

Insights: Alerts

5 Key Takeaways: Patent Litigation Trends

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Kilpatrick Townsend attorneys Andy Rinehart and Dr. Jennifer Giordano-Coltart recently presented their assessment of trends in patent litigation and prosecution at the firm's annual patent CLE in Research Triangle Park. Twenty firm attorneys presented on top patent law issues to over 100 guests representing legal counsel from dozens of companies. Top takeaways from the analysis of patent litigation trends:

- Patent litigation actions in U.S. District Courts continue to decline steadily from their peak in 2013. Since that time, there has been a 21.6% decrease in the number of actions filed per year.
- Actions filed in the Eastern District of Texas, the most popular venue for patent infringement actions, decreased in 2016 by more than 33% relative to 2015, although the venue still had 1,685 new actions in 2016. By comparison, the District of Delaware was the second-most popular venue with 456 actions filed in 2016.
- Section 337 Investigations instituted in the International Trade Commission increased significantly in 2016 to a total of 57—an increase of 57% from 2015.
- The number of petitions for *inter partes* review (IPR) decreased from 2015, but the number of total filings still remained high with 1,565 petitions filed with the Patent Trial and Appeal Board (PTAB) in 2016.
- Patent Owners still face an uphill battle in proceedings before the PTAB—only 17% of all proceedings that receive a Final Written Decision in IPR result in all challenged claims found patentable. 23% of all IPR petitions result in all claims instituted being found unpatentable, and 63% of petitions that reach an institution decision are granted.

To view Dr. Jennifer Giordano-Coltart and Andy Rinehart's [5 Key Takeaways of Patent Prosecution Trends](#), please click [here](#).

Mr. Rinehart focuses his practice on patent litigation matters. Before attending law school, he was a Captain in the United States Army and the North Carolina National Guard, where he served in several command and staff assignments. Dr. Jennifer Giordano-Coltart advises businesses on patent matters in the areas of biotechnology, life sciences, pharmaceuticals, and medical devices.

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