Lex Machina’s 2013 Patent Litigation Year in Review report (https://lexmachina.com/2013review) presented insights and trends based on litigation and damages information from cases filed since 2000. This sheet highlights the most useful figures for practitioners in summary form.

**Less than 2% of patent cases end with an award of compensatory damages to the patent rights holder**

- 36,629 cases have terminated between 2000 and 2013
- Only 13.9% of those terminated cases reached any decision on the merits
- Only 3.8% of those terminated cases resulted in any damages (including fees and costs)
- Only 1.9% of those terminated cases reached a merit decision and compensatory damages

**Awards of compensatory damages are uneven**

Top awards are huge but rare:

- Centocor v. Abbott Labs, Carnegie Mellon v. Marvell, Monsanto v. DuPont, and Apple v. Samsung* have all resulted in awards of more than $1 billion at the district court (but not all of these awards have been upheld on appeal**)

Most awards are far lower. Among plaintiffs winning any compensatory awards:

- 90% of the awards have been less than $25.4 million per case
- 75% of the awards have been less than $5 million per case
- The median award was $372,000 per case (as many litigants won more than that as won less than that)

The median has risen in recent years, but not dramatically:

- Over the last five years (2009-2013), the median compensatory award was $787,937 per case
- In 2013 alone, the median compensatory award was $688,000 per case

**Enhanced damages are rare**

- Enhanced damages (additional damages which may be awarded for willful infringement at the judge’s discretion) have been awarded in only 160 cases since 2000 (0.44% of terminated cases)
- The median award of enhanced damages (not including the underlying compensatory damages) was $474,996 per case
- Excluding enhanced damages in cases with default judgments yields a higher median of $1,211,735 (89 cases, 0.24% of the terminated cases)

**Attorneys’ Fees**

- Attorneys’ fees have been awarded in 342 cases since 2000 (0.93% of terminated cases) The median award was $43,183 per case
- For plaintiffs, the median award was $31,004 (265 cases, 0.72% of terminated cases). Excluding awards resulting from default judgments yields a higher median award of $245,396 per case (108 cases, 0.29% of terminated cases)
- For defendants, the median award was $573,838 per case (61 cases, 0.16% of terminated cases)

* The damages award in Apple v. Samsung (N.D. Cal, 5:11-cv-1846) rested in part on a trade dress claim.

** Centocor, reversed in 2009 (Fed. Cir., 10-1144); Carnegie Mellon Univ., on appeal (Fed. Cir., 14-1492); Monsanto, upheld (Fed. Cir., 13-1349); Apple, appealed (Fed. Cir., 13-1129 and 13-1146) and retried.

Published July, 2014. Data based on cases filed since Jan. 1, 2000 and any damages awarded up to Dec. 31, 2013 in those cases unless otherwise specified. Statistics based on cumulative damages per-case (not per-award); case sums are attributed to the most recent year in which an award was made.