

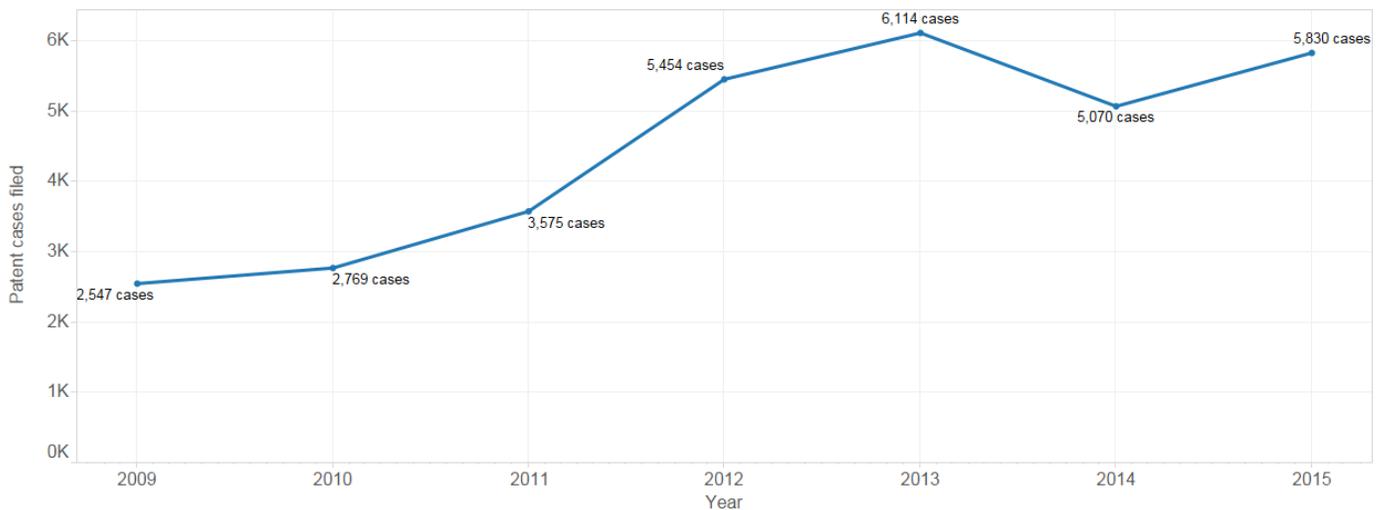
Lex Machina 2015 End-of-Year Trends

Patent litigation

District Court

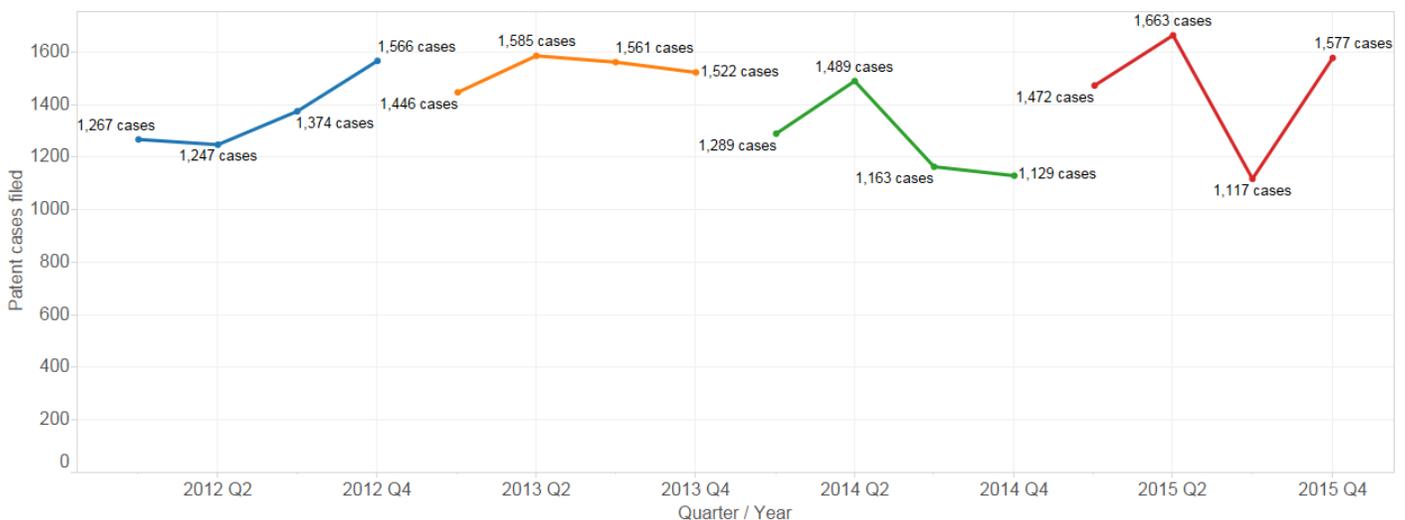
Patent litigation in U.S. district courts grew in 2015 with 5,830 patent cases filed, a 15.0% rise from 2014 (5,070 cases). Except for 2013, which remains the high-water year for patent litigation (6,114 cases), 2015 surpassed all other previous years.

Fig. 1: Patent cases filed, 2009-2015



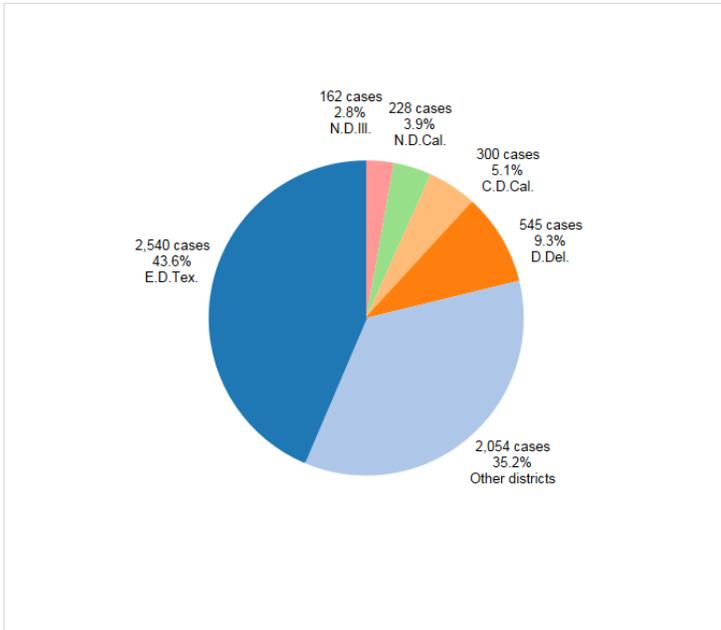
While the increase from 2014 [was already apparent by Q3](#), the last quarter of 2015 showed a rise in case filings over Q3, a pattern not seen since 2012. The 1,577 cases filed in Q4 2015 represent a 41.2% rise from Q3 – the strongest quarter-over-quarter rise in the last ten years.

Fig. 2: Patent cases filed, 2012-2015, by quarter



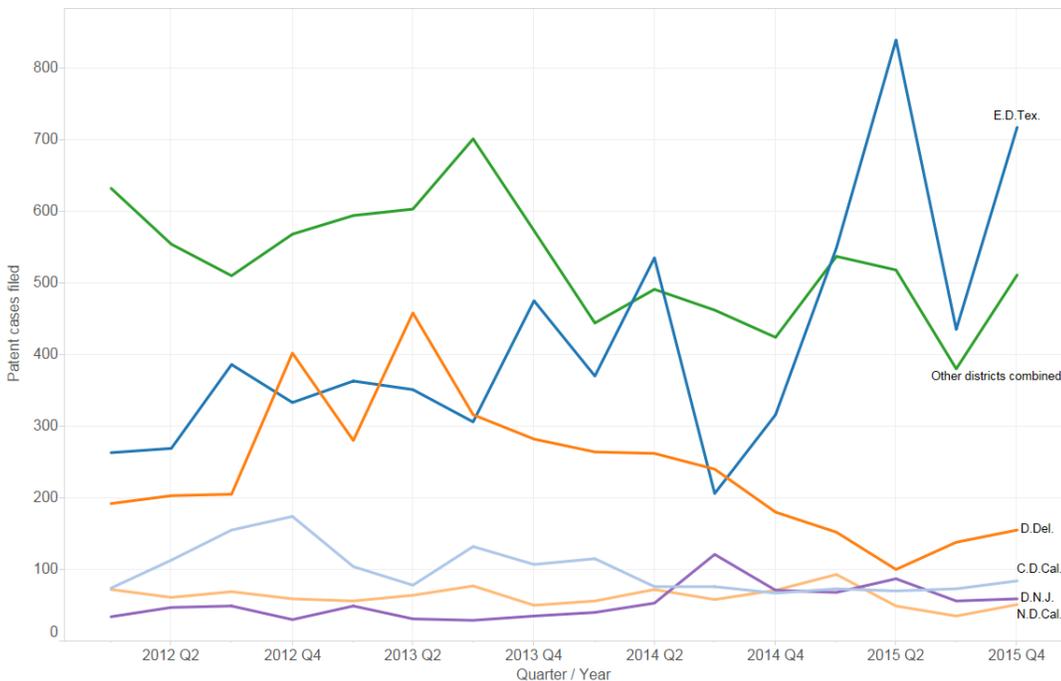
The distribution of patent cases among district courts remains highly uneven. The Eastern District of Texas received 2,540 cases comprising 43.6% of all cases filed in 2015 – a higher percentage than the combined total for all districts below the top 3 (41.9%). The next busiest district, the District of Delaware, saw less than 10% of the cases filed in 2015.

Fig. 3: Patent cases filed in 2015, by district



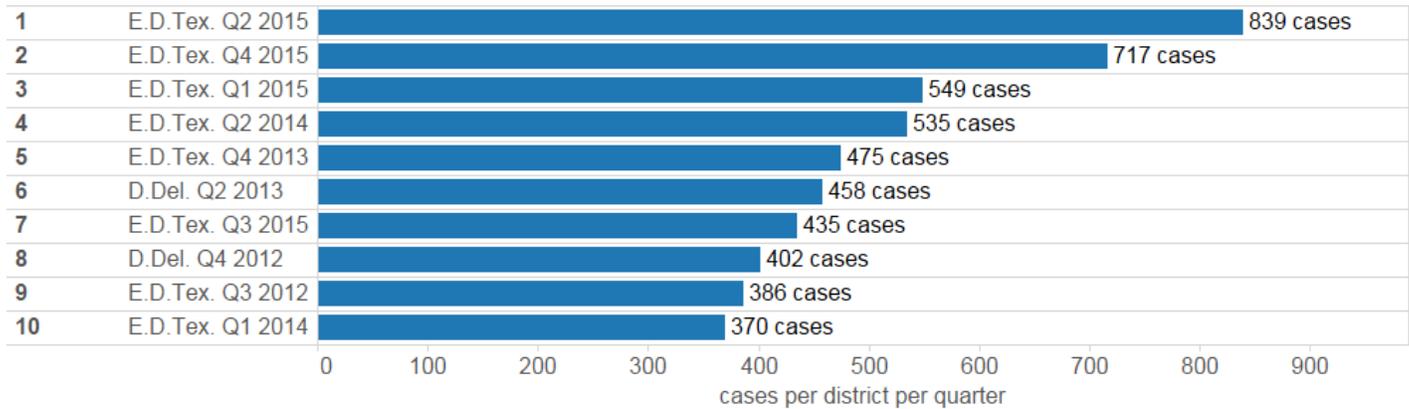
The trend towards filing cases in Eastern Texas accelerated in Q4 of 2015. Although Delaware saw its second quarter-over-quarter rise since 2013, the modest rise in Q4 still represents a proportional loss to Eastern Texas.

Fig. 4: Patent cases filed in 2012-2015, by district



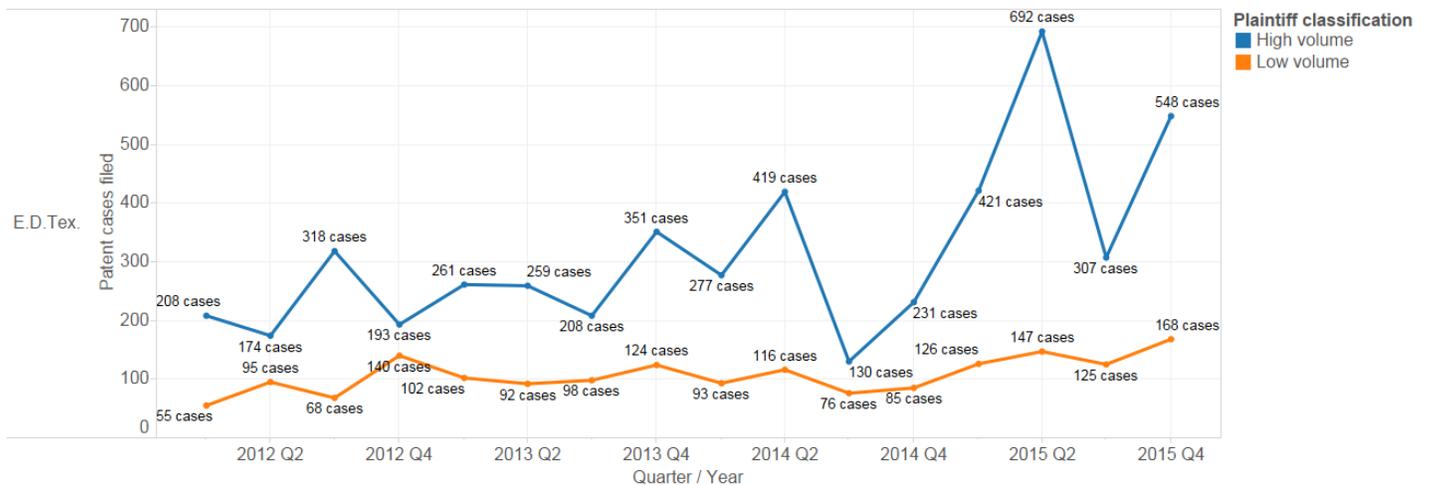
Indeed, the Eastern District of Texas holds 8 of the top ten strongest quarters-by-district. All four quarters of 2015 in Eastern Texas rank within the top ten, and Q2, Q4, and Q1 2015 are the top three.

Fig. 5: Top quarters by district



Looking more closely at the Eastern District of Texas reveals that most of the increase is due to high volume plaintiffs (those who have filed at least 10 cases per year). These plaintiffs are responsible for most of the volatility in case filings as well.

Fig. 6: Patent cases filed in Eastern Texas, 2012-2015, by volume class

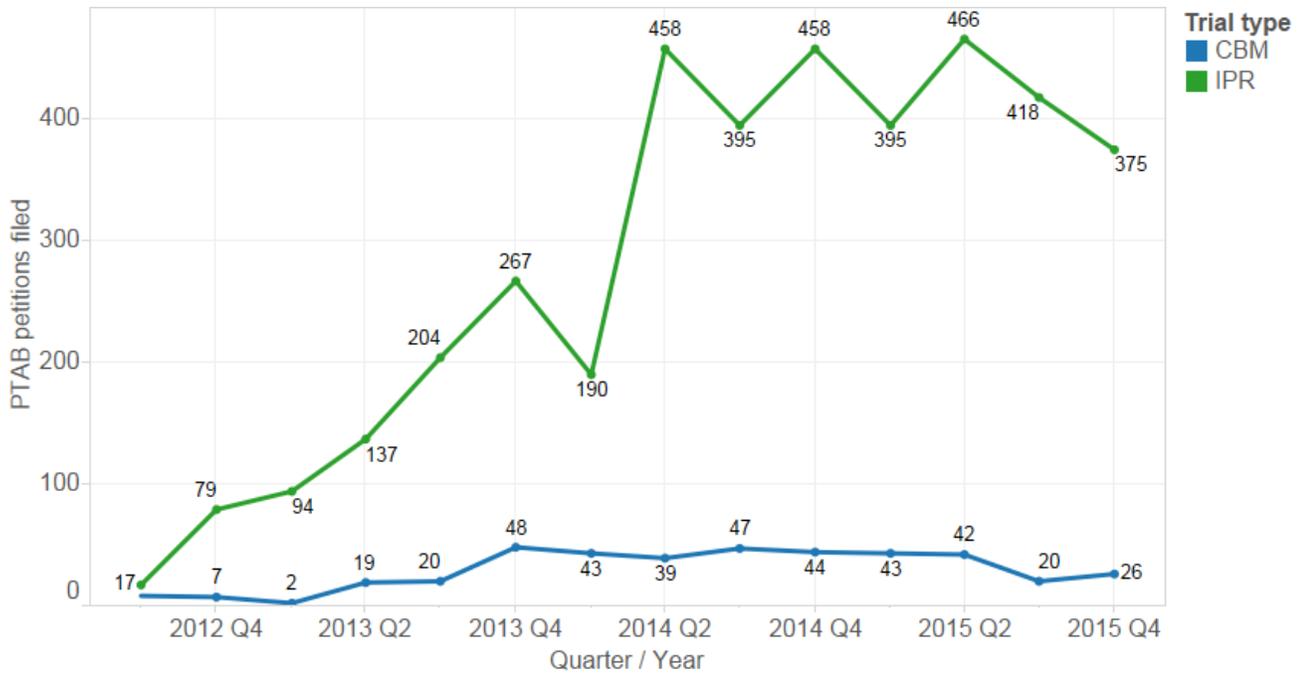


PTAB

New Inter Partes Review (IPR) activity at the Patent Trial and Appeal Board (PTAB) declined in the last quarter of 2015 with 375 petitions filed. This total represents the lowest number since Q1 of 2014 and bucks the trend of alternating quarters, also established in early 2014.

Covered Business Method reviews (CBM) activity saw only a slight rise in Q4 2015 (26 petitions, up from 20 in Q3 2015), but remains lower than the total for the past several quarters.

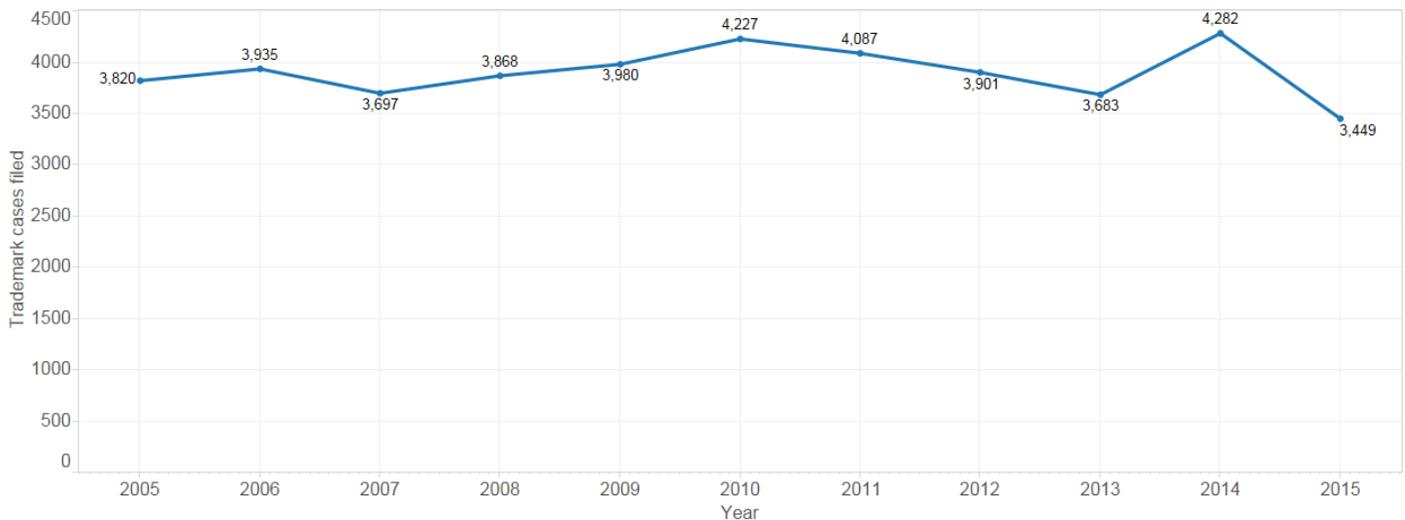
Fig. 7: PTAB petitions, by quarter



Trademark Litigation

Fewer trademark cases were filed in 2015 than in any of the previous ten years, although 2015's total of 3,449 cases is only 11.6% lower than the median over the same time frame.

Fig. 8: Trademark cases filed, 2005-2015



In particular, a weak Q4 saw only 822 trademark cases filed, less than any other quarter in the last 5 years.

Fig. 9: Trademark cases filed, 2009-2015, by quarter



For the curious, the spike in trademark case filings seen below in the third quarter of 2014 was driven by a flood of cases filed in the District of Minnesota against the National Football League, generally by former players over usage of their likeness. These cases account for about 461 of the 1,397 cases filed in Q3 2014. Without these cases, Q3 2014 appears otherwise consistent with the quarters surrounding it.

Copyright Litigation

Lex Machina divides copyright litigation in the U.S. district courts into two sub-types: file sharing cases (those having John Doe or anonymous defendants and accusations based on file sharing technology such as BitTorrent), and other, more traditional cases. As explained in Lex Machina’s Copyright Report, these cases follow very different dynamics.

Q4 of 2015 saw a decrease in both filesharing cases and other copyright cases.

File sharing cases continued the year-long trend of decline, with 533 cases filed in Q4 – the first time since Q3 of 2014 that there have been fewer file sharing cases than other copyright cases.

While other copyright cases declined as well in Q4, the decrease was minor at 7.9%, and well within the recent trend of 500-600 cases per quarter.

Fig. 10: Copyright cases filed, 2011-2015, by quarter

