

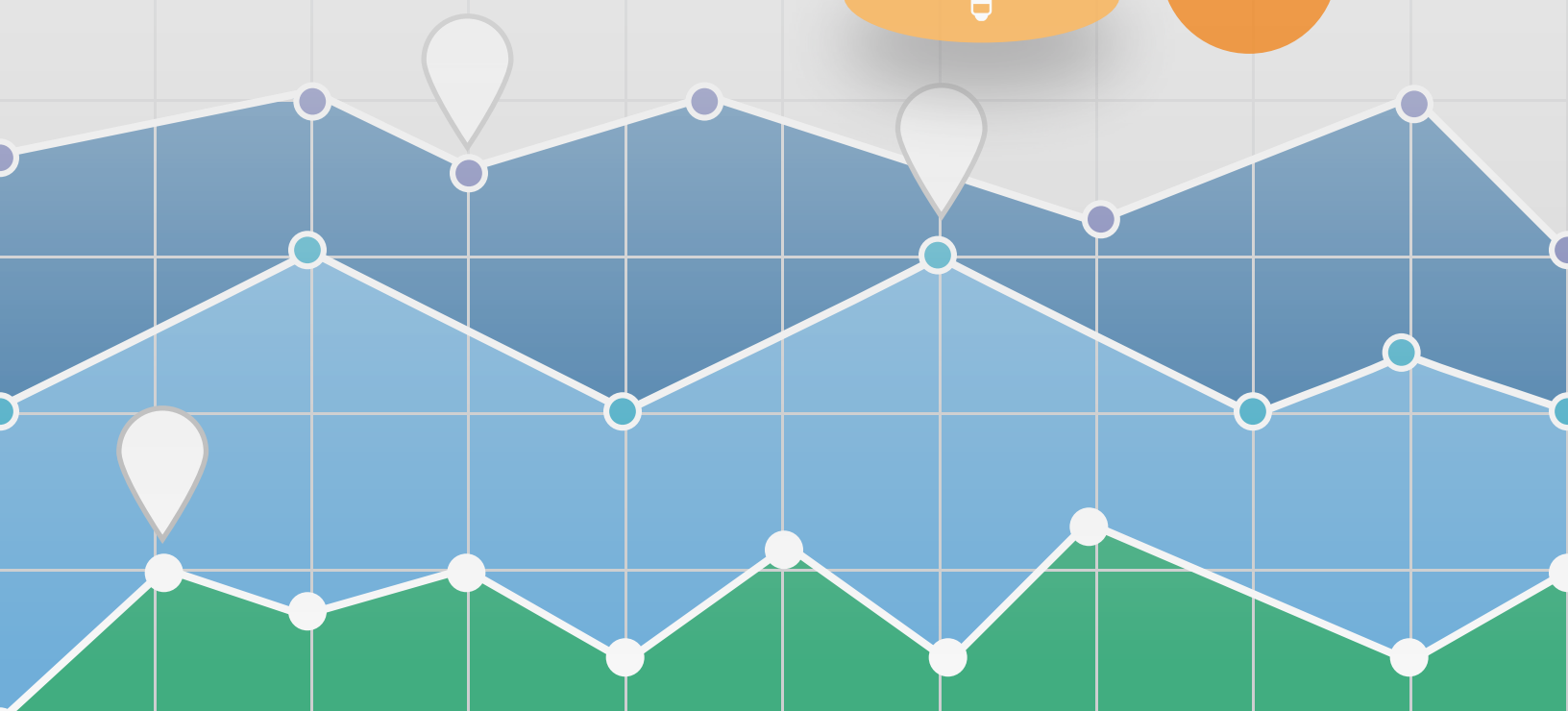
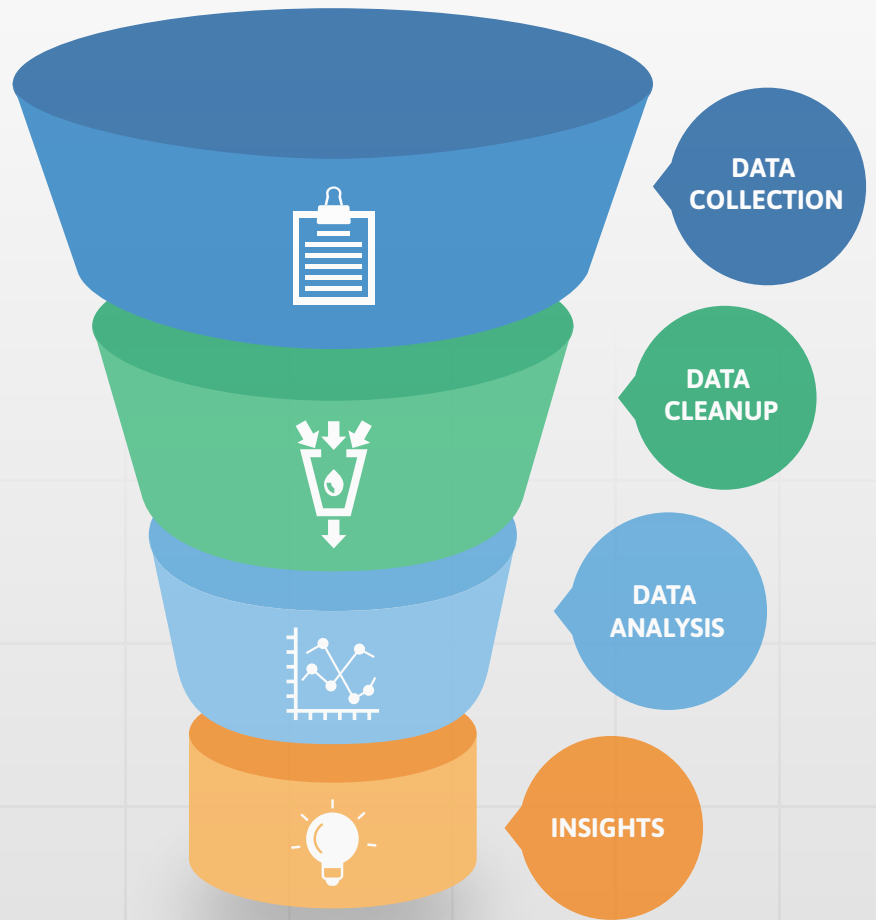
Patexia. Insights

# IPR Intelligence Report

JULY 2013 / JUNE 2018

Prepared by  
Patexia Data Science Team  
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# Introduction



After receiving so much positive feedback from our IP community for our first IPR Intelligence Report (2017 Edition) as well as many *Patexia Chart Articles* that we published on a regular basis since last year, I am delighted to announce the release of our popular *IPR Intelligence Report - 2018 Edition*. We have made a number of improvements to this year's report at the suggestion of our community and we are confident you will see the added value in these changes.

Some of these improvements include updating our *Natural Language Processing (NLP)* and *Machine Learning* algorithms to better detect and match entity and attorney names, implementation of a sophisticated PDF cruncher to automatically read and digest the content of thousands of PDF documents related to IPR cases, upgrading our servers and scaling some of our processing power to Google Cloud Services for processing massive volume of data. Finally, we have updated our IPR performance modeling to a more balanced methodology,

which accounts for the performance at the claim-level and is based on the survival of claims through IPR challenges.

In addition, we have also updated our attorney, law firm and company pages on [www.patexia.com](http://www.patexia.com). Profiles of more than 70,000 IP attorneys, 15,000 law firms and over 100,000 companies are all available and accessible for free on Patexia. Attorneys and law firms can now claim their profiles and add descriptions about their practice and what makes them unique.

Our team of dedicated *Data Scientists, Engineers and Analysts* have spent thousands of man hours over the last twelve months to get to this point and it has resulted in this condensed report that you are (digitally) holding in your hands.

We hope that our IP community finds this useful and leverages this in their important decision making when it comes to hiring the right team for their IPR cases, expanding their PTAB practice, or many other critical decisions.

A handwritten signature in black ink that reads "Pedram Sameni".

Pedram Sameni  
Founder and CEO

# What's in This Report?

We have organized this report under six sections:

- 1. General Statistics:** We look at the IPR data at the case, patent, and claim levels for different time frames, providing high-level information about all parties as well as technologies involved.
- 2. Case Analysis:** We review the case outcomes and analyze *Denial*, *Institution*, and *Invalidation* rates at the case, patent, and claim levels. These outcomes provide powerful insights about the impact of IPR in the patent system.
- 3. PTAB Administrative Judges:** We analyze the performance of 200 *PTAB Administrative Judges*, identifying the most active as well as the best performing, as viewed by *Patent Owners* or *Petitioners*.
- 4. Petitioners and Patent Owners:** We identify the most active *Petitioners* leveraging IPR against the *Patent Owners*, comparing the top performers for each side.
- 5. Law Firms:** We analyze the performance and activity of law firms, comparing and providing rankings for the top firms representing *Petitioners* or *Patent Owners*.
- 6. Attorneys:** We review the performance and activity of attorneys representing *Petitioners* and *Patent Owners*, comparing and providing rankings for top attorneys on each side.

Similar to last year, to have a meaningful comparison and also compensate for the time required for each case from filing to receiving the *Institution Denial* or *Final Written Decisions* (e.g., 6 to 18 months) we covered the study for a period of five years (e.g., July 1, 2013, through June 30, 2018). While the cut-off day for cases was June 30th 2018, we used the latest updates for the cases as of August 10th, 2018. Appendix A lists all sources of data used for this report.

**Disclaimer:** The data for this report was obtained from public sources including USPTO, PTAB, and PACER, as well as self-reported by attorneys on Patexia's website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100 percent accuracy nor take any responsibility for possible losses caused by use of information provided in this report.

# Executive Summary

Since its inception in September 2012, IPR activity has been rising almost every year. Total of 8,196 cases have been filed through end of Q2 of 2018. In the last five years, 7,751 IPR challenges have been filed by various entities.

For the last five years (2013 to 2017) we observed that year over year filing had been rising. However, for the first six months of 2018, we observed a 23 percent decline compared to the first six months of 2017 (i.e., 761 cases in 2018 vs. 988 cases in 2017)

Institution denial rate has fallen from 41 percent in 2014 to 35 percent in 2017, this is while settlement rate has gone up from 16 percent in 2014 to 20 percent in 2017 and institution rate has seen a slight increase from 43 percent to 45 percent for the same period.

In the last five years, 38 percent of all cases filed have been denied institution, while 42 percent have been instituted. For the same period, about 18 percent of the cases have been settled (excluding the pending cases). The decline in denial and increase in institution as well as settlement, may suggest that petitioners try to only challenge the weaker patents and/or are able to find stronger prior art.

During the last five years, 7,751 IPR cases filed to challenge 4,707 unique patents. These petitions challenged close to 80,000 unique patent claims.

About 80 percent of IPR challenges were filed as a defense method and in response to an active district court litigation while the remaining 20 percent was to deter potential future litigation.

In the last five years, close to 1,500 petitioners have filed total of 7,751 IPR challenges against about 2,600 patent owners. Top 10 petitioners with the highest activity accounted for 20 percent or 1,514 cases for this period. Apple remained the most active petitioner with 350 cases while Zond with 125 cases still maintained the number one position as a patent owner despite almost no activity in the last four years.

More than 1,100 law firms have represented patent owners and petitioners. This includes about 5,050 attorneys. Close to 3,300 attorneys have represented petitioners and about 3,200 have represented patent owners. Similar to last year, we are providing our top law firm partners with most active and best performing IPR badges for 2018.

**Thank you for your purchase of the 2018 IPR Insights Report.** It is your support that enables us to spend the time, money and precious thousands of hours needed to compile an annual report of this magnitude. We at Patexia sincerely hope this report brings value to your organization and we welcome any thoughts or feedback you may have.

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