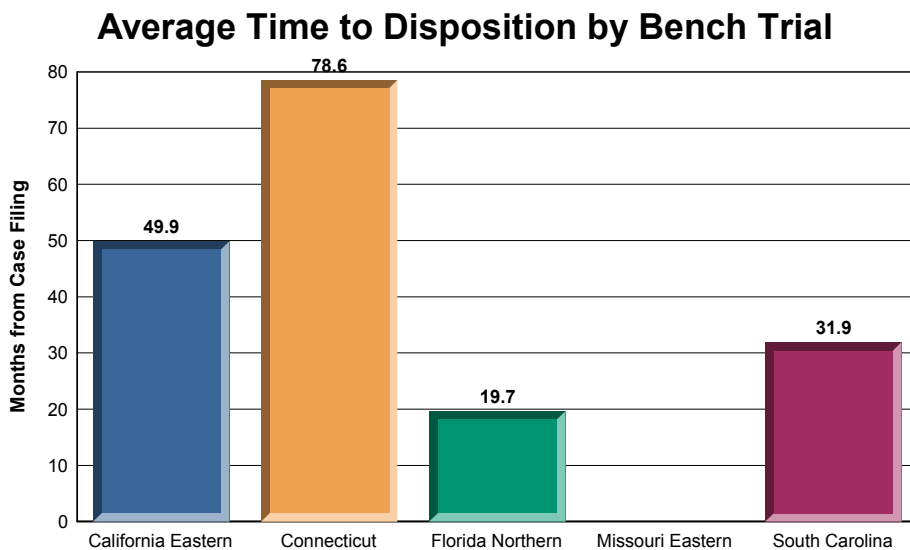


Terminations by Bench Trial

The percentage of patent cases terminated by bench trial in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by bench trial. Terminations by jury trial are the topic of the following section.

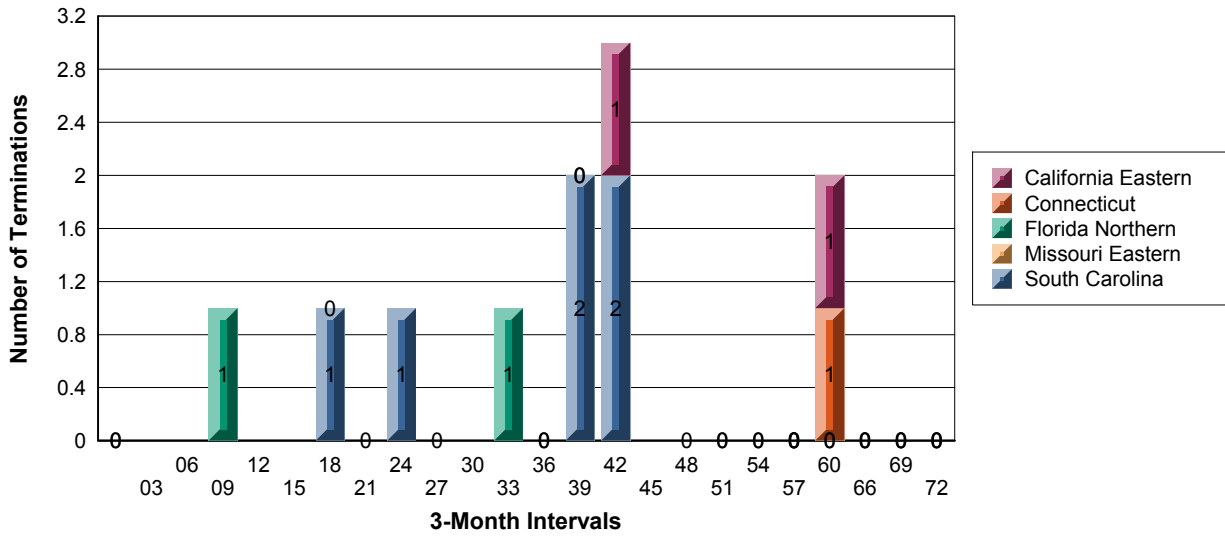


The average time (in months) from case filing to termination of these cases by bench trial is shown below, by district.



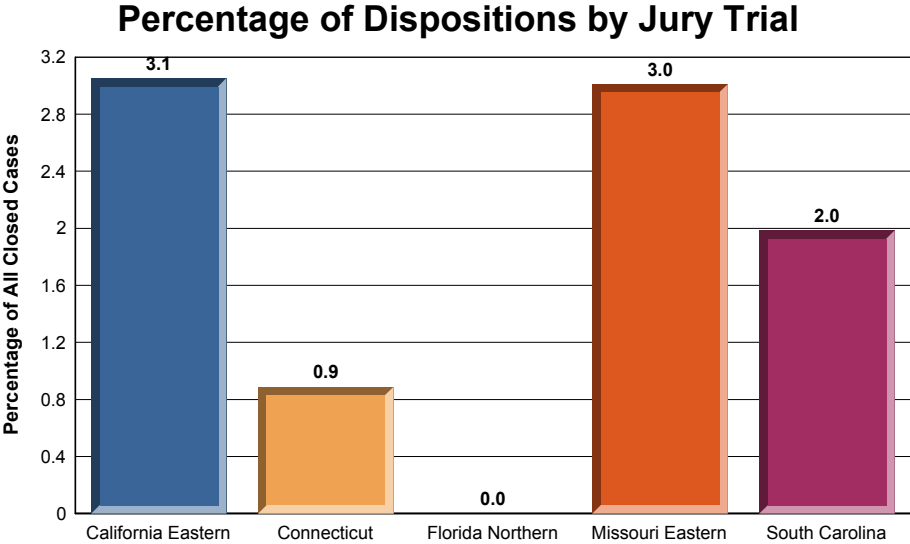
The distribution of terminations, by month of litigation, for cases terminated by bench trial is illustrated below. Note the scale on this chart: the distribution is measured in 3-month intervals.

Distribution of Bench Trial Terminations, by Month of Litigation

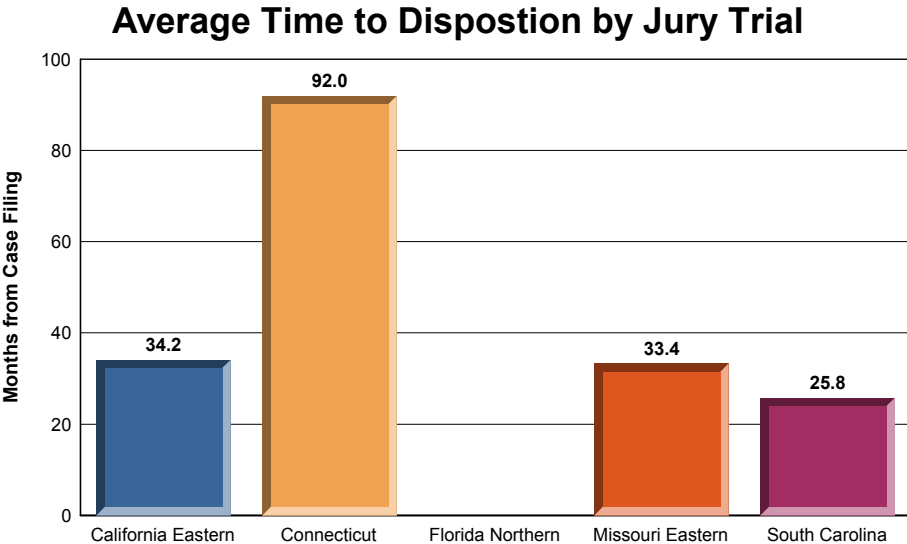


Terminations by Jury Trial

The percentage of patent cases terminated by jury trial in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by jury trial. For bench trials, see the preceding section.

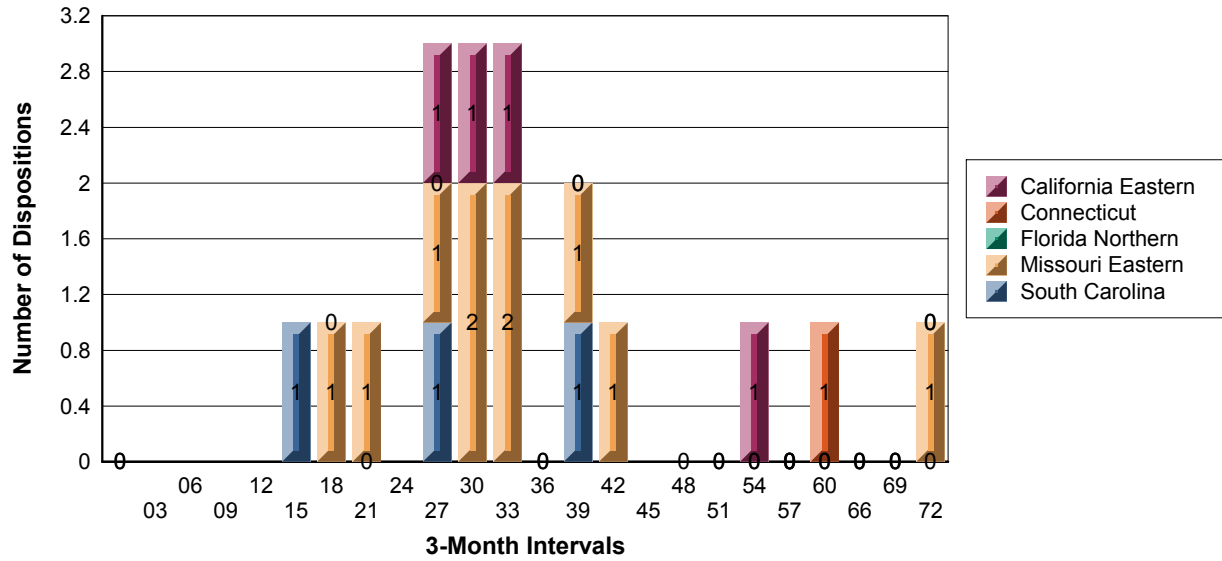


The average time (in months) from case filing to termination of these cases by jury trial is shown below, by district.



The distribution of terminations, by month of litigation, for cases terminated by jury trial is illustrated below. Note the scale on this chart: the distribution is measured in 3-month intervals.

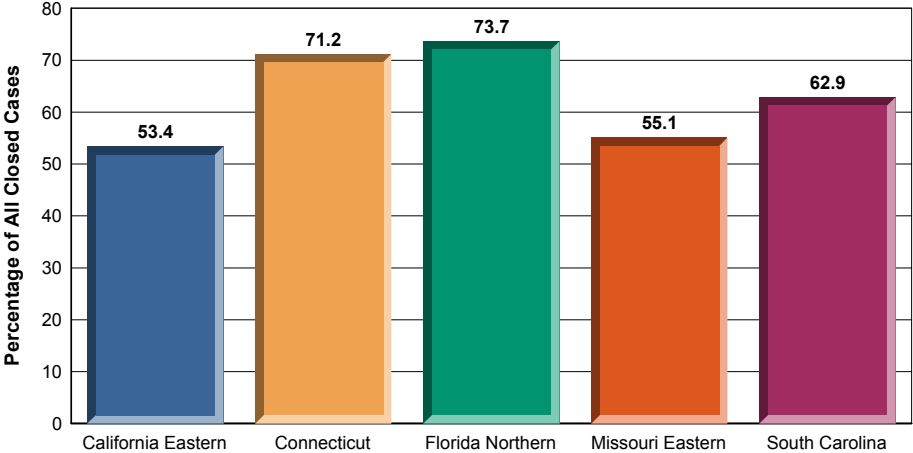
Distribution of Dispositions by Jury Trial by Stage of Litigation



Terminations by Voluntary Dismissals and Other Settlements

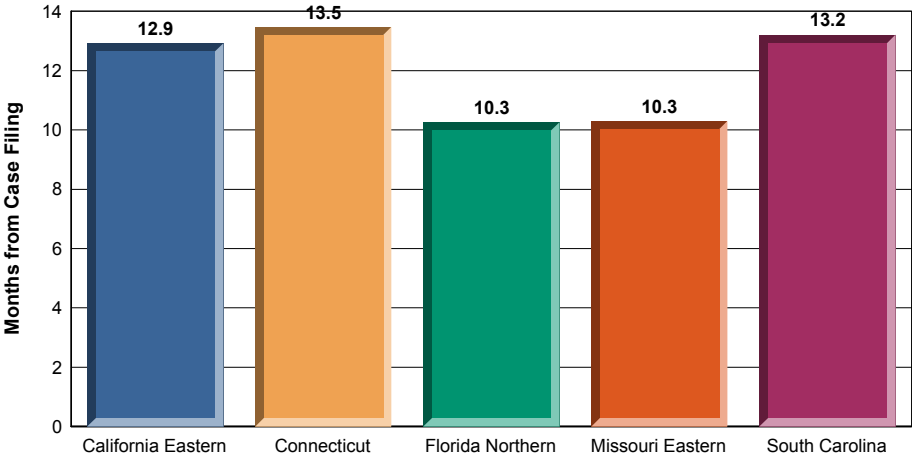
The percentage of patent cases terminated by voluntary dismissals and other settlements in these districts varied as shown below. This percentage is the fraction of all closed cases terminated by voluntary dismissals and other settlements. For consent judgments, see above.

Percentage of Cases Terminated by Voluntary Dismissal or Other Settlement



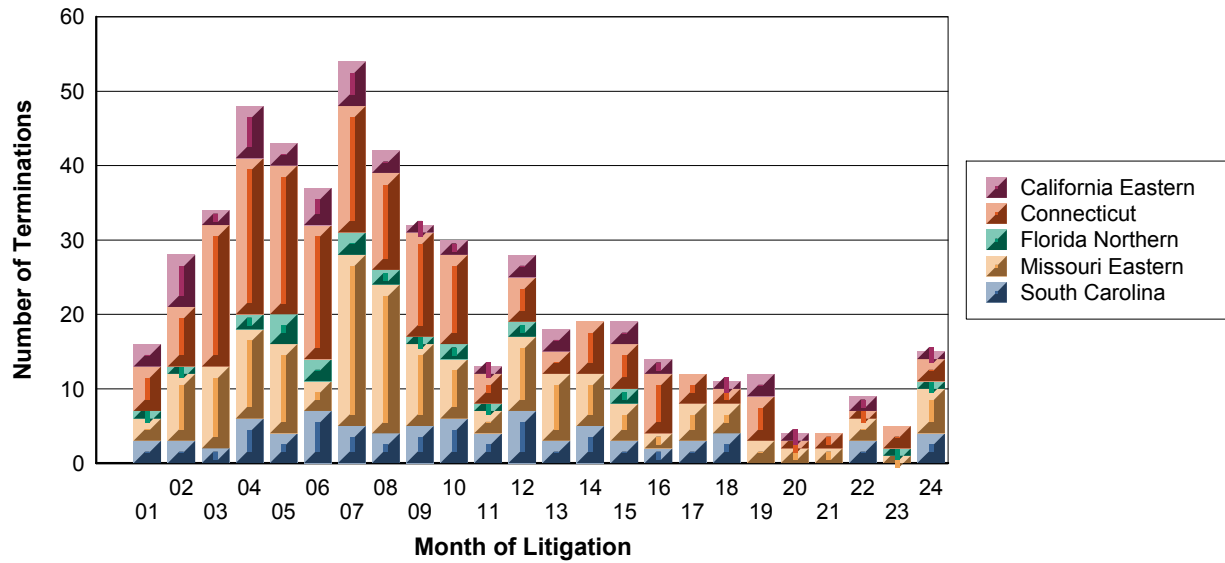
The average time (in months) from case filing to termination of these cases by voluntary dismissal or other settlement is shown below, by district.

Average Time to Disposition by Voluntary Dismissal or Other Settlement



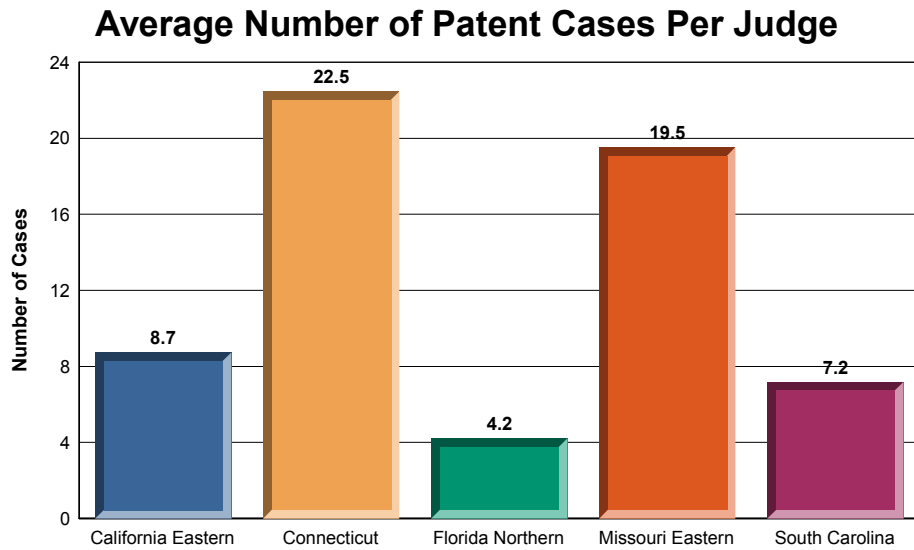
The distribution of terminations, by month of litigation, for cases terminated by voluntary dismissal or other settlement is illustrated below.

Distribution of Terminations by Voluntary Dismissal or Other Settlement by Month of Litigation



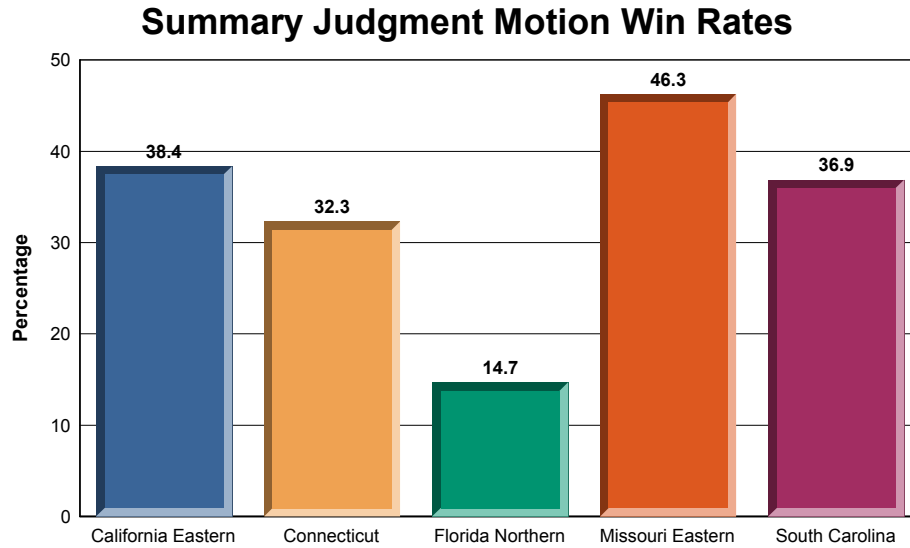
Comparison of Average Number of Patent Cases Per Judge

The variation in the average number of patent cases per judge in these districts is shown below. Note that these figures include cases assigned to magistrate judges in those districts where that occurs.

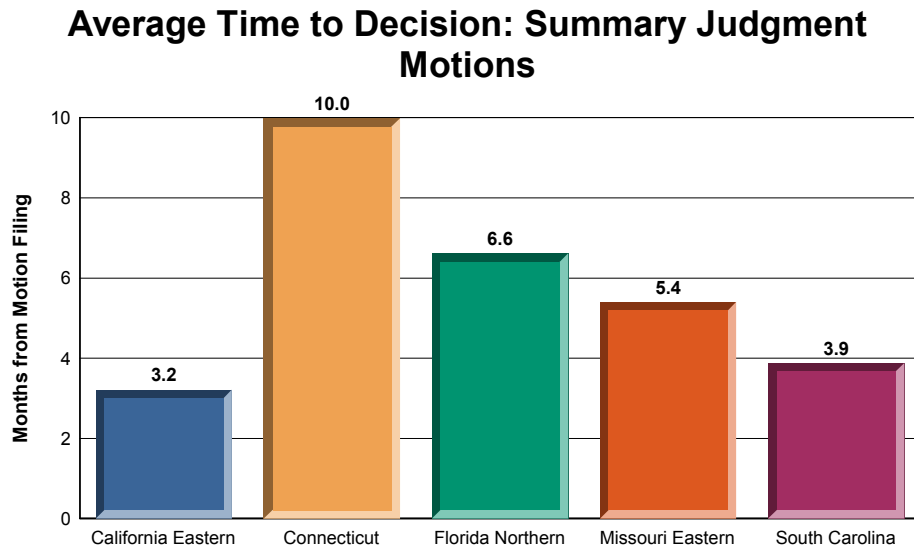


Summary Judgment Motions (Dispositive and Non-Dispositive)

The contested win rate on summary judgment motions in these districts is shown below. In computing win rates, a decision granting a motion in part and denying the motion in part is treated as 1/2 a "win".

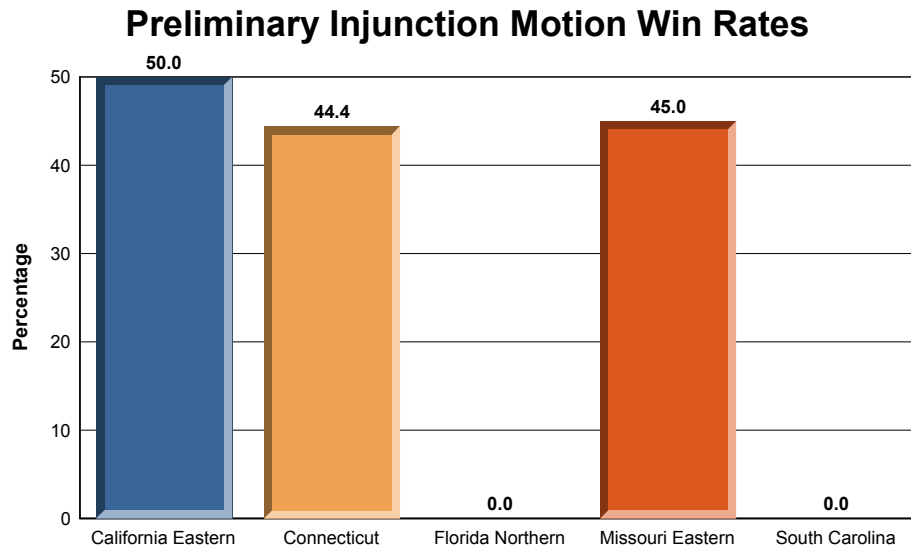


The average time from motion filing to decision on summary judgment motions in these districts is shown below.



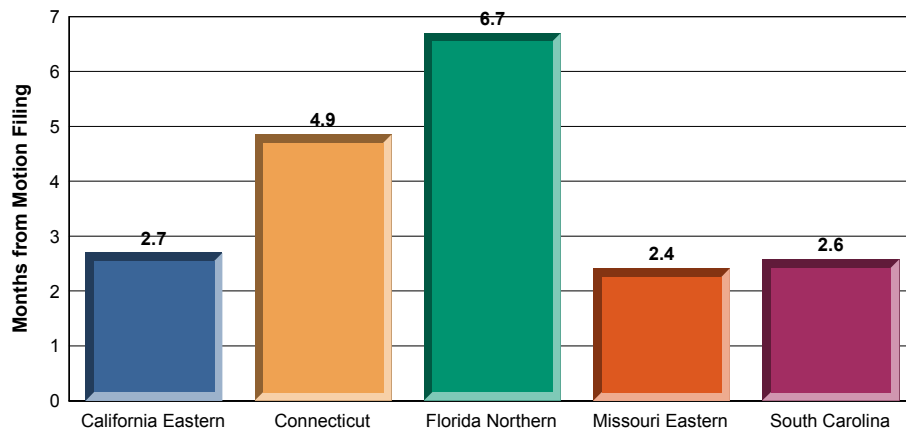
Preliminary Injunction Motions

The contested win rate on preliminary injunction motions in these districts is shown below. In computing win rates, a decision granting a motion in part and denying the motion in part is treated as 1/2 a "win".



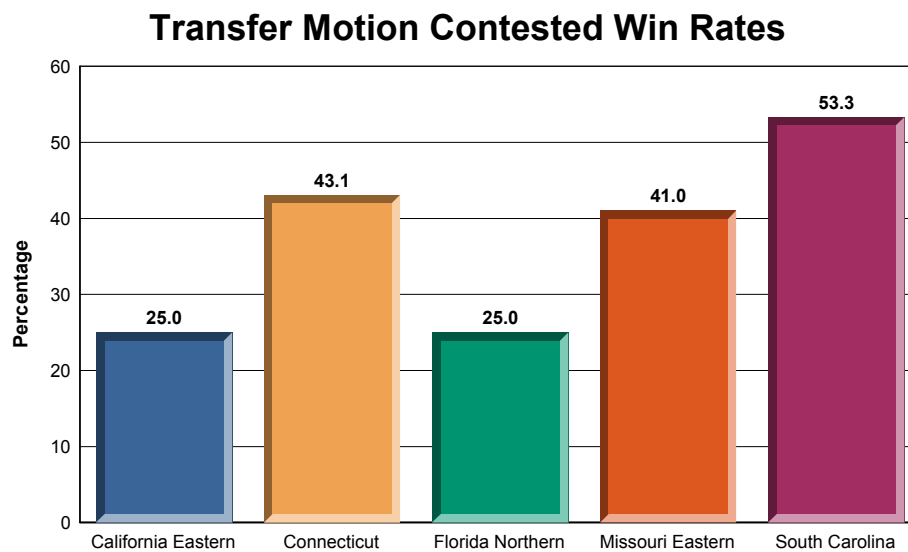
The average time from motion filing to decision on preliminary injunction motions in these districts is shown below.

Average Time to Decision on Preliminary Injunction Motions

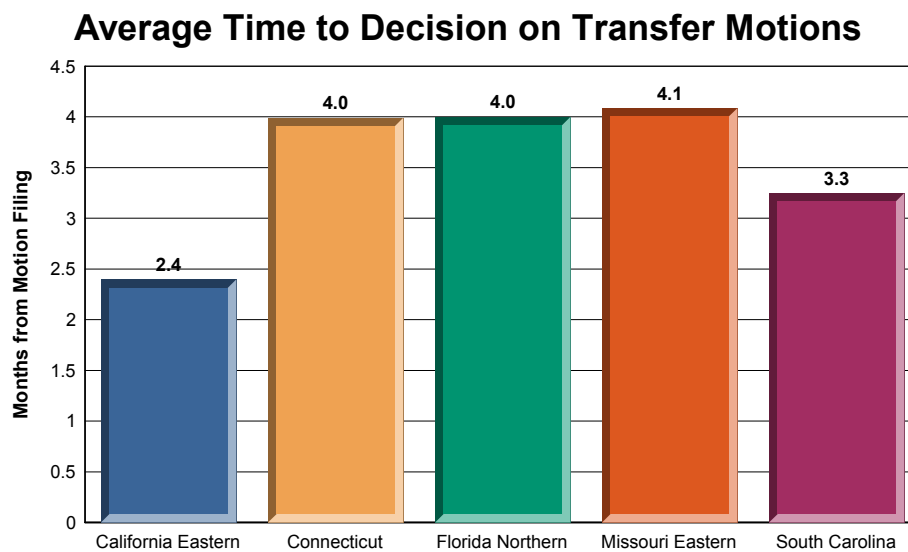


Transfer Motions

The contested win rate on transfer motions in these districts is shown below. In computing win rates, a decision granting a motion in part and denying the motion in part is treated as 1/2 a "win". For cases

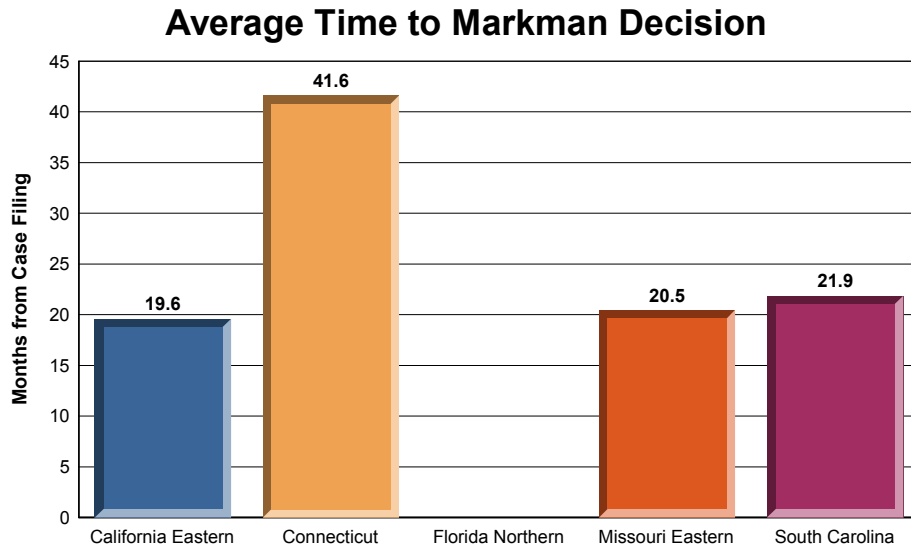


The average time from motion filing to decision on contested transfer motions in these districts is shown below.



Claim Construction/Markman Rulings

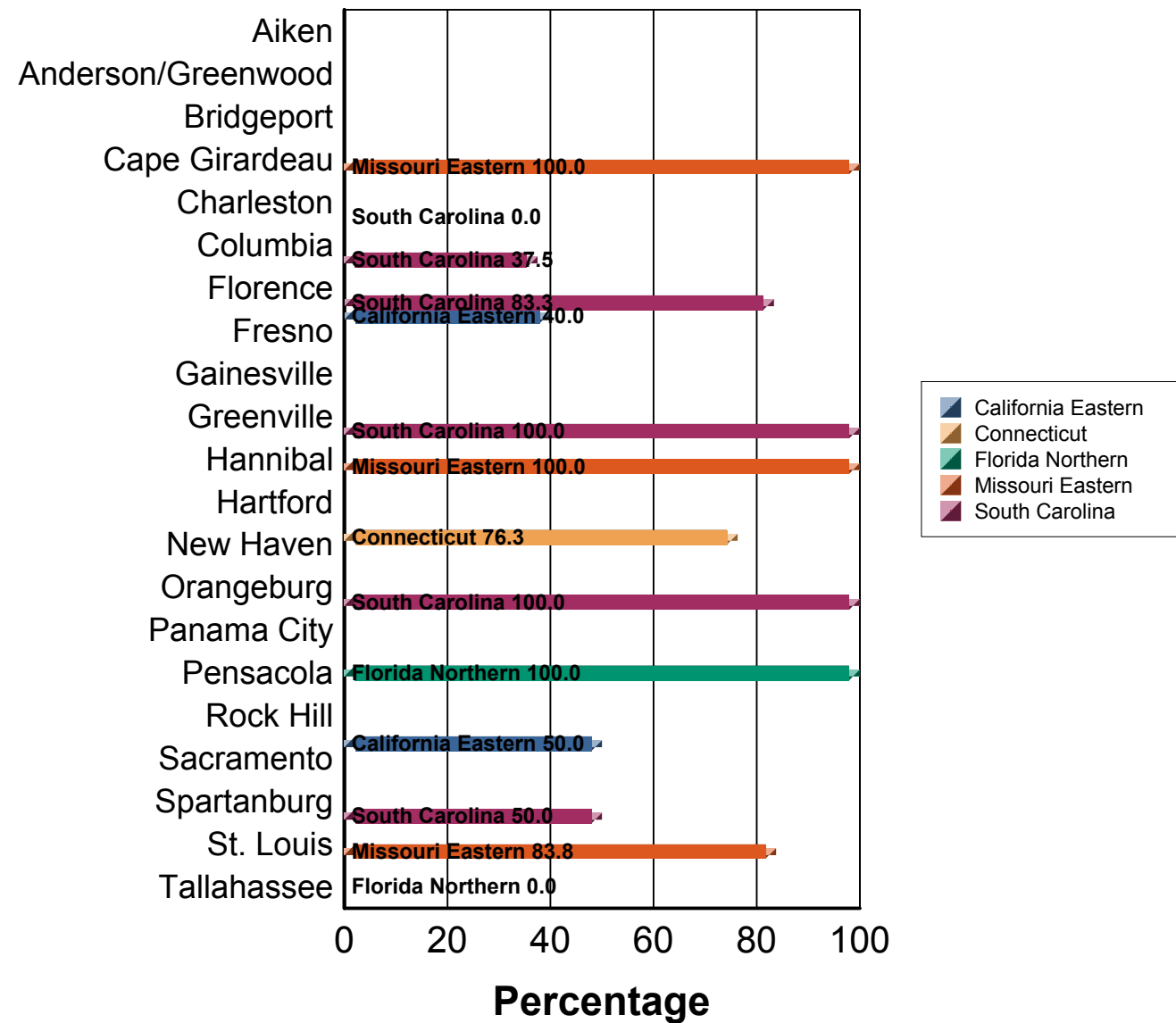
The average time from case filing to claim construction/Markman ruling for these districts is shown below. These figures do not include claim construction rulings made in connection with summary judgment



Divisional Breakdown: Overall Win Rates

The overall win rates for patentees in these cases are shown below for these districts. These overall win rates include consent and default judgments.

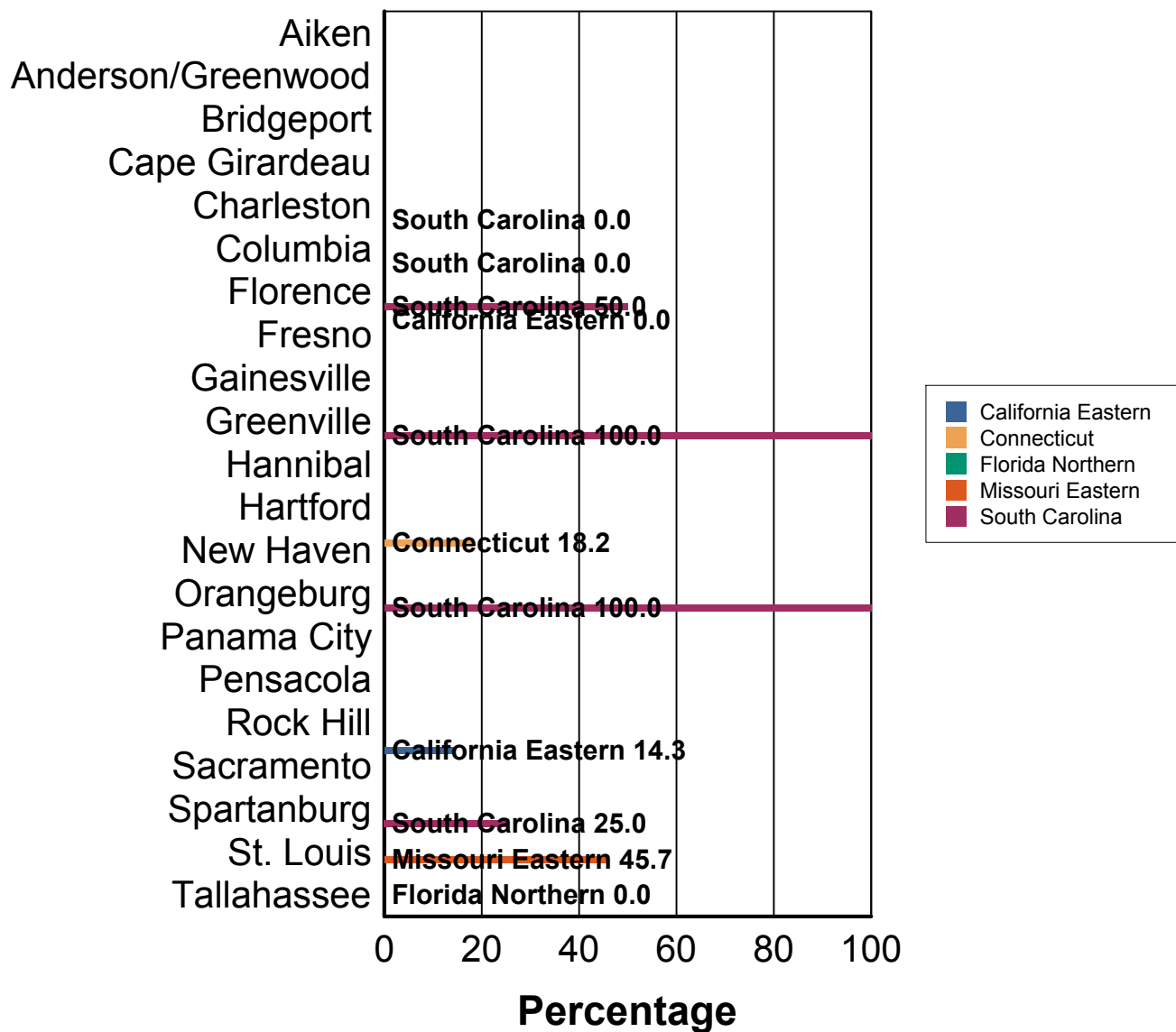
Overall Win Rate by Division



Divisional Breakdown: Contested Win Rates

The contested win rates for patentees in these cases are shown below for these districts. These contested win rates do not include consent and default judgments.

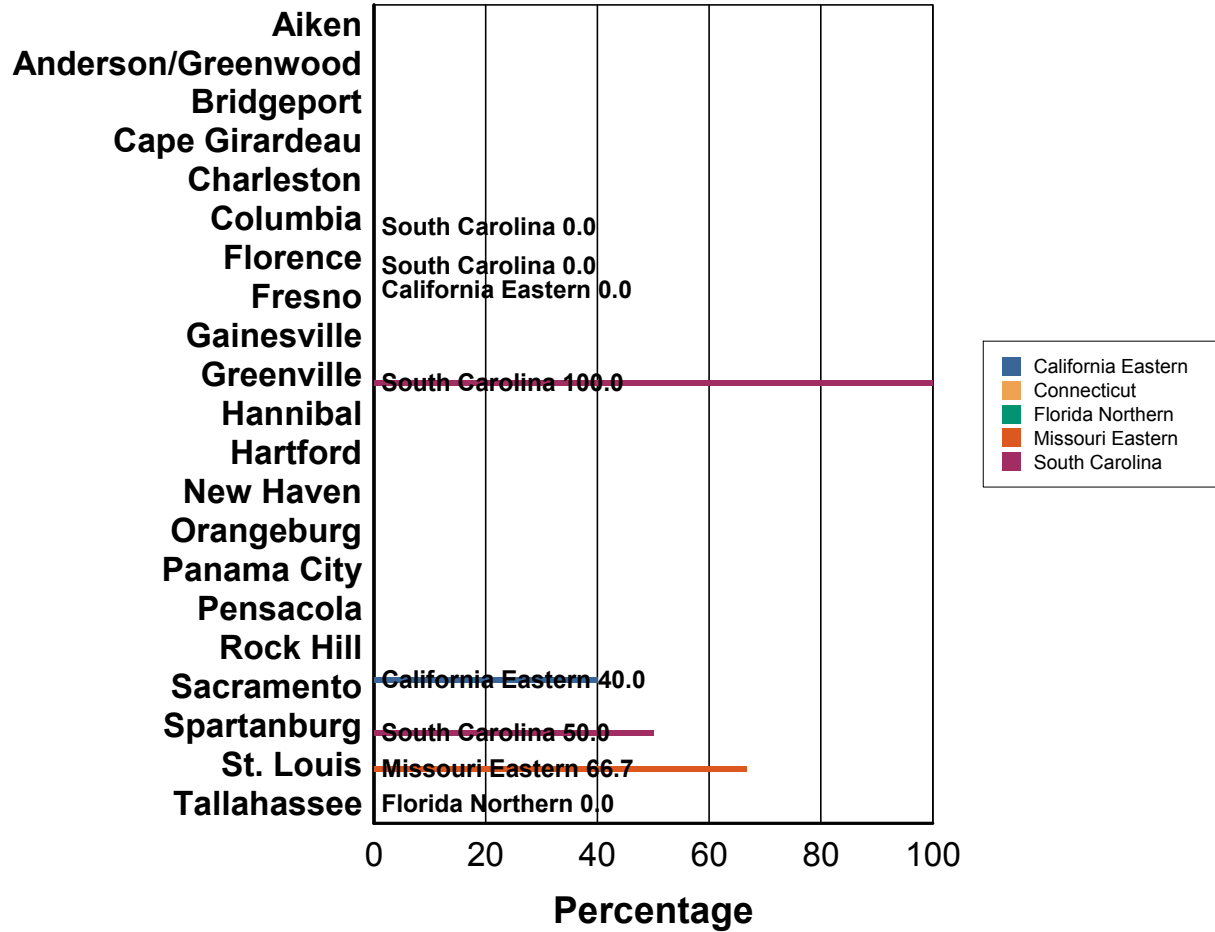
Contested Win Rates, by Division



Divisional Breakdown: Trial Win Rate

The win rates for patentees in these cases which were terminated by trials are shown below for these districts. These trial win rates include both bench and jury trials.

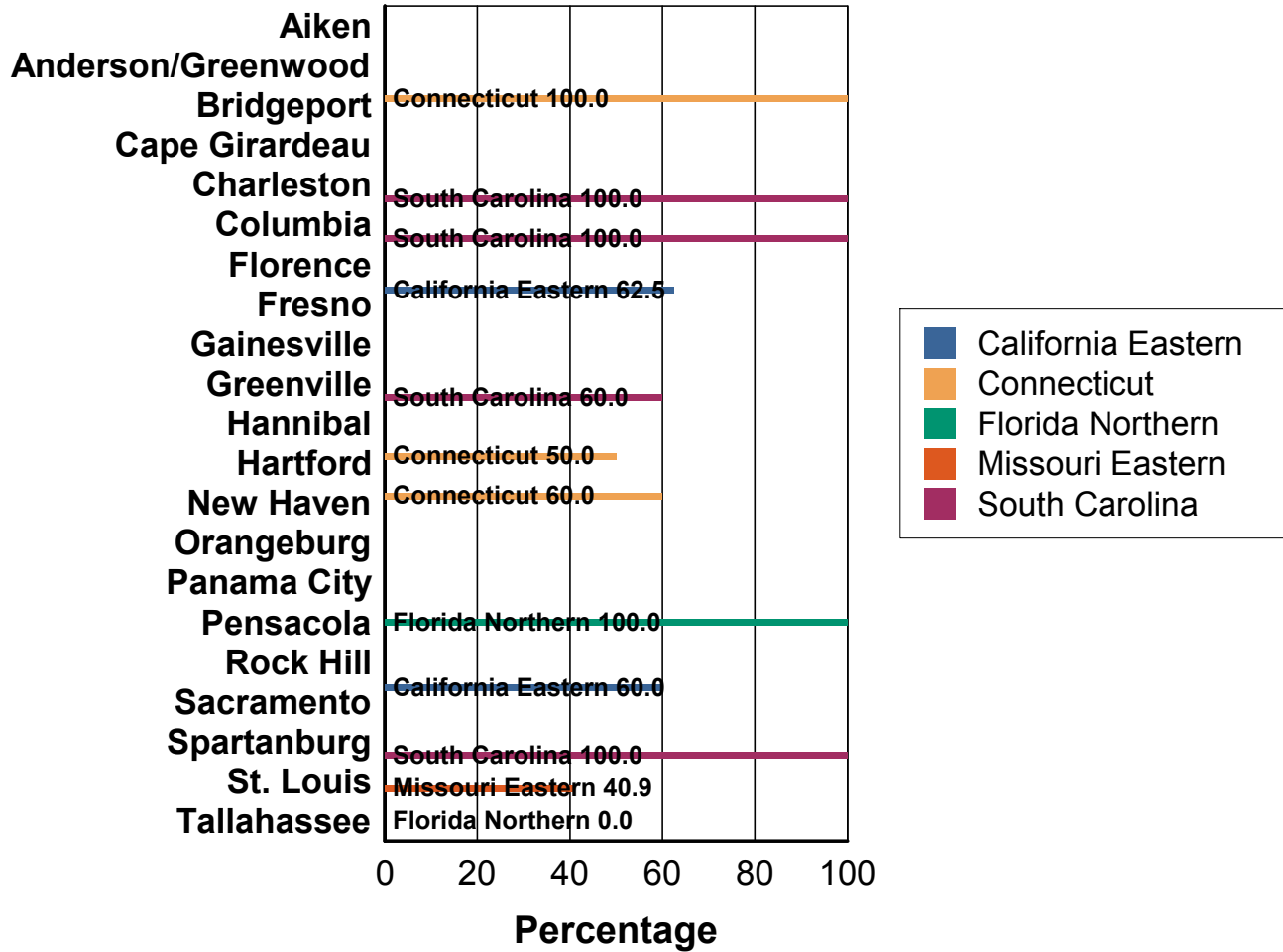
Trial Win Rates, by Division



Divisional Breakdown: Complete Affirmance Rate

The complete affirmance rates in these cases are shown below for these districts. Complete affirmance rates count only those cases in which the court of appeals affirmed with no other action (e.g., affirmed in

Complete Affirmance Rate, by Division



Divisional Breakdown: Time to Termination by Judgment

The average time to termination by judgment, by division, is shown below. Consent and default judgments are included.

Average Time to Termination by Judgment

