

How to Overcome Variability and Unpredictability: Patent Prosecution and Litigation Strategies in the U.S.

Miao Li

Asia Training and Onboarding Manager, LexisNexis® IP



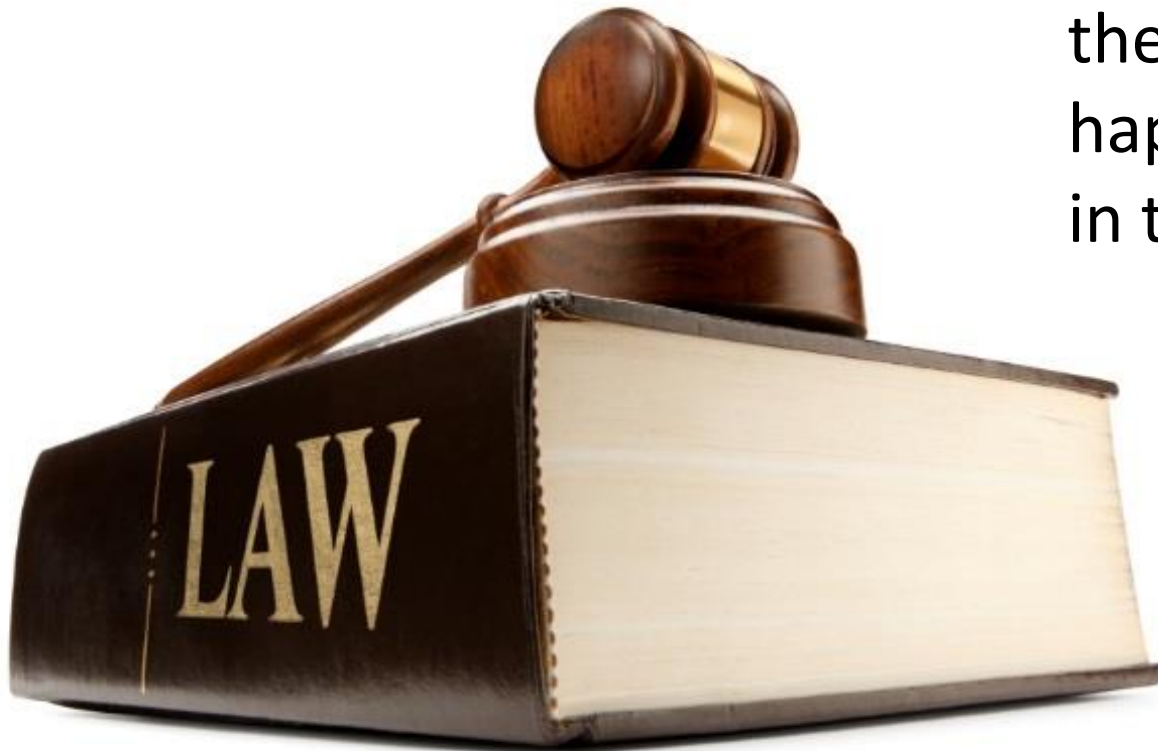
Big Data



<https://www.sportyverse.com/2016/04/big-data-analytics-whats-sports/>

Law

Now It's time for
the same to
happen
in the field of Law!



Significant Variability in Examiner Approach



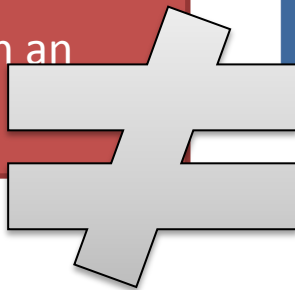
Examiner A: Paul A Thatcher

- **Art Unit: 2172**
- **Allowance Rate: 5%**
- Average time to allowance:
1 year, 10 months
- Average # of Office Actions:
2.5
- Percent of cases with an
appeal cycle: **5%**



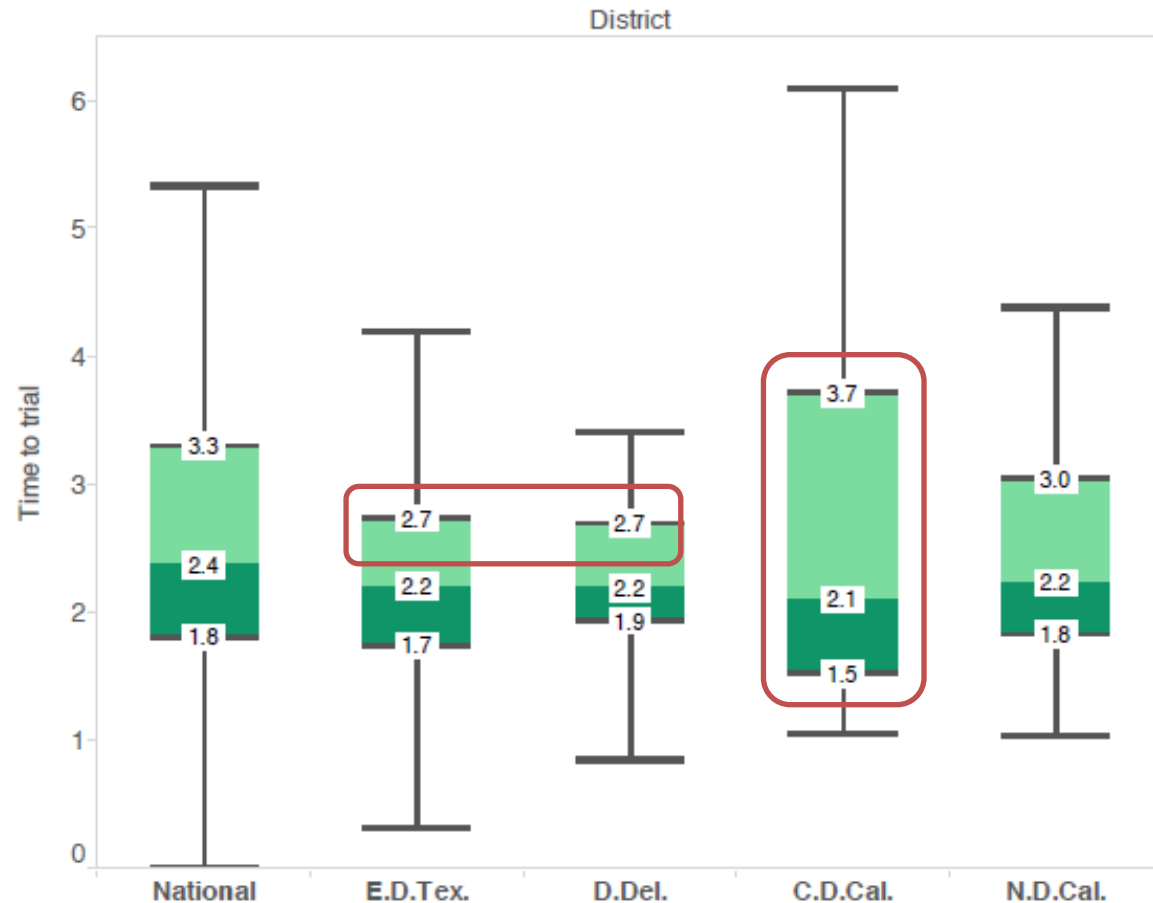
Examiner B: Matthew Ell

- **Art Unit: 2172**
- **Allowance Rate: 58.8%**
- Average time to allowance:
5 years, 4 months
- Average # of Office Actions:
3.4
- Percent of cases with an
appeal cycle: **12.3%**

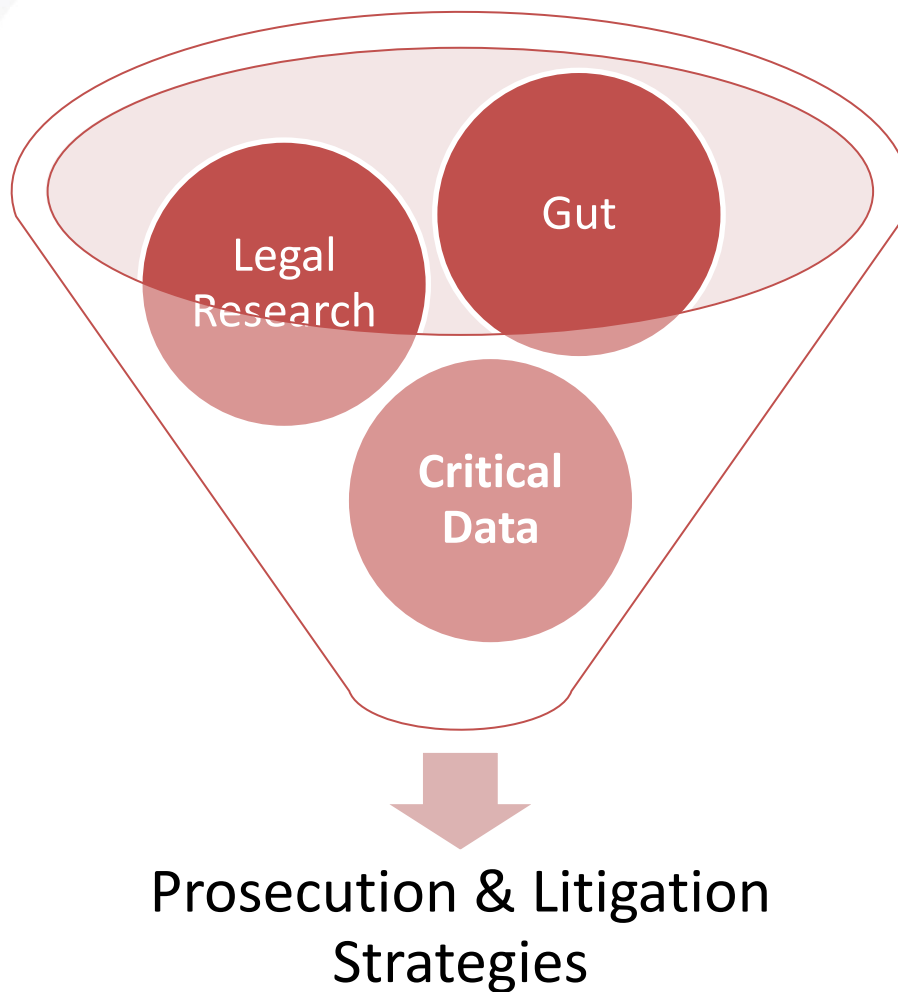


Significant Variability in Court Timing

Figure 14: For top districts, timing by cases filed 2005-2015 and reaching trial in 2012-2015



Patent Strategies





Examples: Leveraging Big Data



Outline

I.
Response
to Final
Rejection

II.
Manage
Patent
Portfolio

III.
Choose
the Right
Litigation
Strategy

IV.
Evaluate
External
Litigation
Counsel

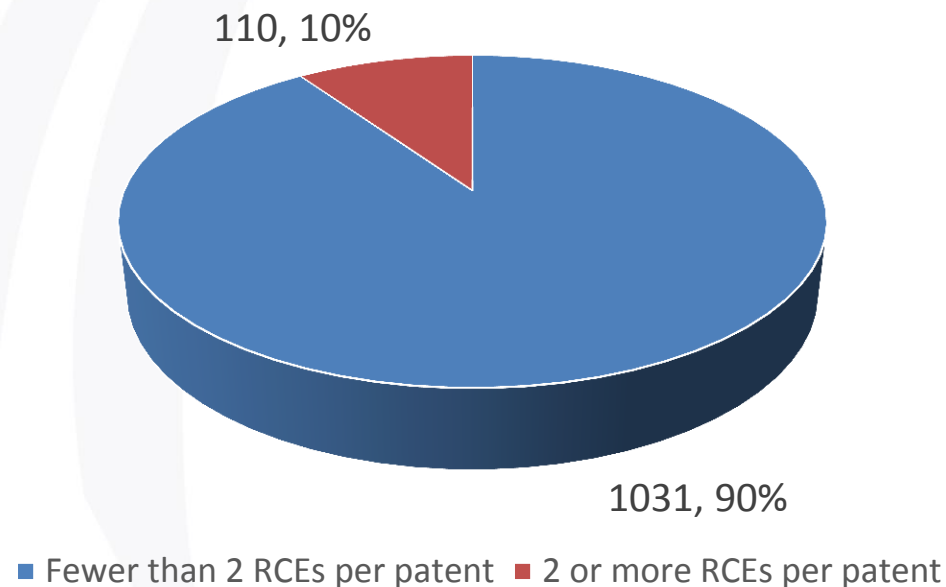
V.
Identify
Patents
of High
Business
Value

Use Case #1

Response to Final Rejection

A Small Number of What are Likely the Lowest Quality Patents Has Drained a Disproportionally Large Percentage of Available Response Filing Dollars

Total Patents Issued May 5, 2013-current



Good news:

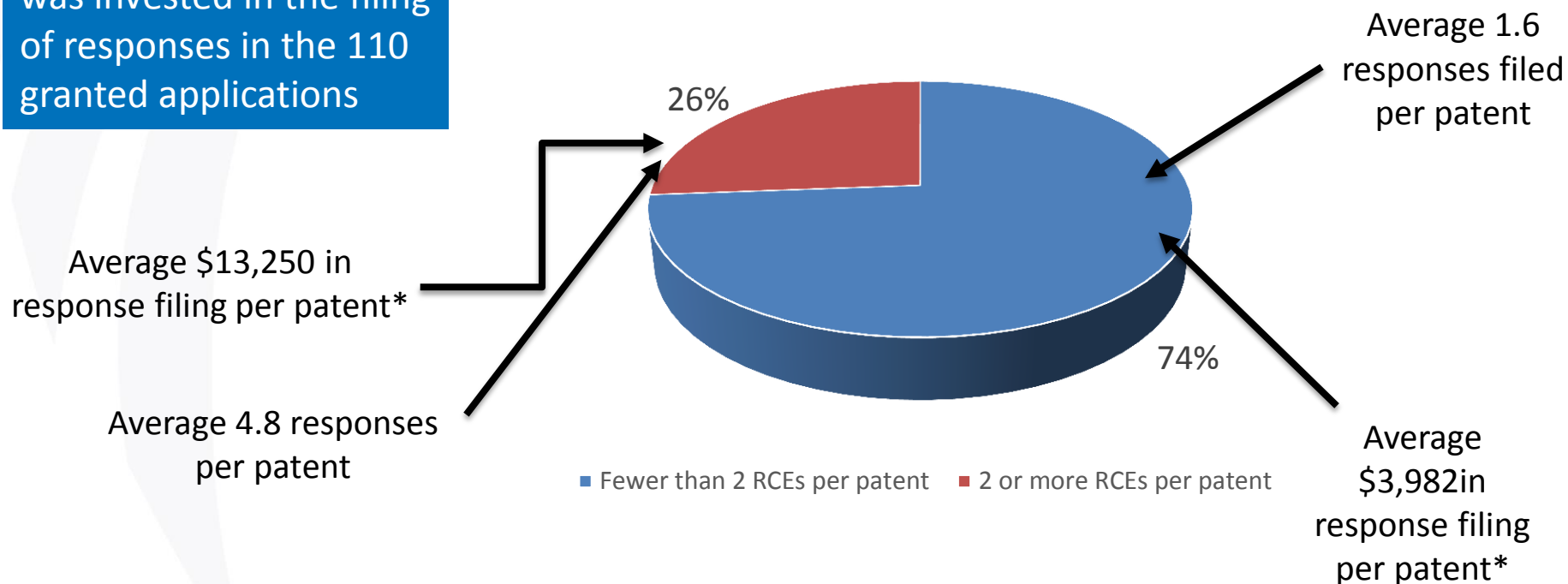
Only 10% of patents
required two or more RCEs
(110 out of 1,141 patents)

A Small Number of What are Likely the Lowest Quality Patents Has Drained a Disproportionally Large Percentage of Available Response Filing Dollars

Bad News:

More than \$1,000,000 was invested in the filing of responses in the 110 granted applications

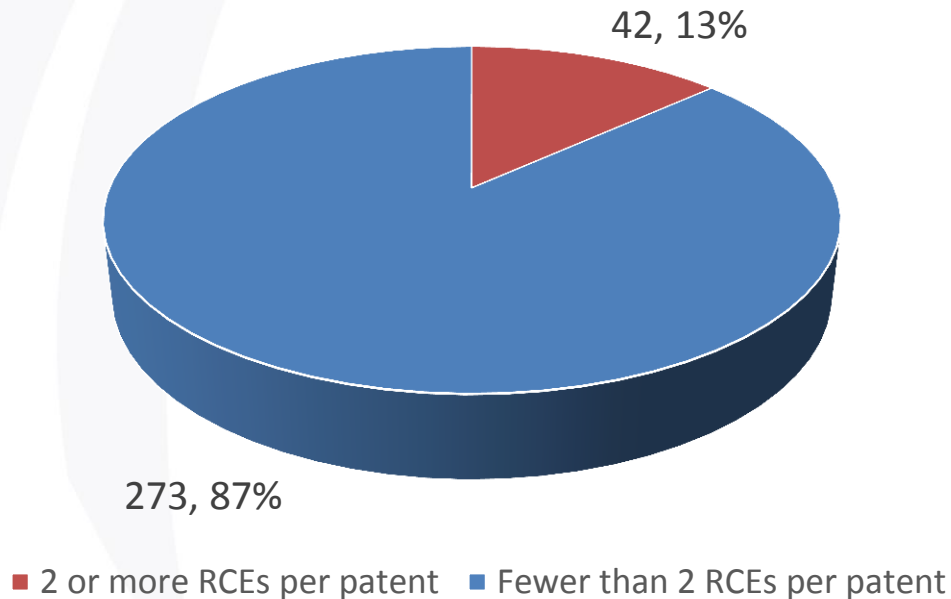
Total Patent Responses Filed for Patents
Issued May 5, 2013-Current



* Assumes \$2,500 per Response

A Small Number of Abandoned Applications Has Drained a Disproportionally Large Percentage of Available Response Filing Dollars

Total Applications Abandoned May 5, 2013-Current

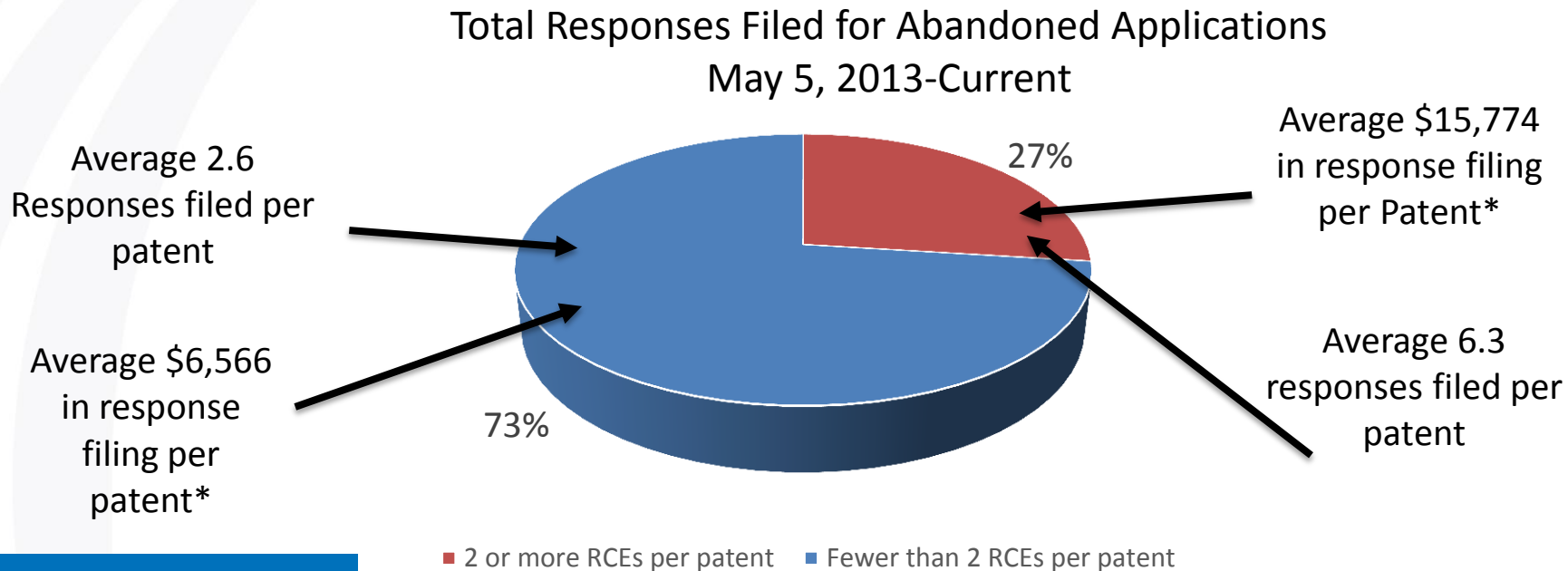


Good News:

Two or more ROEs were filed in only 13% of abandoned applications

(42 out of 315 applications)

A Small Number of Abandoned Applications Has Drained a Disproportionally Large Percentage of Available Response Filing Dollars

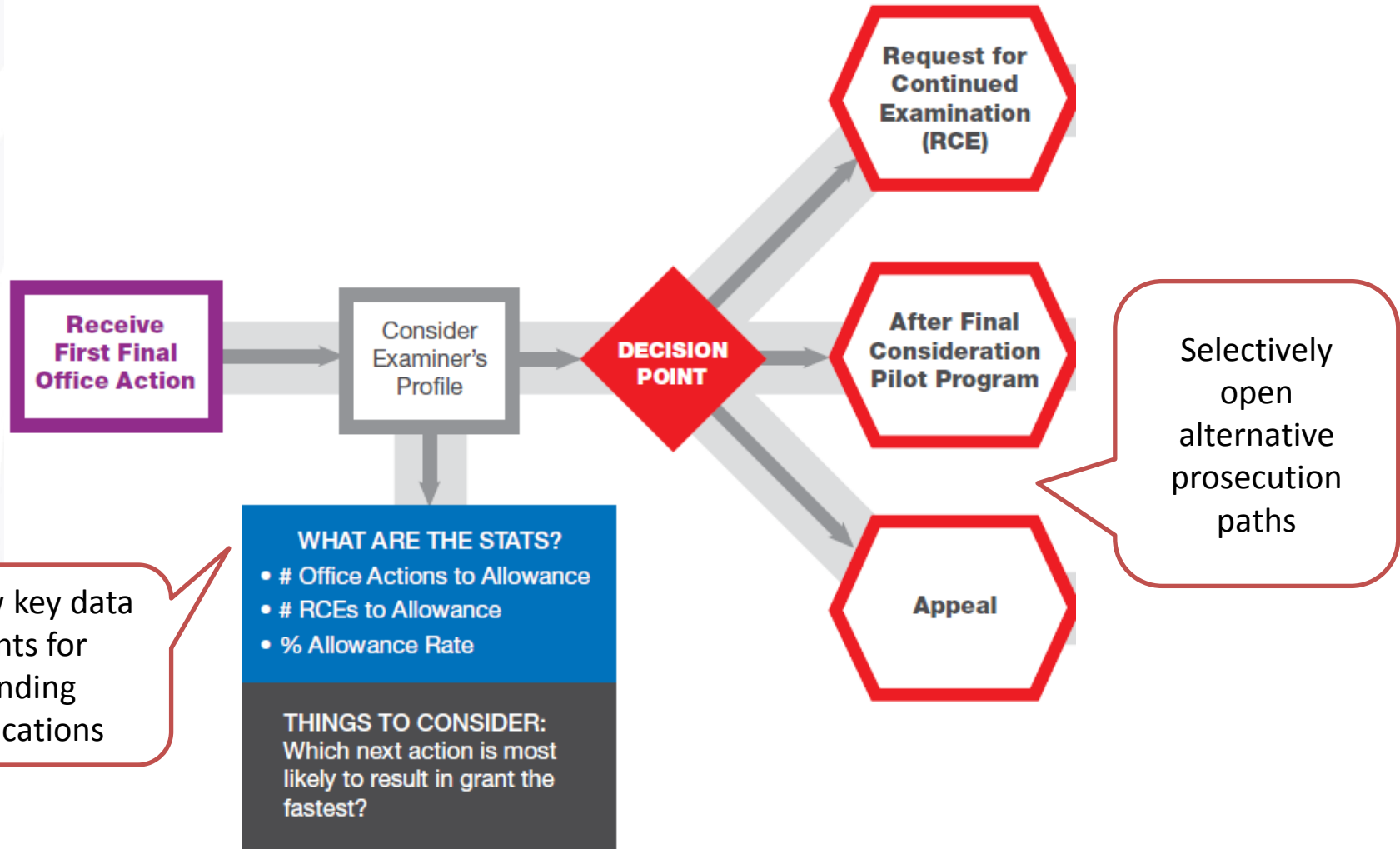


Bad News:

Approximately \$600,000 was invested in the filing of responses in the 42 abandoned applications

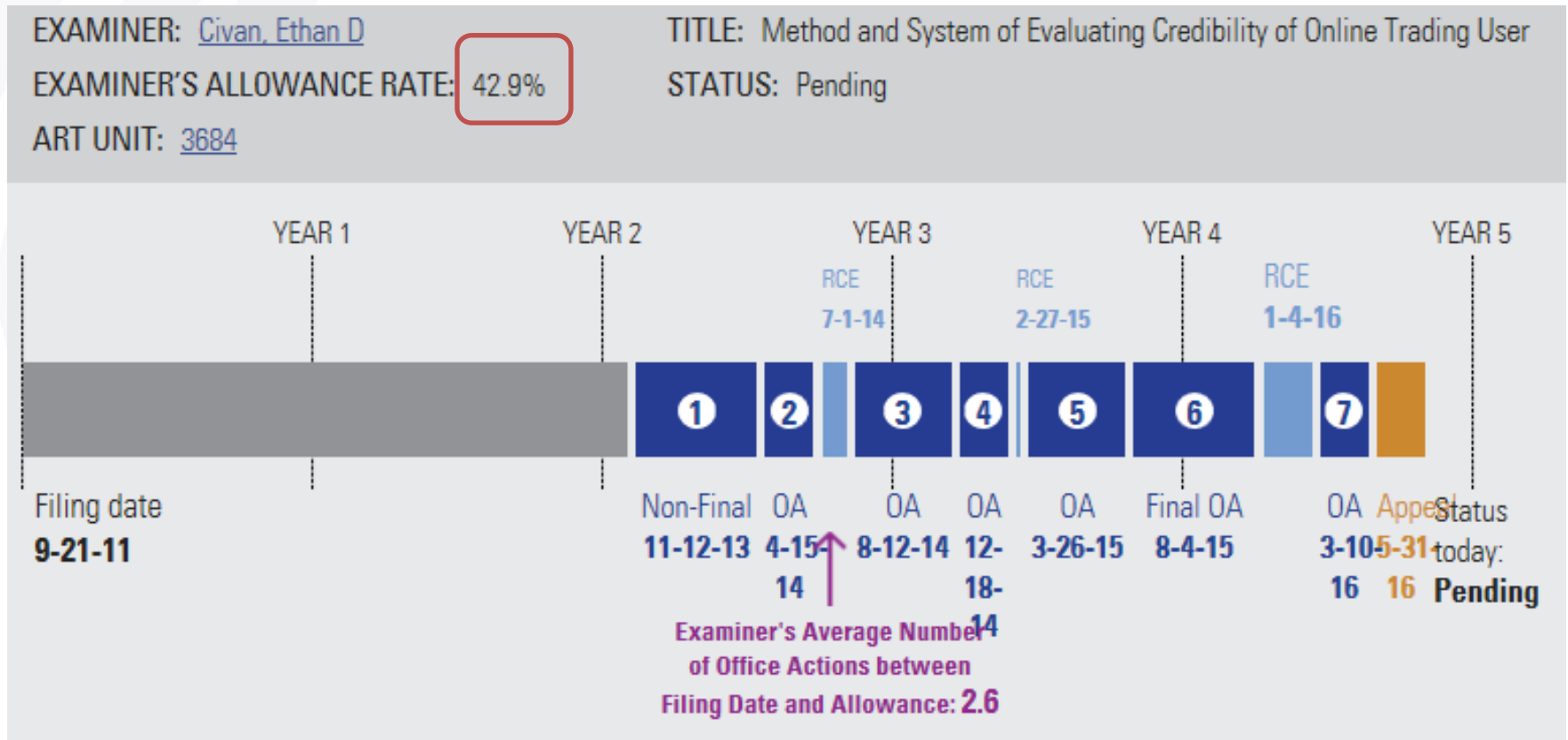
* Assumes \$2,500 per Response

In Response to Final Rejection

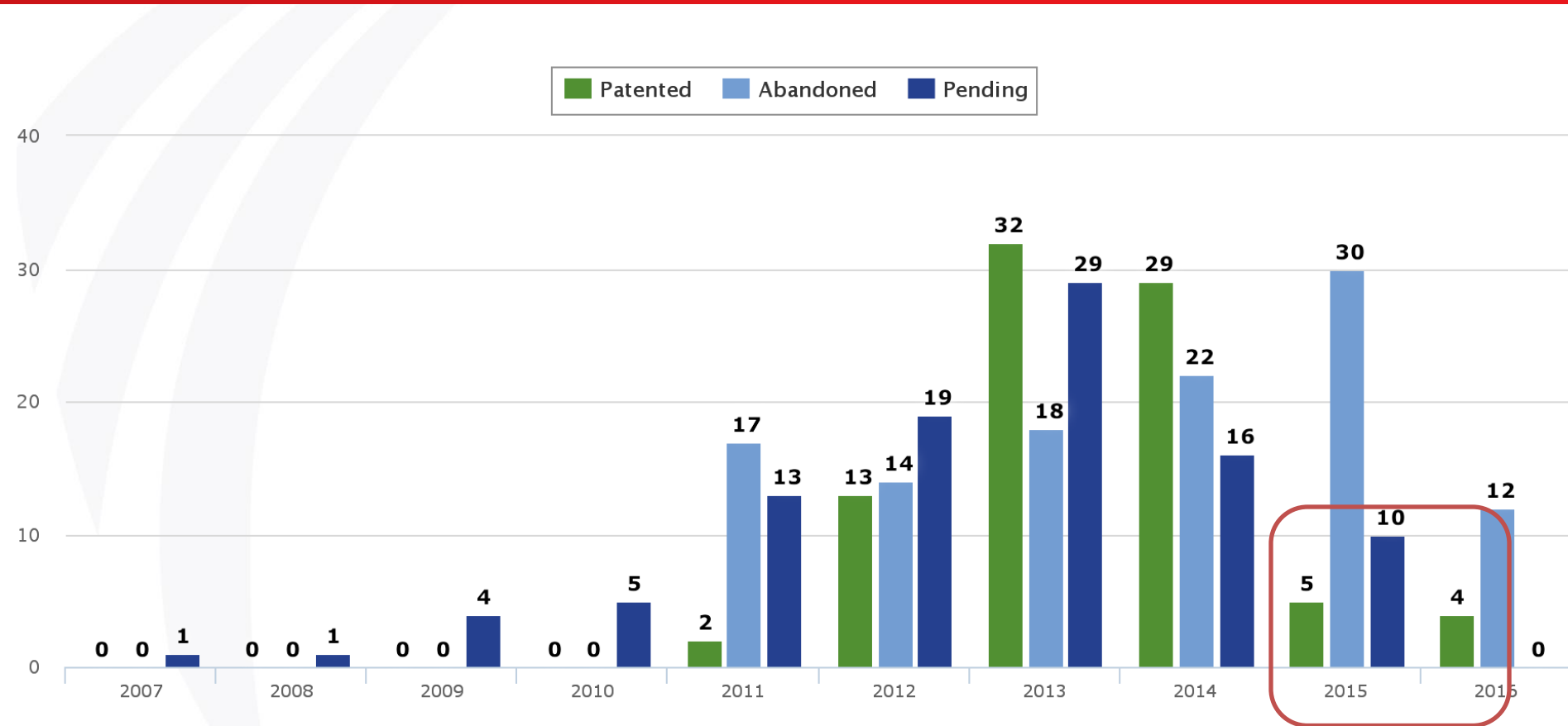


RCE Vs. Appeal

Application 13/258***, finally filed an appeal after 3 RCEs and 7 OAs



The Examiner's Overview Data



The Examiner's RCE Statistics

REQUEST FOR CONTINUED EXAMINATION

Applications with at least one RCE before
Patent Issuance/Abandonment

42.4% 84 out of 198 applications

 [Year-over-Year Breakdown](#)

RCE'd Applications with Two or More
RCE's before Patent
Issuance/Abandonment

29.8% 25 out of 84 RCE'd cases

 [Year-over-Year Breakdown](#)

Applications where a first RCE results in
immediate Notice of Allowance

35.7% 30 out of 84 RCE'd cases

 [Year-over-Year Breakdown](#)

The Examiner's Appeal Statistics

Total Applicant Wins	15
Total Applicant Losses	7
Chance Of Winning	68.18%

Appeal Cycles withdrawn from Appeal Process Following Request for **Pre-Appeal Review**

12.1%
7 out of 58 cycles

Of these Applications, the Next Significant Event Was:

Allowance
Abandonment
RCE
Final Office Action
Non-Final Office Action

[4 \(Applicant Win\)](#)
0 (Applicant Loss)
[2 \(Applicant Loss\)](#)
0 (Applicant Win)
[1 \(Applicant Win\)](#)

Appeal Cycles Exiting Appeal Process after **Applicant's Brief** but before Examiner's Reply

22.4%
13 out of 58 cycles

Of these Applications, the Next Significant Event Was:

Allowance
Abandonment
RCE
Final Office Action
Non-Final Office Action
Undetermined

[4 \(Applicant Win\)](#)
0 (Applicant Loss)
0 (Applicant Loss)
0 (Applicant Win)
[2 \(Applicant Win\)](#)
[7](#)

About APPEAL

Asian companies have rarely filed appeals.

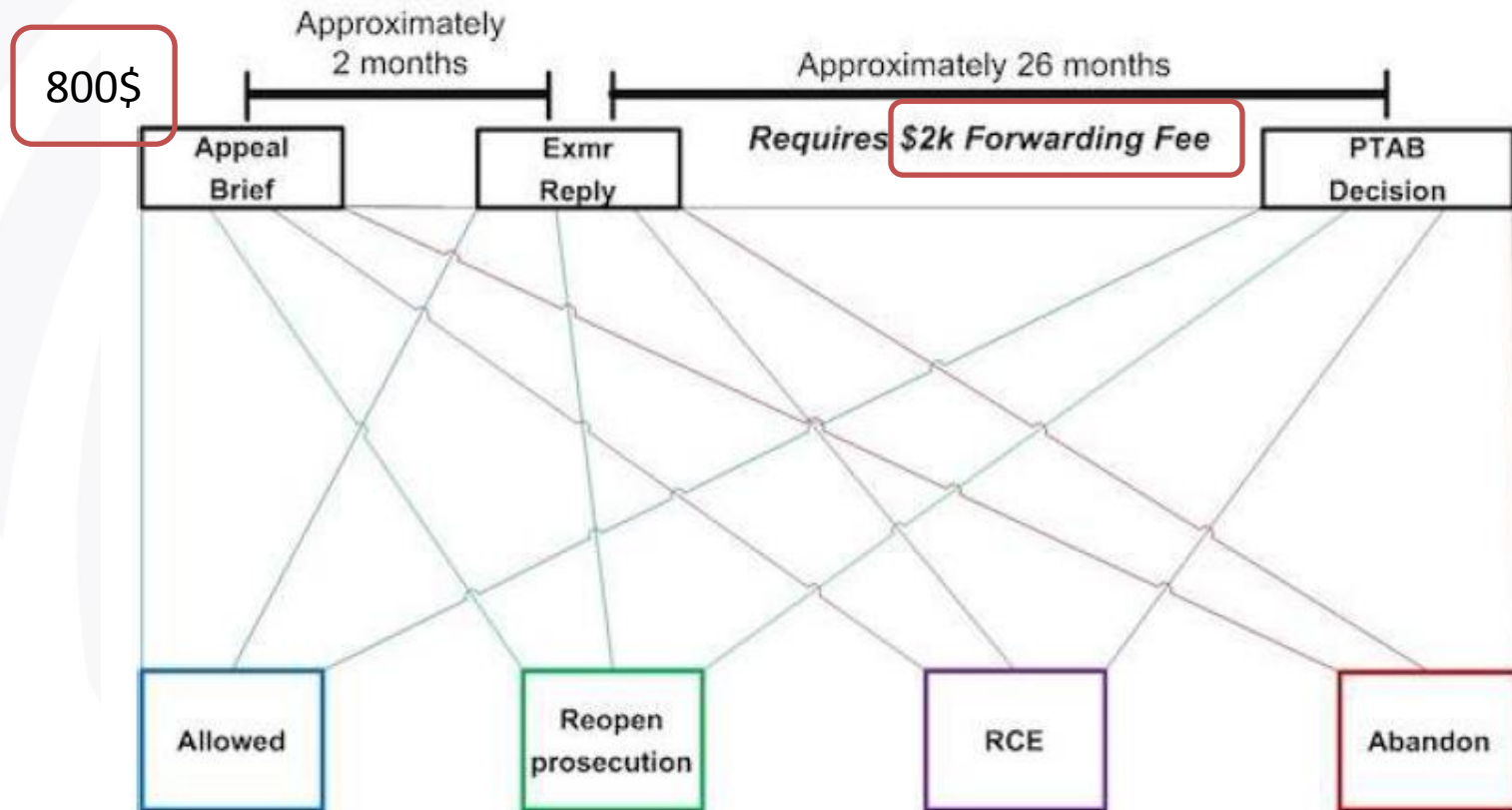
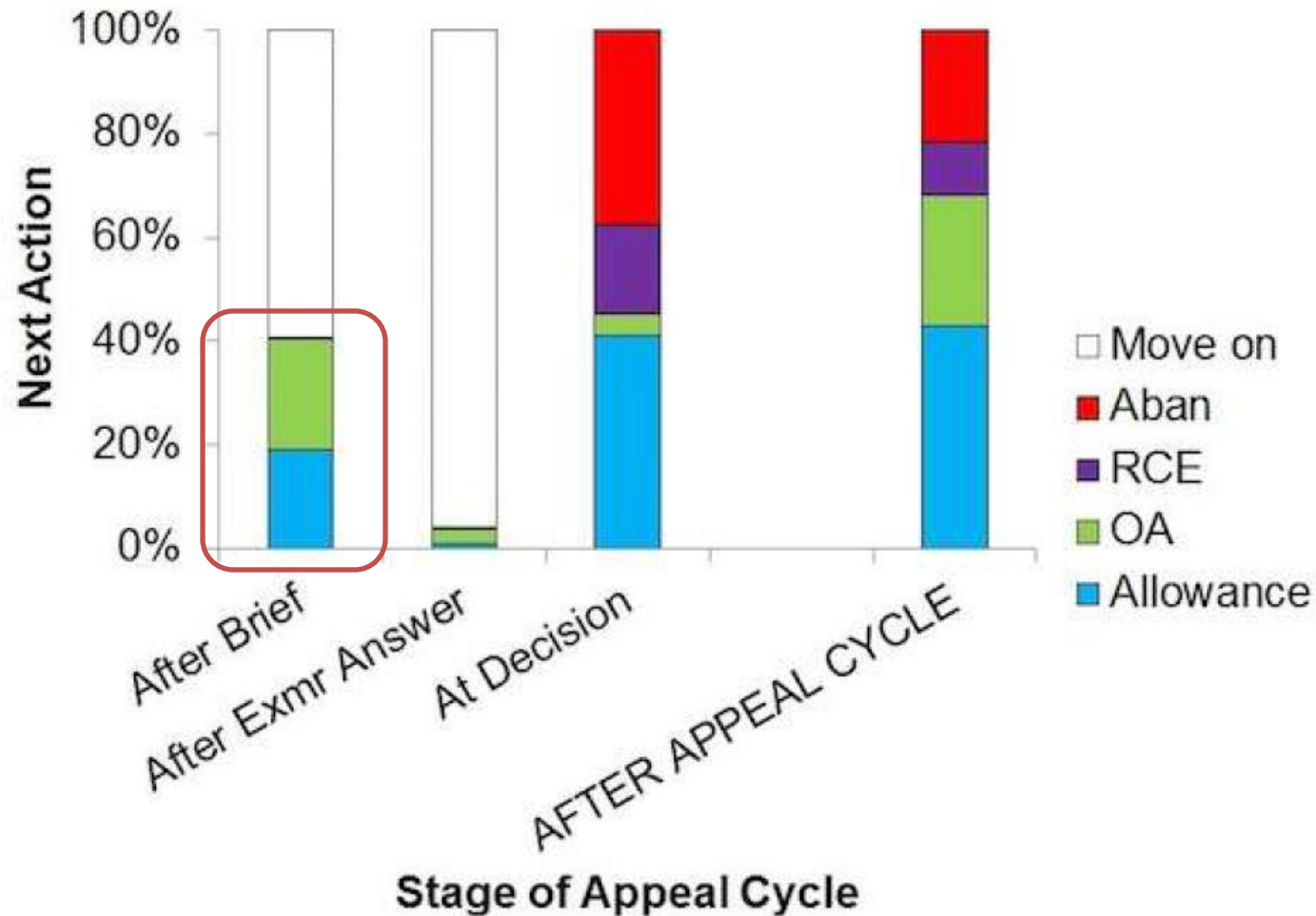


Figure 1

Ref: Ex Parte Appeal as a Potential Means to Quick Allowances

Appeal Overview Statistics



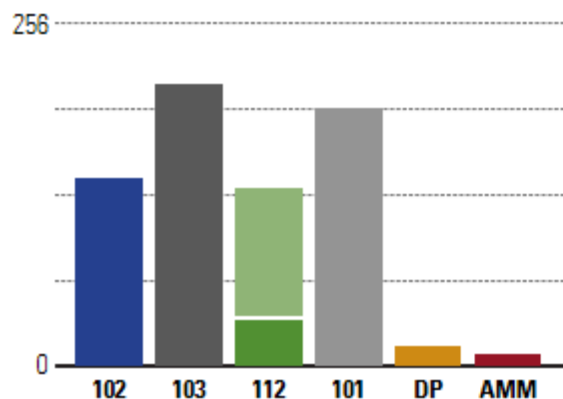
Ref: Ex Parte Appeal as a Potential Means to Quick Allowances

The Examiner's Rejection Statistics

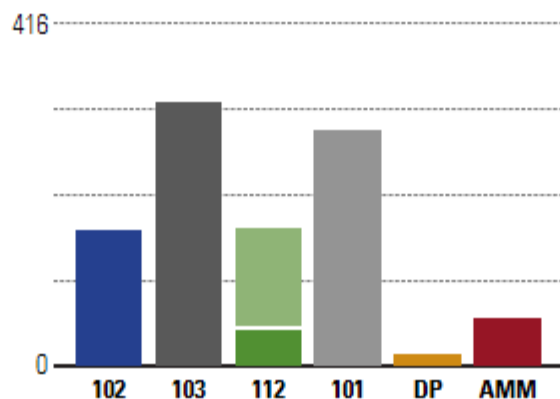
REJECTION SPECIFIC STATISTICS

Based on Automated Classification of Office Action Rejections

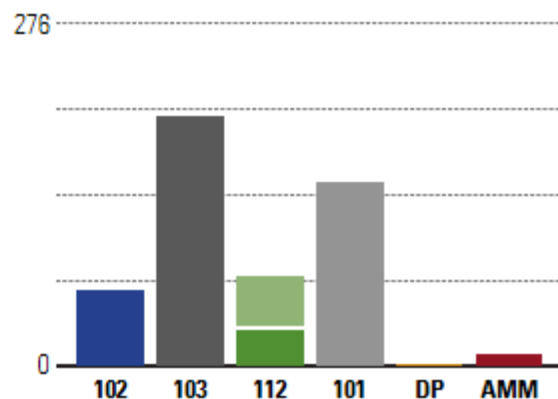
First Office Action Rejection Frequency
(256 First Office Actions Analyzed)



Non-final Office Action Rejection Frequency
(416 Non-Final Office Actions Analyzed)



Final Office Action Rejection Frequency
(276 Final Office Actions Analyzed)



REASONS FOR REJECTION

102 35 U.S.C. §102 Rejection

103 35 U.S.C. §103 Rejection

112 35 U.S.C. §112 First Paragraph Rejection

35 U.S.C. §112 Second Paragraph Rejection

35 U.S.C. §112 Fourth Paragraph Rejection

35 U.S.C. §112 Fifth Paragraph Rejection

35 U.S.C. §112 Sixth Paragraph Rejection

101 35 U.S.C. §101 Rejection

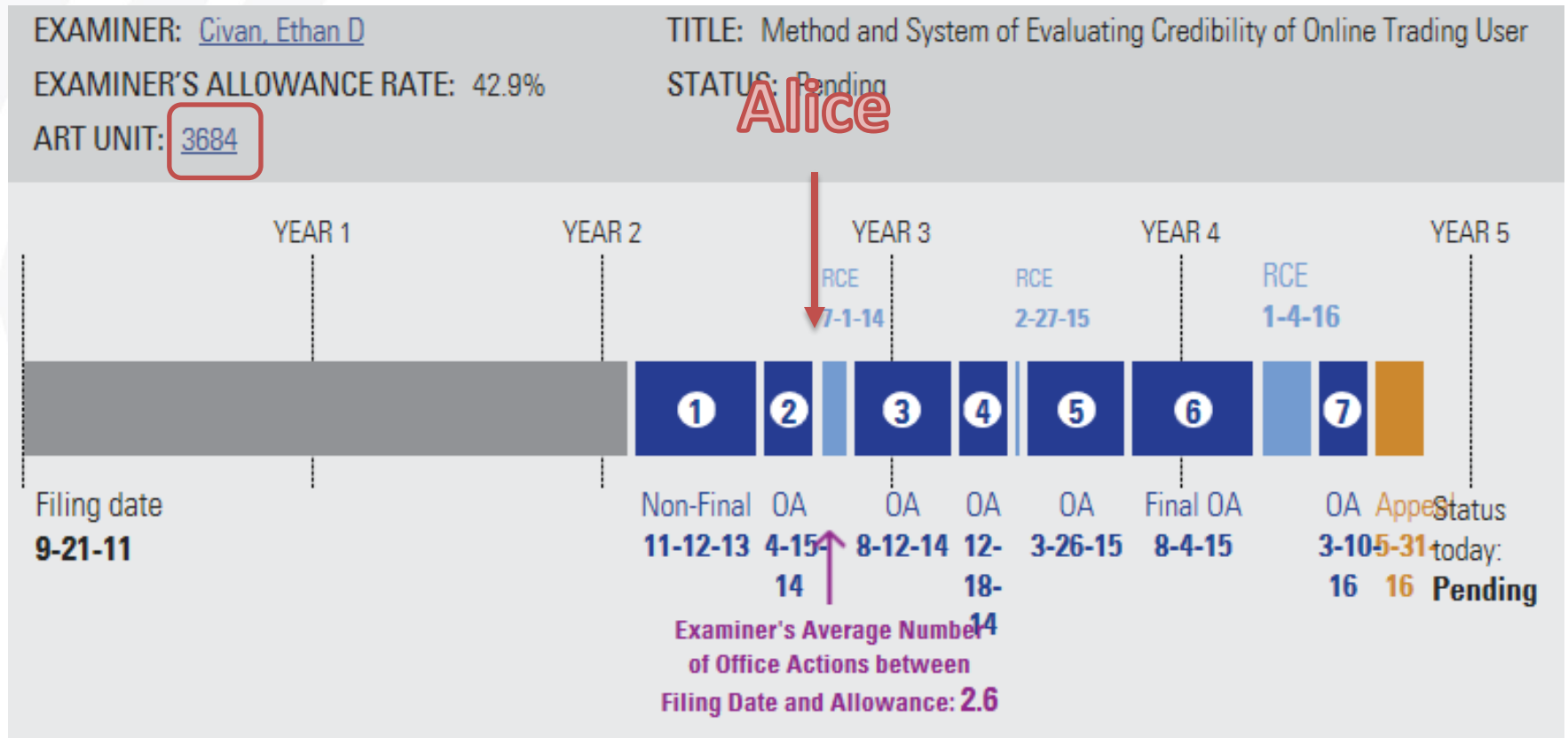
DP Obviousness Type Double Patenting Rejection

Statutory Type Double Patenting Rejection

AMM References Alice
References Mayo
References Myriad

RCE Vs. Appeal

Application 13/258***, finally filed an appeal after 3 RCEs and 7 OAs

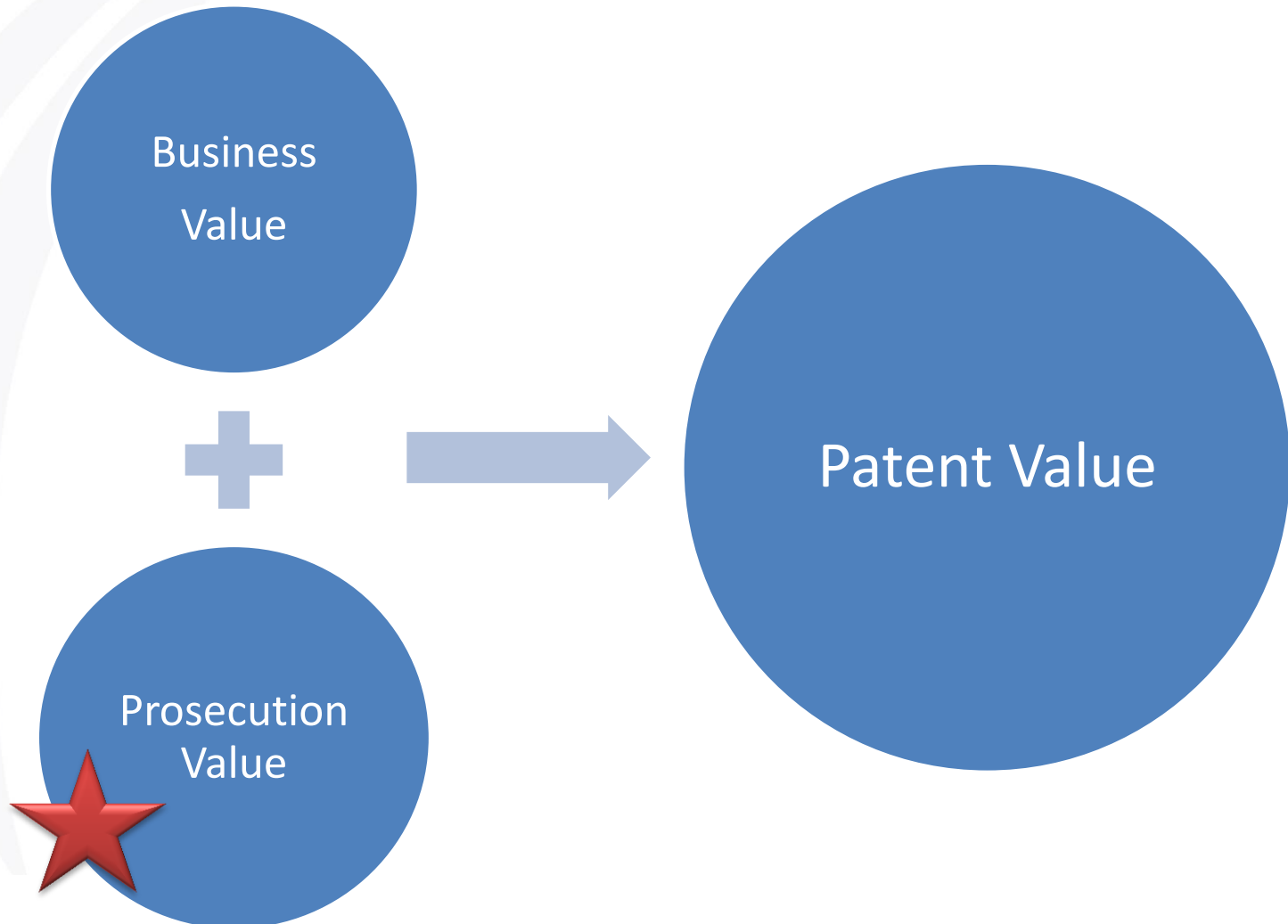


Custom Alice Report

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Patent Value in the Era of Big Data



Use Case #2

Manage Patent Portfolio

Quickly Identify Problem Applications

APPLICATIONS			
Patented	Abandoned	Pending	
Search: <input type="text"/>		Results: Viewing items 1-10 of 507.	
Click on headings to sort by column		PREVIOUS	NEXT
1	2	3	4 5 ... 51
Application	Filing Date	Status	Number of Office Actions
13/52	2012-07-17	Final Rejection Counted, Not Yet Mailed	▲ 10 office actions (Examiner average is 2.4)
12/86	2010-08-16	Final Rejection Mailed	▲ 8 office actions (Examiner average is 1.3)
13/12	2011-05-18	Docketed New Case - Ready for Examination	▲ 7 office actions (Examiner average is 3.3)
12/67	2010-03-22	Final Rejection Mailed	▲ 7 office actions (Examiner average is 2.9)
13/51	2012-06-05	Non Final Action Mailed	▲ 7 office actions (Examiner average is 2.8)
13/25	2011-09-21	Appeal Brief (or Supplemental Brief) Entered and Forwarded to Examiner	▲ 7 office actions (Examiner average is 2.6)
12/65	2010-02-12	Notice of Allowance Mailed - Application Received in Office of Publications	▲ 7 office actions (Examiner average is 2.1)
12/99	2010-11-30	Final Rejection Mailed	▲ 7 office actions (Examiner average is 2.1)
13/05	2011-02-17	Final Rejection Mailed	▲ 7 office actions (Examiner average is 1.3)
13/13	2011-06-16	Final Rejection Mailed	▲ 6 office actions (Examiner average is 4.4)

Portfolio Monitor

NAME

PPM 2016-08-08 01:44:00

DESCRIPTION

— choose condition —

Office Action trigger
Examiner's Percentage of applications allowed after RCE
Limit to applications by status
Examiner's allowance rate
Number of RCE's filed
Pre-appeal likelihood of a win or loss
Overall appeal likelihood of win or loss
Percentage of patented cases with appeal cycle
Likelihood of allowance after RCE(s)
Percentage of applications allowed without appeal
Percentage of applications allowed without any RCE
Average number of office actions per allowance
Time to allowance
Relationship of the no. of office actions relative to the examiner's average no. of office actions
Examiner's number of patented applications
Examiner's number of abandoned applications
Examiner's number of pending applications
Application status OR document code
IFW Document Code
Continuity parent
Issue Date Of Patent
IFW event followed by another IFW event
Filing date



Portfolio Monitor 1: Identify Applications of Potentially Low Prosecution Value

NAME

PPM 2016-08-08 01:44:0

DESCRIPTION

TYPE

Application based (default) ▼

ADD CONDITION

-- choose condition -- ▼

EXAMINER'S ALLOWANCE RATE

Examiner allowance rate is less ▼ than 50 %



RELATIONSHIP OF THE NO. OF OFFICE ACTIONS RELATIVE TO THE EXAMINER'S AVERAGE NO. OF OFFICE ACTIONS

Relationship of the no. of office actions relative to the examiner's average no. of office actions in Pending ▼ cases is -1 ▼



☐ ACTIVE ☐ WEEKLY DIGEST NOTIFICATION

SAVE

SAVE AND GO BACK TO LIST

CANCEL

CREATE CLONE

Portfolio Monitor 2: Identify Applications Worth Appeal

Monitor conditions:

- 1) the Examiner had a very low allowance rate; and
- 2) the overall likelihood of winning on appeal was high.

BREAKDOWN OF ANALYZED APPLICATIONS

Allowance rate: 17.1%

Appeal statistics:

Applications with Electronic File Histories*

53 Patent Granted Applications

257 Abandoned Applications ⚠️

148 Pending Applications

458 Total Applications ⚠️

Total Applicant Wins **21**

Total Applicant Losses **5**

Portfolio Monitor 3: Identify Applications of High Prosecution Value

Prosecution Pattern Monitoring

APPLICABLE BRIEFCASE

Troller Inc. ▼

NAME

Claims unlikely to change

DESCRIPTION

This monitor flags applications where the Examiner has a high allowance rate and often allows applications without any RCE.

ADD CONDITION

-- choose condition -- ▼

EXAMINER'S ALLOWANCE RATE

Examiner allowance rate is than %



PERCENTAGE OF APPLICATIONS ALLOWED WITHOUT ANY RCE

Examiner has than % of applications allowed without any RCE



☐ ACTIVE

SAVE

SAVE AND GO BACK TO LIST

CANCEL

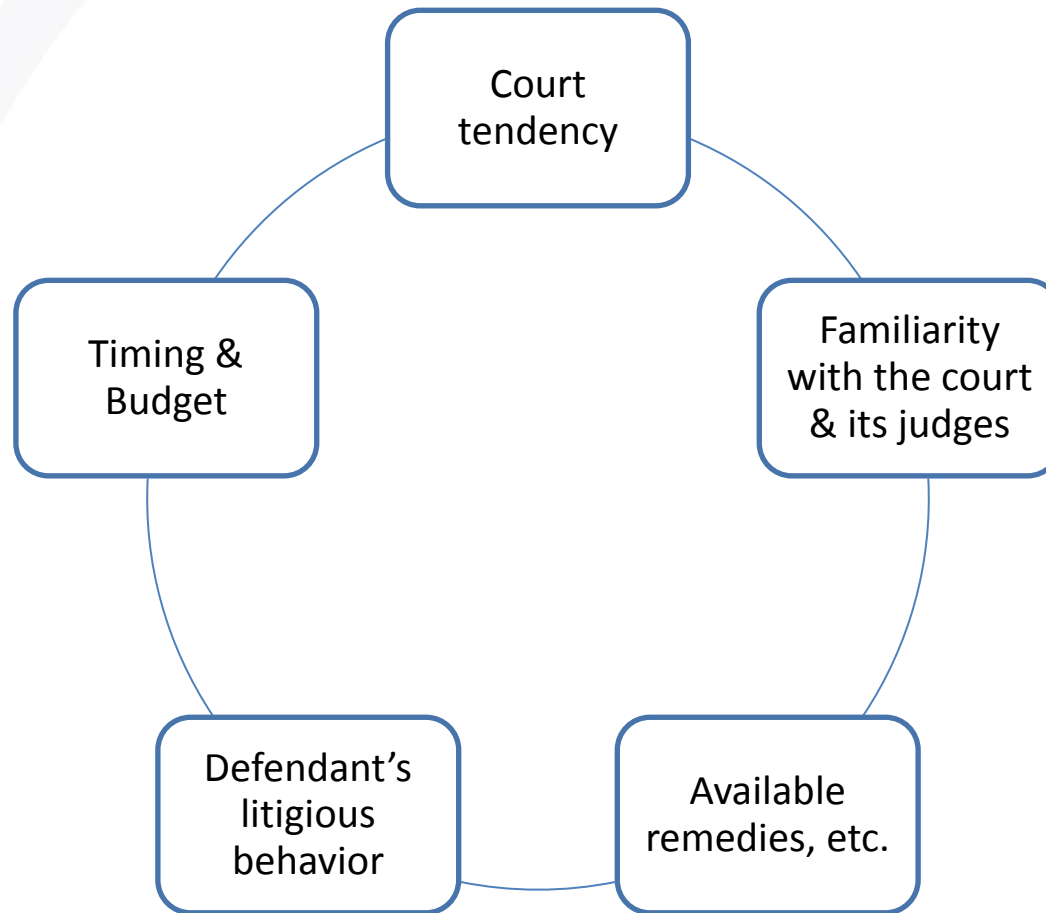
CREATE CLONE

May also consider interview upon receiving OA

Use Case #3

Choose the Right Litigation Strategy

Plaintiff: To Choose a Preferable Venue

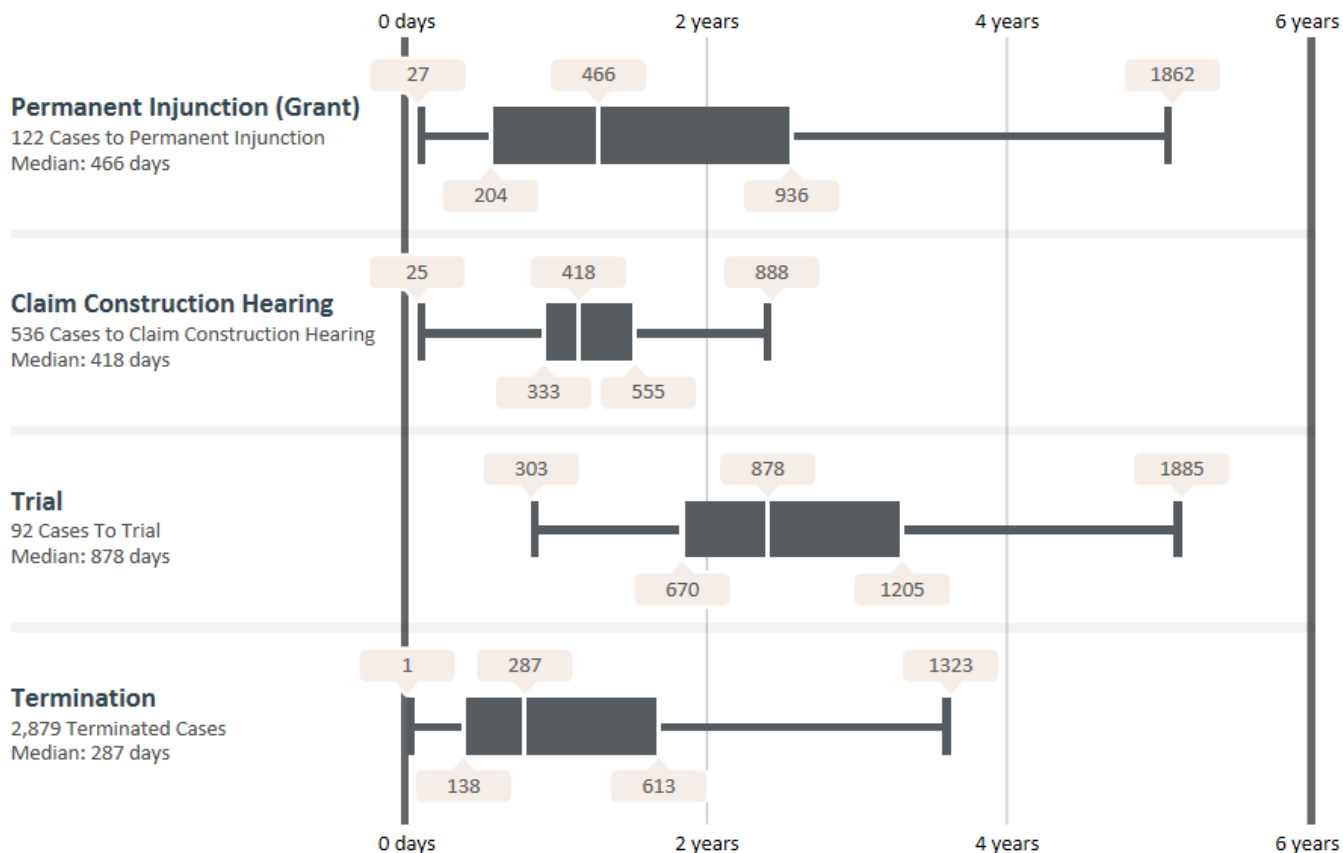


N.D. Cal.: Timing

Showing 3,135 Patent cases in N.D.Cal.; filed between 2000-01-01 and 2016-07-26 .

[Summary](#) [Timing](#) [Law Firms](#) [Case Resolutions](#) [Damages](#) [Findings](#) [View Case List](#)

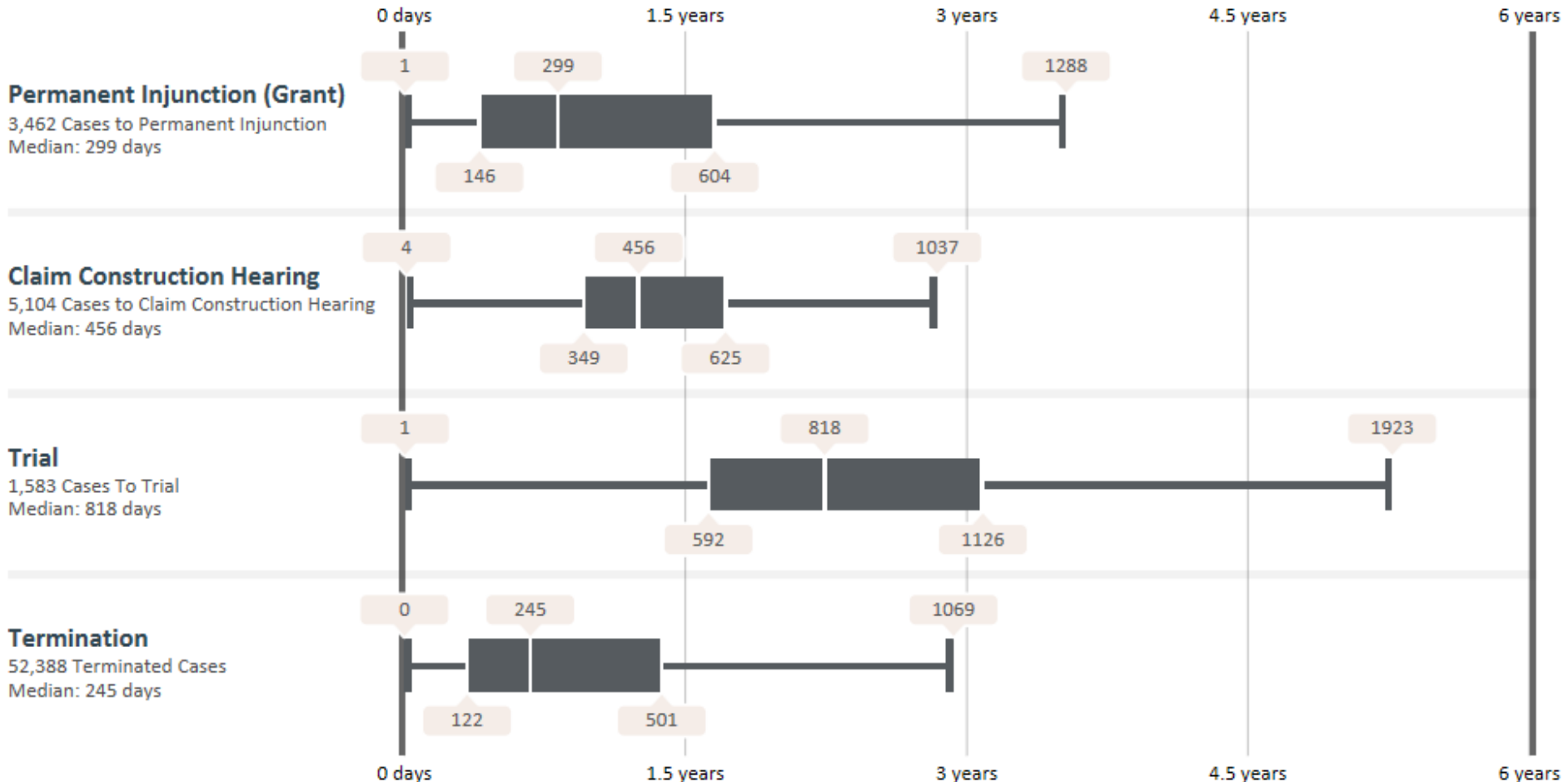
Show: ☐ Slider ☒ Labels ☐ Outliers



National: Timing

Showing 57,286 Patent cases; filed between 2000-01-01 and 2016-07-30 .

Show: ☐ Slider ☒ Labels ☐ Outliers

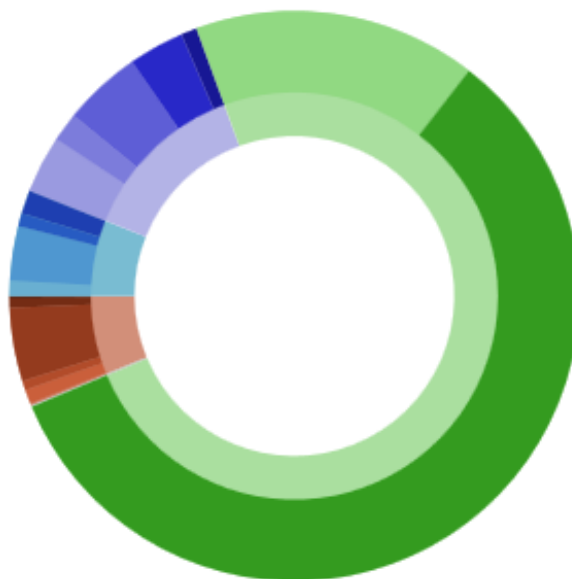


N.D. Cal.: Case Resolution

Showing 2,879 terminated Patent cases in N.D.Cal.; filed between 2000-01-01 and 2016-07-26 .

Claimant Win	174	6%
Default Judgment	25	1%
Consent Judgment	89	3%
Judgment on the Pleadings	0	0%
Summary Judgment	21	1%
Trial	38	1%
Judgment as a Matter of Law	1	0%

Claim Defendant Win	180	6%
Default Judgment	3	0%
Consent Judgment	23	1%
Judgment on the Pleadings	15	1%
Summary Judgment	120	4%
Trial	15	1%
Judgment as a Matter of Law	4	0%



Procedural Resolution	385	13%
Contested Dismissal	93	3%
Dismissal	47	2%
Consolidation	128	4%
Severance	0	0%
Interdistrict Transfer	91	3%
Intradistrict Transfer	0	0%
Stay	26	1%
Multidistrict Litigation	0	0%
Likely Settlement	2,137	74%
Plaintiff Voluntary Dismissal	463	16%
Stipulated Dismissal	1,674	58%
No Case Resolution	3	0%

National: Case Resolution

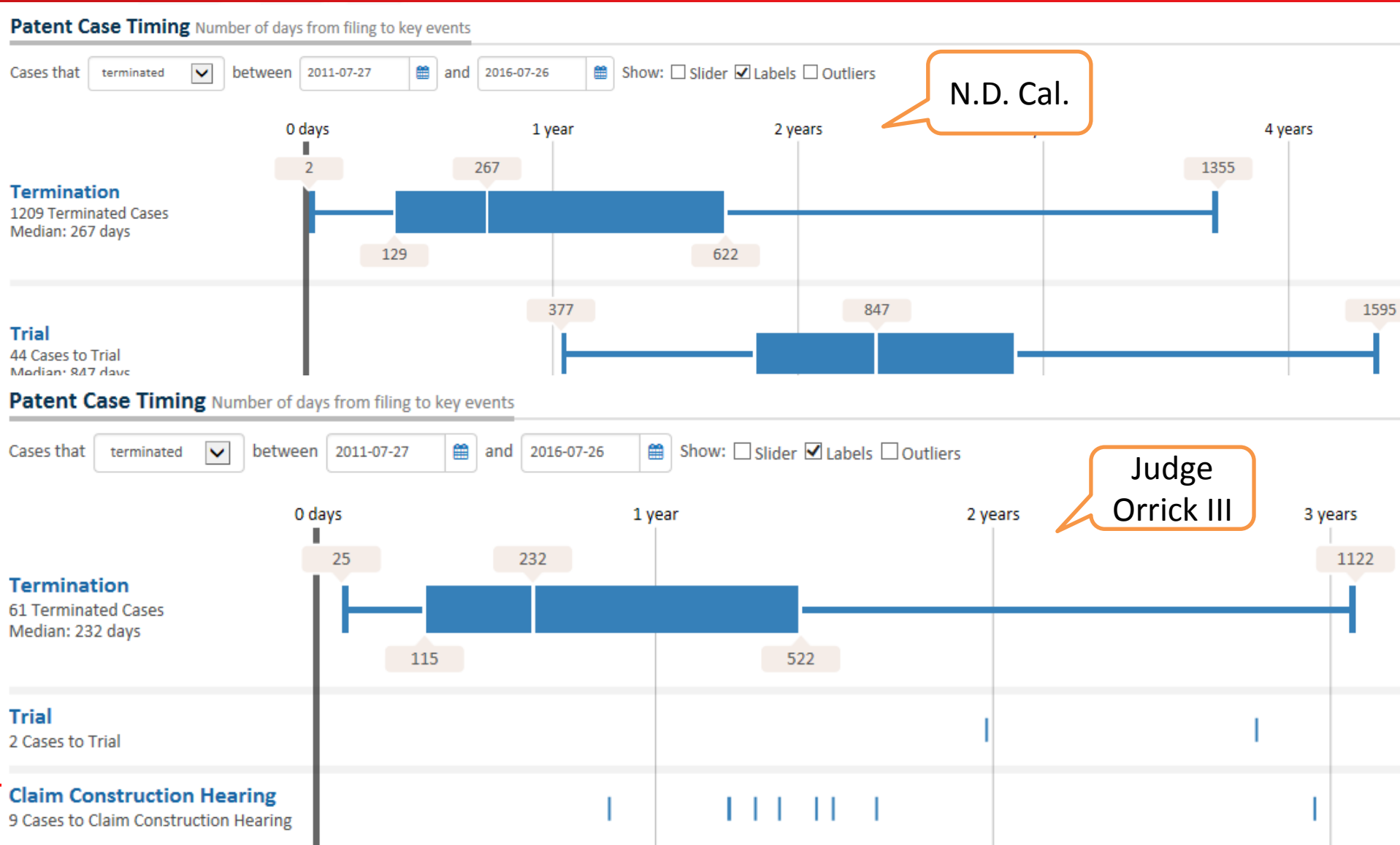
Showing 52,389 terminated Patent cases; filed between 2000-01-01 and 2016-07-30

Claimant Win	4,131	8%
Default Judgment	527	1%
Consent Judgment	2,636	5%
Judgment on the Pleadings	4	0%
Summary Judgment	322	1%
Trial	614	1%
Judgment as a Matter of Law	28	0%
Claim Defendant Win	2,072	4%
Default Judgment	43	0%
Consent Judgment	336	1%
Judgment on the Pleadings	107	0%
Summary Judgment	1,261	2%
Trial	286	1%
Judgment as a Matter of Law	39	0%



Procedural Resolution	8,107	15%
Contested Dismissal	1,246	2%
Dismissal	1,423	3%
Consolidation	2,206	4%
Severance	15	0%
Interdistrict Transfer	2,385	5%
Intradistrict Transfer	298	1%
Stay	534	1%
Multidistrict Litigation	0	0%
Likely Settlement	37,995	73%
Plaintiff Voluntary Dismissal	11,572	22%
Stipulated Dismissal	26,423	50%
No Case Resolution	84	0%

Judge Orrick III: Typical or Atypical?



Defendant: To Come Up with the Right Defense Strategy

EC Early Case Assessor

Please enter

Showing assessment of Droplets, Inc. as a plaintiff and McKool Smith as counsel in Patent cases [Change](#)

Plaintiff Droplets, Inc.

This section provides an overview of the litigation activity of your plaintiff. Use Lex Machina's [Case List Analyzer](#) to view more analytics about your plaintiff's cases.

Plaintiff Totals

Total Patent Cases Involved

Patent Cases As a Plaintiff

11	Reached Claim Construction Hearing	2
11	Reached Trial	1
	Damages Involved	\$15,000,000 in 1 cases
	Remedies (e.g. Injunctions) Involved	0 cases

Most recently filed Patent cases (10 cases)

Title	Civil Action #	Venue	Filed	Last Docket	Terminated
Droplets, Inc. v. Nordstrom, Inc.	3:12-cv-04049	N.D.Cal.	2012-08-06	2016-01-19	—
Droplets, Inc. v. Williams Sonoma, Inc.	3:12-cv-04047	N.D.Cal.	2012-08-01	2013-06-27	2013-06-27
Droplets, Inc. v. Amazon.com, Inc. et al	3:12-cv-03733	N.D.Cal.	2012-07-17	2016-01-19	—
Droplets, Inc. v. Target Corporation et al	2:12-cv-00391	E.D.Tex.	2012-07-02	2013-01-30	2013-01-30
Droplets, Inc. v. Nordstrom, Inc.	2:12-cv-00390	E.D.Tex.	2012-07-02	2012-08-06	2012-07-27
Droplets, Inc. v. Williams Sonoma, Inc.	2:12-cv-00389	E.D.Tex.	2012-07-02	2012-08-02	2012-07-27
Droplets, Inc. v. E*Trade Financial Corporation et al	1:12-cv-02326	S.D.N.Y.	2012-03-29	2015-11-18	2015-04-06
Droplets, Inc. v. eBay, Inc. et al	2:11-cv-00401	E.D.Tex.	2011-09-11	2016-02-01	—
Droplets, Inc. v. Amazon.com, Inc. et al	2:11-cv-00392	E.D.Tex.	2011-09-07	2012-07-24	2012-07-12
Droplets, Inc. v. E*Trade Financial Corporation et al	2:11-cv-00255	E.D.Tex.	2011-05-13	2012-03-29	2012-03-28

Plaintiff's Law Firm McKool Smith

This section provides an overview of the plaintiff's law firm. This can help you assess the experience of the law firm in a plaintiff role. Use Lex Machina's [Case List Analyzer](#) to view more analytics about this law firm's cases.

Plaintiff's Law Firm Totals

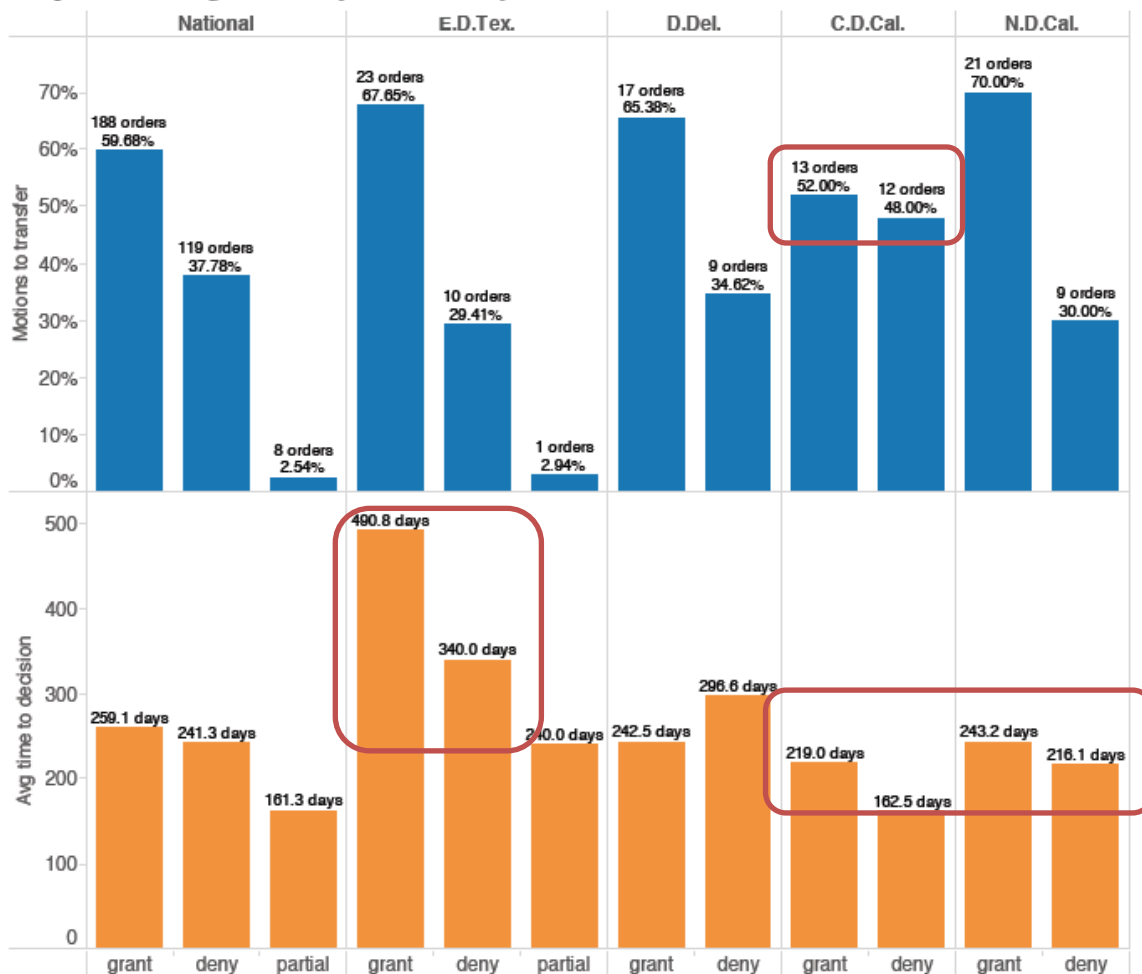
Total Patent Cases Filed

Patent Cases Representing a Plaintiff

777	Reached Claim Construction Hearing	183
546	Reached Trial	59
	Damages Involved	\$3,659,195,989 in 48 cases
	Remedies (e.g. Injunctions) Involved	21 cases

Success & Timing: Motion to Transfer

Figure 15: For top districts, timing and success of motions to transfer decided in 2015



Note: decisions by magistrate judges not included.

Determine Successful Motion Strategy

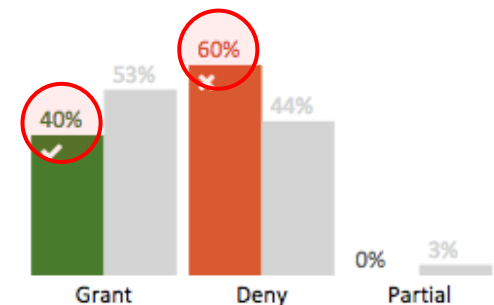
Motion Metrics Report

Showing metrics for **2090** orders issued by Judge Sue Lewis Robinson (SLR) in 1514 cases from the [Search for IP cases](#) before Judge Sue Lewis Robinson; filed between 2000-01-01 and 2015-07-08 .

Please enter a client matter ID

Issue Type	Grant Outcome	Deny Outcome	Partial Outcome	Total Decided Orders	Grant Rate	Moot or Other Outcome
Dismiss (Contested)	107	112	34	253	42%	36
Dismiss (Uncontested)	972	2	2	976	100%	10
Stay Pending ITC	7	1	0	8	88%	0
Stay Pending PTAB	10	3	1	14	71%	0
Stay Pending USPTO	11	11	1	23	48%	1
Stay Pending Appeal / Related Matter	159	20	0	179	89%	6
Stay (Deadlines, Settlement, Other)	62	23	4	89	70%	5
Summary Judgment	102	194	89	385	26%	26
Transfer	29	43	0	72	40%	7

Transfer
Compared to National Average



Use Case #4

Evaluate External Litigation Counsel

Sidley Austin Vs. Quinn Emanuel



© 2016 Altitude Acquisitions

Sidley Austin: Overview

Lex Machina

Courts & Judges

Counsel

Parties

Cases

Documents

Patents

Apps

Sidley Austin

Summary

District Court Cases

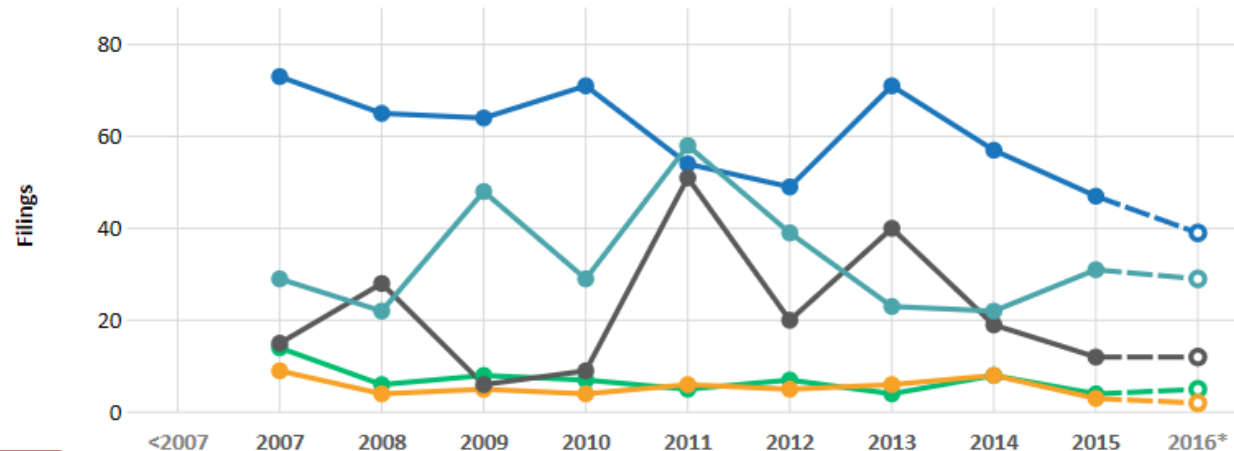
PTAB Trials

Client List

District Court Judge Appearances

PTAB Judge Appearances

District Court Litigation by Year and Type



Patent

Trademark

Copyright

Antitrust

Securities

* 2016 numbers are year-to-date. Open dots are full-year estimates.

Quinn Emanuel: Overview

Lex Machina

Courts & Judges

Counsel

Parties

Cases

Documents

Patents

Apps

Quinn Emanuel Urquhart & Sullivan

Summary

District Court Cases

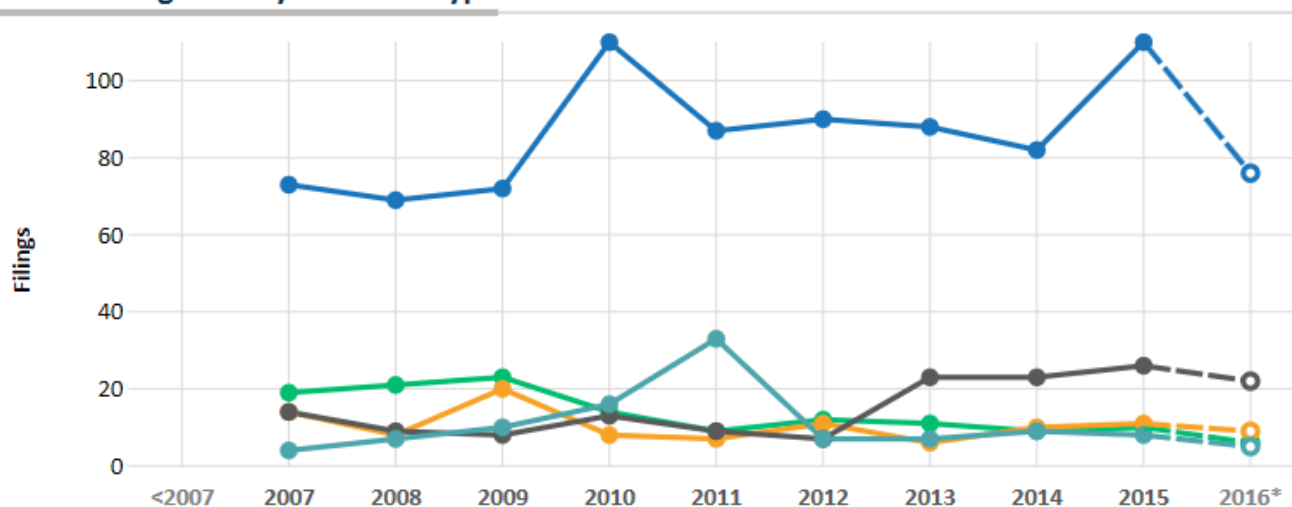
PTAB Trials

Client List

District Court Judge Appearances

PTAB Judge Appearances

District Court Litigation by Year and Type



Patent <input checked="" type="checkbox"/>	284	73	69	72	110	87	90	88	82	110	34
Trademark <input checked="" type="checkbox"/>	189	19	21	23	14	9	12	11	9	10	2
Copyright <input checked="" type="checkbox"/>	164	14	8	20	8	7	11	6	10	11	4
Antitrust <input checked="" type="checkbox"/>	48	14	9	8	13	9	7	23	23	26	11
Securities <input checked="" type="checkbox"/>	29	4	7	10	16	33	7	7	9	8	1

* 2016 numbers are year-to-date. Open dots are full-year estimates.

Sidley Austin: Client List

Sidley Austin

⌚ Please enter a client matter ID 🏠 📧 📄 ⭐ ?

[Summary](#) [District Court Cases](#) [PTAB Trials](#) [Client List](#) [District Court Judge Appearances](#) [PTAB Judge Appearances](#)

Clients in District Court Cases

Party ↕	Role ↕	Cases ↕
Microsoft Corporation	Defendant	54
Deutsche Bank Securities Inc.	Defendant	44
United States Cellular Corporation	Defendant	42
Citigroup, Inc.	Defendant	29
Deutsche Banc Alex Brown Inc	Defendant	29
Deutsche Bank Alex B	Defendant	29
Citigroup Global Markets Inc.	Defendant	27
Microsoft Corporation	Counter-claimant	24
MacMillan Publishers, Inc.	Defendant	22
The Norinchukin Bank	Defendant	21
Citibank, N.A.	Defendant	19
Ahmad Chatila	Defendant	17
Brian Wuebbels	Defendant	17
Johnson & Johnson	Defendant	17
LG Electronics, Inc.	Defendant	17
United States Cellular Corporation	Counter-claimant	17
CMS Energy Corporation	Defendant	16
Research In Motion Corporation	Defendant	16

Quinn Emanuel: Client List

Quinn Emanuel Urquhart & Sullivan

Please enter a client matter ID



Summary District Court Cases PTAB Trials Client List District Court Judge Appearances PTAB Judge Appearances

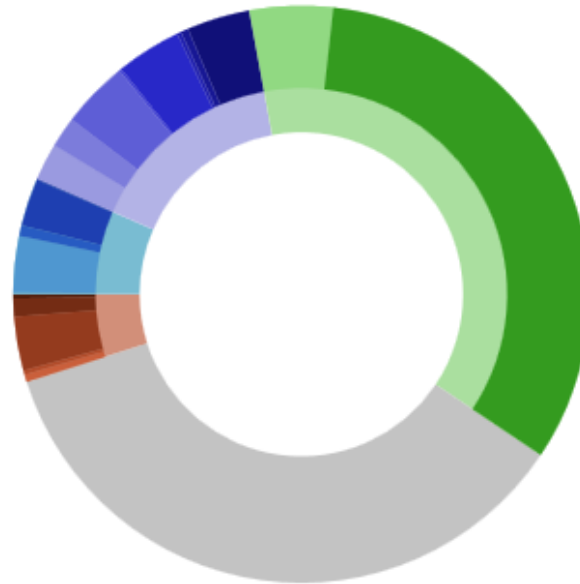
Clients in District Court Cases

Party	Role	Cases
Google Inc.	Defendant	63
Academy of Motion Picture Arts and Sciences	Plaintiff	42
Mattel, Inc.	Plaintiff	35
Sony Electronics, Inc.	Defendant	30
International Business Machines Corporation	Defendant	27
JAZZ PHARMACEUTICALS, INC.	Plaintiff	25
Sony Corporation	Defendant	24
Google Inc.	Counter-claimant	21
Samsung Electronics Co., Ltd.	Defendant	19
Sony Electronics, Inc.	Counter-claimant	19
Alcatel-Lucent USA Inc.	Defendant	18
Alcatel-Lucent USA Inc.	Counter-claimant	15
International Business Machines Corporation	Counter-claimant	15
MP3.com, Inc.	Defendant	15
Samsung Electronics America, Inc.	Defendant	15
Samsung Telecommunications America LLC	Defendant	15
Symantec Corporation	Defendant	15
Samsung Electronics Co., Ltd.	Counter-claimant	14
Directv, Inc.	Plaintiff	13
Phibro Trading LLC	Defendant	13

Sidley Austin: Case Resolution

Showing 1,692 terminated Lex Machina cases with Sidley Austin as a law firm; filed between 2000-01-01 and 2016-07-27 .

Claimant Win	111	7%
Default Judgment	2	0%
Consent Judgment	53	3%
Judgment on the Pleadings	0	0%
Summary Judgment	10	1%
Trial	45	3%
Judgment as a Matter of Law	1	0%
Claim Defendant Win	83	5%
Default Judgment	0	0%
Consent Judgment	7	0%
Judgment on the Pleadings	4	0%
Summary Judgment	51	3%
Trial	17	1%
Judgment as a Matter of Law	4	0%

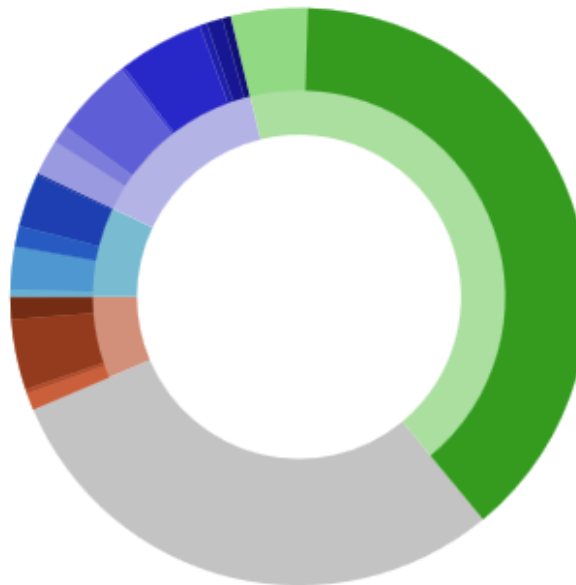


Procedural Resolution	263	16%
Contested Dismissal	35	2%
Dismissal	29	2%
Consolidation	64	4%
Severance	2	0%
Interdistrict Transfer	62	4%
Intradistrict Transfer	4	0%
Stay	7	0%
Multidistrict Litigation	60	4%
Likely Settlement	631	37%
Plaintiff Voluntary Dismissal	79	5%
Stipulated Dismissal	552	33%
No Case Resolution	604	36%

Quinn Emanuel: Case Resolution

Showing 1,675 terminated Lex Machina cases with Quinn Emanuel Urquhart & Sullivan as a law firm; filed between 2000-01-01 and 2016-07-27 .

Claimant Win	118	7%
Default Judgment	7	0%
Consent Judgment	39	2%
Judgment on the Pleadings	1	0%
Summary Judgment	19	1%
Trial	50	3%
Judgment as a Matter of Law	2	0%
Claim Defendant Win	107	6%
Default Judgment	0	0%
Consent Judgment	16	1%
Judgment on the Pleadings	4	0%
Summary Judgment	66	4%
Trial	20	1%
Judgment as a Matter of Law	1	0%

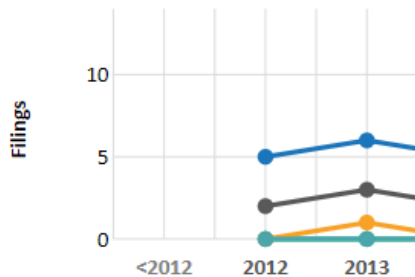


Procedural Resolution	237	14%
Contested Dismissal	33	2%
Dismissal	17	1%
Consolidation	74	4%
Severance	3	0%
Interdistrict Transfer	80	5%
Intradistrict Transfer	7	0%
Stay	15	1%
Multidistrict Litigation	8	0%
Likely Settlement	717	43%
Plaintiff Voluntary Dismissal	72	4%
Stipulated Dismissal	645	39%
No Case Resolution	496	30%

of Patent Cases before N.D. Cal

Summary Timing Law Firms Case Resolutions Damages Findings View Case List

Case Filings



* 2016 numbers are year-to-date. C

Case Status

Open: 23

Party Roles

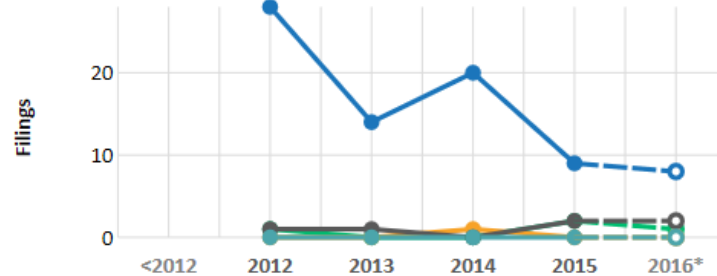
Plaintiff: 62

Courts

N.D.Cal. 167 100%

Summary Timing Law Firms Case Resolutions Damages Findings

Case Filings



* 2016 numbers are year-to-date. Open dots are full-year estimates.

Case Status

Open: 20 Terminated: 241

Party Roles

Plaintiff: 100 Defendant: 151

Courts

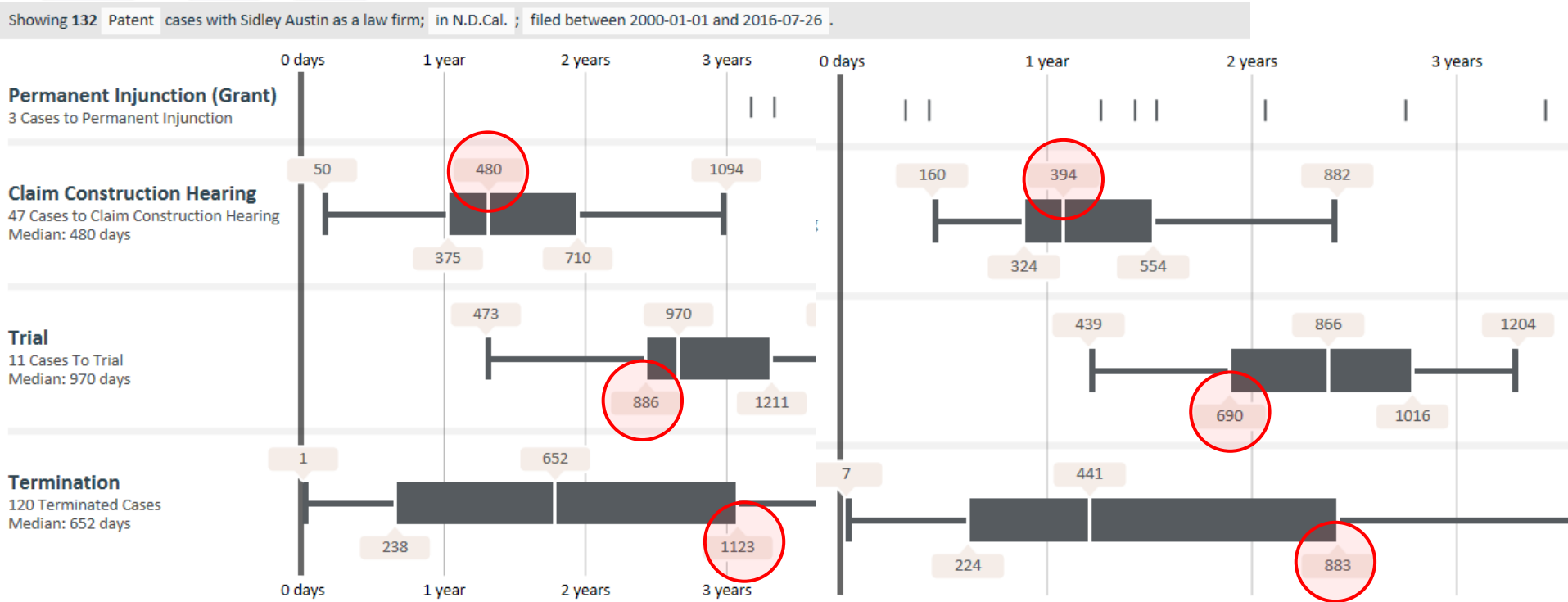
N.D.Cal. 261 100%

Judges

Susan Yvonne Ills...	30	11%
William Haskell A...	25	10%
Richard G. Seebo...	21	8%
Jeffrey Steven W...	20	8%
Phyllis Jean Hami...	18	7%

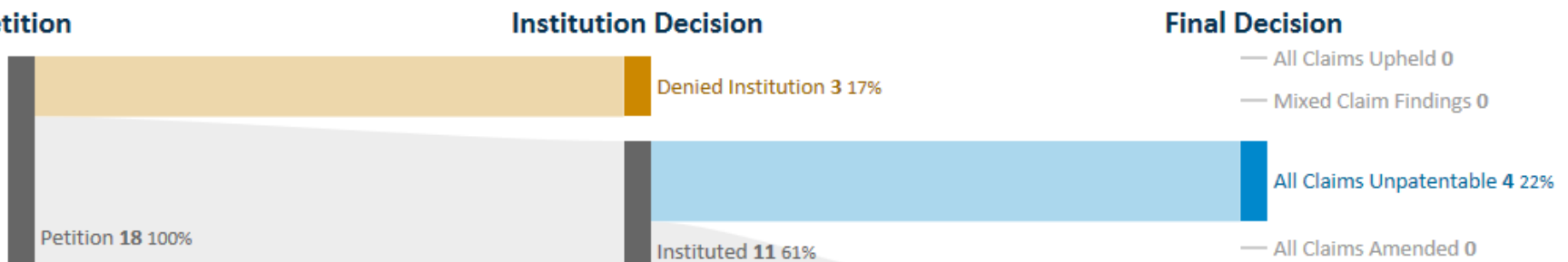
23 Other Judges

Timing (Patent Cases) before N.D. Cal

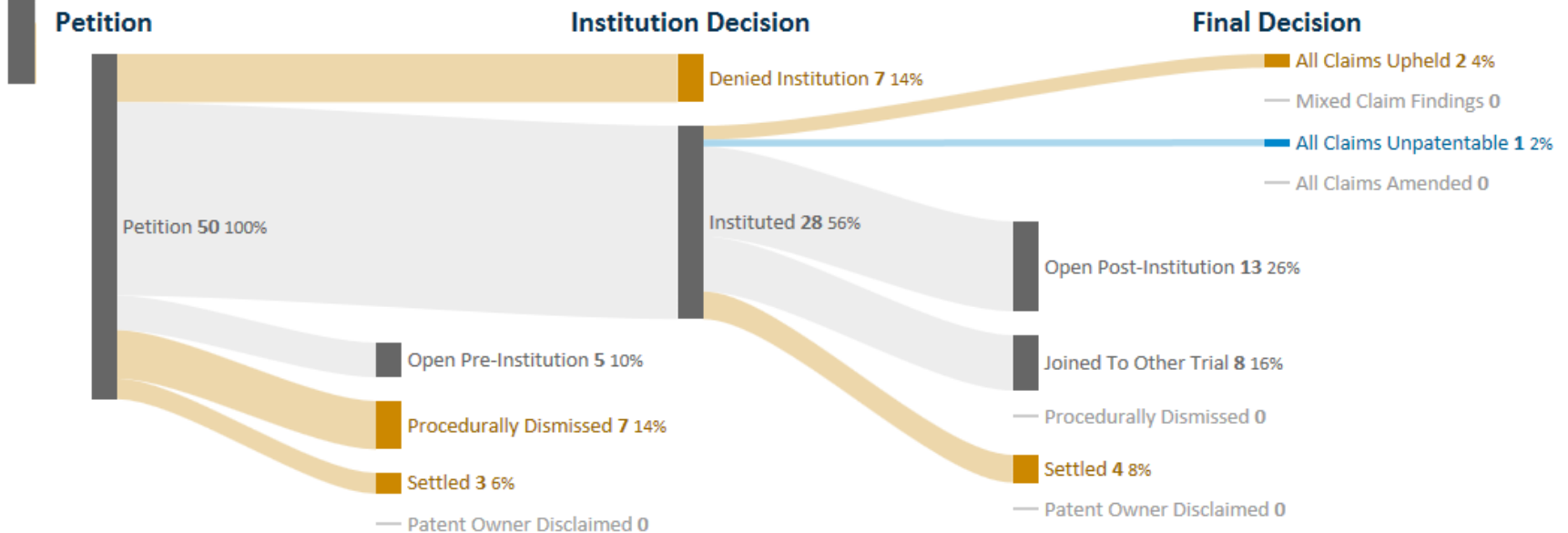


Before PTAB: Representing Patentee

Showing 18 PTAB trials with Sidley Austin as a law firm; in which the selected law firm represented a Patent Owner ; filed between 2012-09-16 and 2016-07-07 .



Showing 50 PTAB trials with Quinn Emanuel Urquhart & Sullivan as a law firm; in which the selected law firm represented a Patent Owner ; filed between 2012-09-16 and 2016-07-07 .



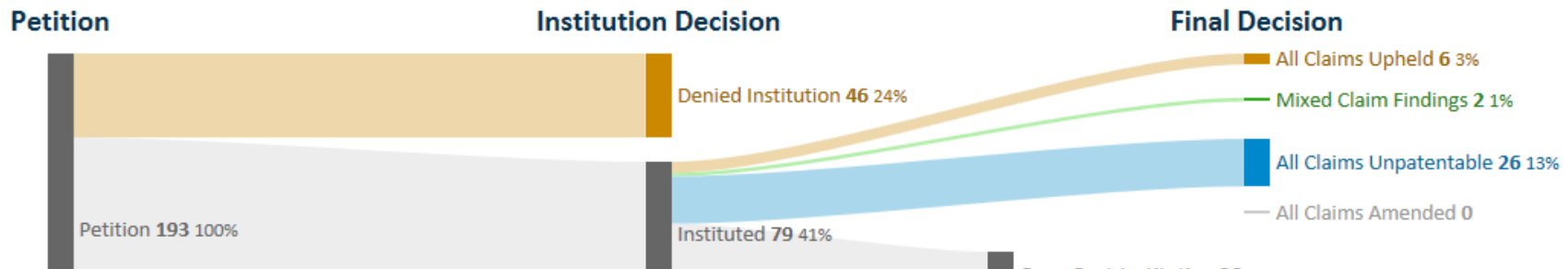
Petitioner Win 1 2% Partial 0 0% Patent Owner Win 23 46%

All %s out of 50 Petitioned trials

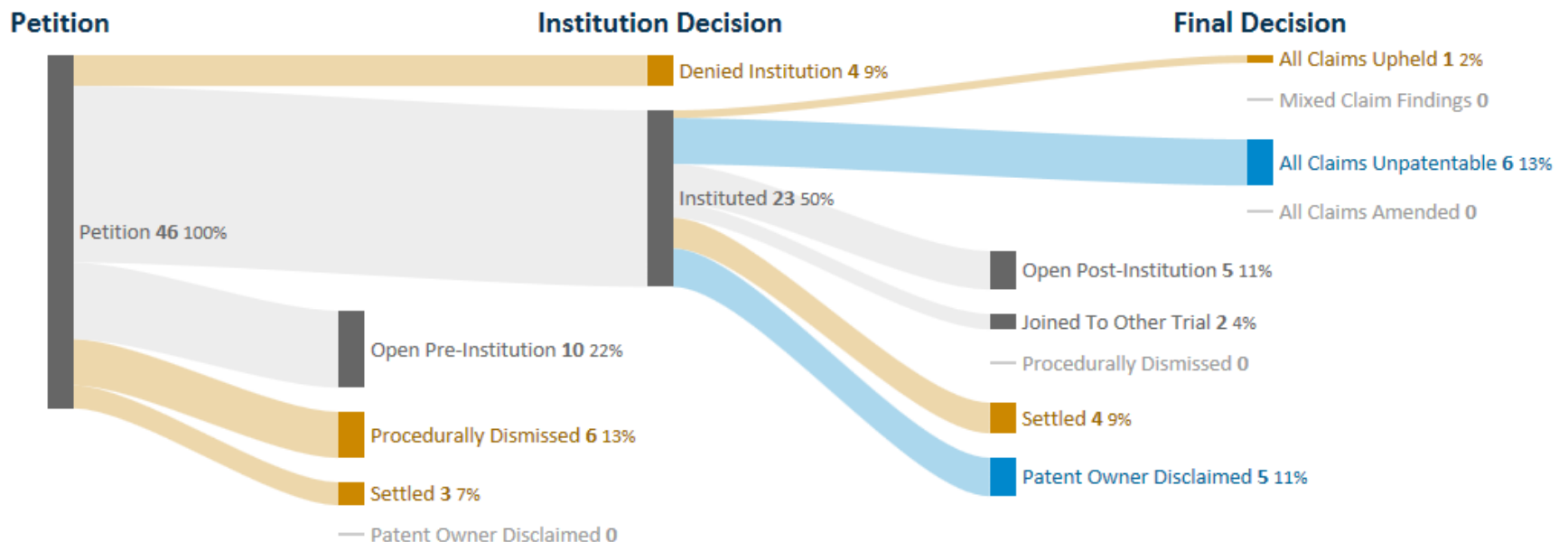


Before PTAB: Representing Petitioner

Showing 193 PTAB trials with Sidley Austin as a law firm; in which the selected law firm represented a Petitioner; filed between 2012-09-16 and 2016-07-07.



Showing 46 PTAB trials with Quinn Emanuel Urquhart & Sullivan as a law firm; in which the selected law firm represented a Petitioner; filed between 2012-09-16 and 2016-07-07.



■ Petitioner Win 11 24%
 ■ Partial 0 0%
 ■ Patent Owner Win 18 39%

All %s out of 46 Petitioned trials



Use Case #5

Identify Patents of High Business Value

Prosecution History Search

USPTO PUB PAIR:

- case number search;
- prosecution history of an individual patent application

The screenshot shows the 'Patent Application Information Retrieval' (PAIR) search interface. At the top, there is a 'Select New Case' button. Below it, a section titled 'Select New Case' contains a note: '* indicates a required field' and 'You may search for a specific application or conduct a search related to a customer number.' The 'Search for Application:' section has a dropdown for 'Choose type of number:' with five options: 'Application Number' (selected), 'Control Number', 'Patent Number', 'PCT Number', and 'Publication Number'. Each option has an information icon. Below the dropdown, there is a text input field with the value '11874693' and a 'SEARCH' button. A note at the bottom left says '* Enter number:'.

PatentAdvisor:

- All file wrappers OCR-ed;
- A variety of searches available, e.g., key word search and number search across the whole database

Pat DocSearch™

Text Search Results for

NFC and Cell Phone

Document type:

☒ Office Actions ☒ Claims ☐ Responses

Application status:

☒ Pending ☒ Abandoned ☒ Patented

The screenshot shows the 'FILTER RESULTS' interface. It has a grid of search filters: 'BY EXAMINER', 'BY ART UNIT', 'BY ASSIGNEE', 'BY LAW FIRM', 'BY APPLICATION NUMBER', 'BY PATENT NUMBER', 'BY PUBLICATION NO', 'FROM DATE', 'BY BRIEF CASE', 'BY PPM', and 'REJECTION TYPE'. Each filter has a dropdown menu. At the bottom, there is a 'SUBMIT' button, a 'SORT BY' dropdown set to 'Best Match', and another dropdown menu.

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Text Search Results for
5,800,784

Search for your patents

Special symbols in your search term text may result in a high number of results.

Document type:
☒ Office Actions ☐ Claims ☒ Responses

Application status:
☒ Pending ☒ Abandoned ☒ Patented

FILTER RESULTS

BY EXAMINER

BY ART UNIT

BY LAW FIRM

BY APPLICATION NUMBER

BY PATENT NUMBER

BY PUBLICATION NO

FROM DATE

BY BRIEFCASE
Choose Briefcase

BY PPM
Choose PPM

SUBMIT


SORT BY Best Match

By Briefcase: Troller Inc. 3274

Limit the search to a competitor's cases

19 documents found for "5,800,784"

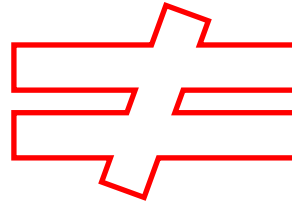
[EXPORT TO BRIEFCASE](#)

APPLICATION	11/705,359	 MEASURING EQUIPMENT AND MEASURING METHOD USING CARTRIDGE CONTAINER, AND PROGRAM RECORDING MEDIUM ... under 35 U.S.C. 102(b) as being anticipated by Horn (US 5,800,784). With respect to independent claim.... Disposition of Claims 5)E1 Claim(s) 9-18 is/are pending in the application. 5a) Of the above... No(s)/Mail Date. 2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of... pertaining to the cassette so that the system can Application/Control Number: 11/705,359 Page 5... Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR...
DOCUMENT TYPE	CTFR - Final Rejection	
MAILING DATE	2012-02-02	
APPEAL CYCLES	0	
STATUS	Patented	
PATENT NUMBER	8,940,231	
EXAMINER	HYUN, PAUL SANG HWA	
ART UNIT	1772	
LAW FIRM	MORGAN LEWIS & BOCKIUS LLP (WA)	
ASSIGNEE	ARKRAY	

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Top 10 patents
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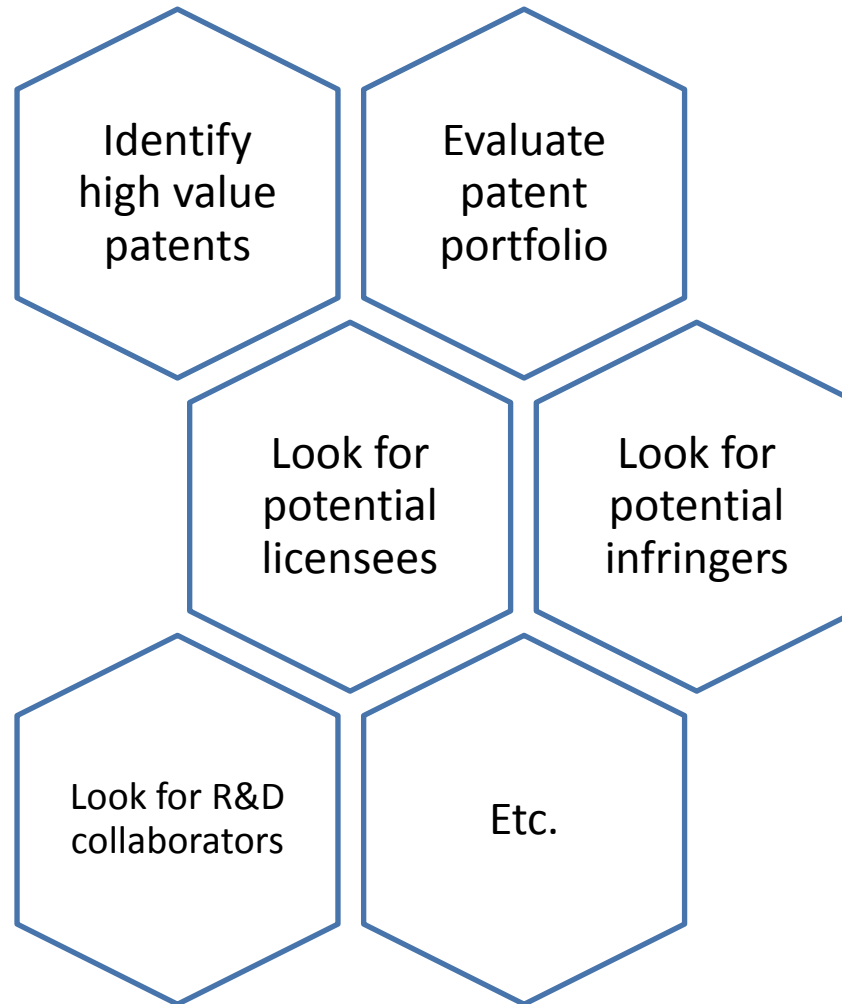
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US6163
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Top 10 patents
cited by **USPTO Examiners in OAs**
to reject patentability of other
applications

Top 10 Cited by Examiners in OAs
US7567
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US9116
US6912
US7299
US7245
US8230
US7054
US7099
US7869

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