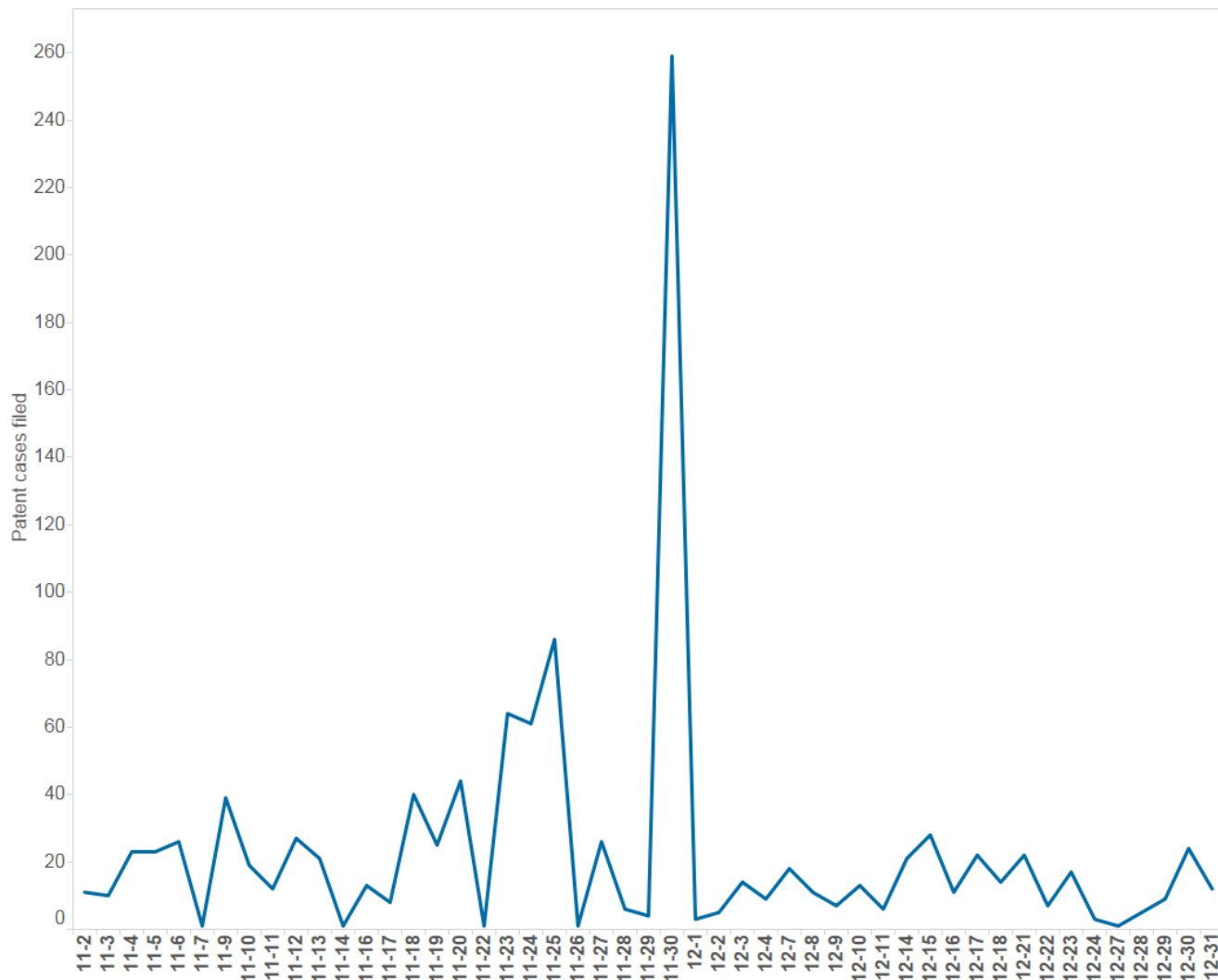


Spike in Patent Case Filings Corresponding to End of Form 18

Lex Machina's data shows a spike in case filings on November 30, 2015, corresponding to a rule change that eliminates Form 18, the form often used to plead direct infringement claims in patent cases. On that day, a record 259 patent cases were filed. The change, recommended by the Federal Rules Advisory Committee and adopted by the U.S. Supreme Court, became effective in the absence of Congressional action on December 1, 2015.

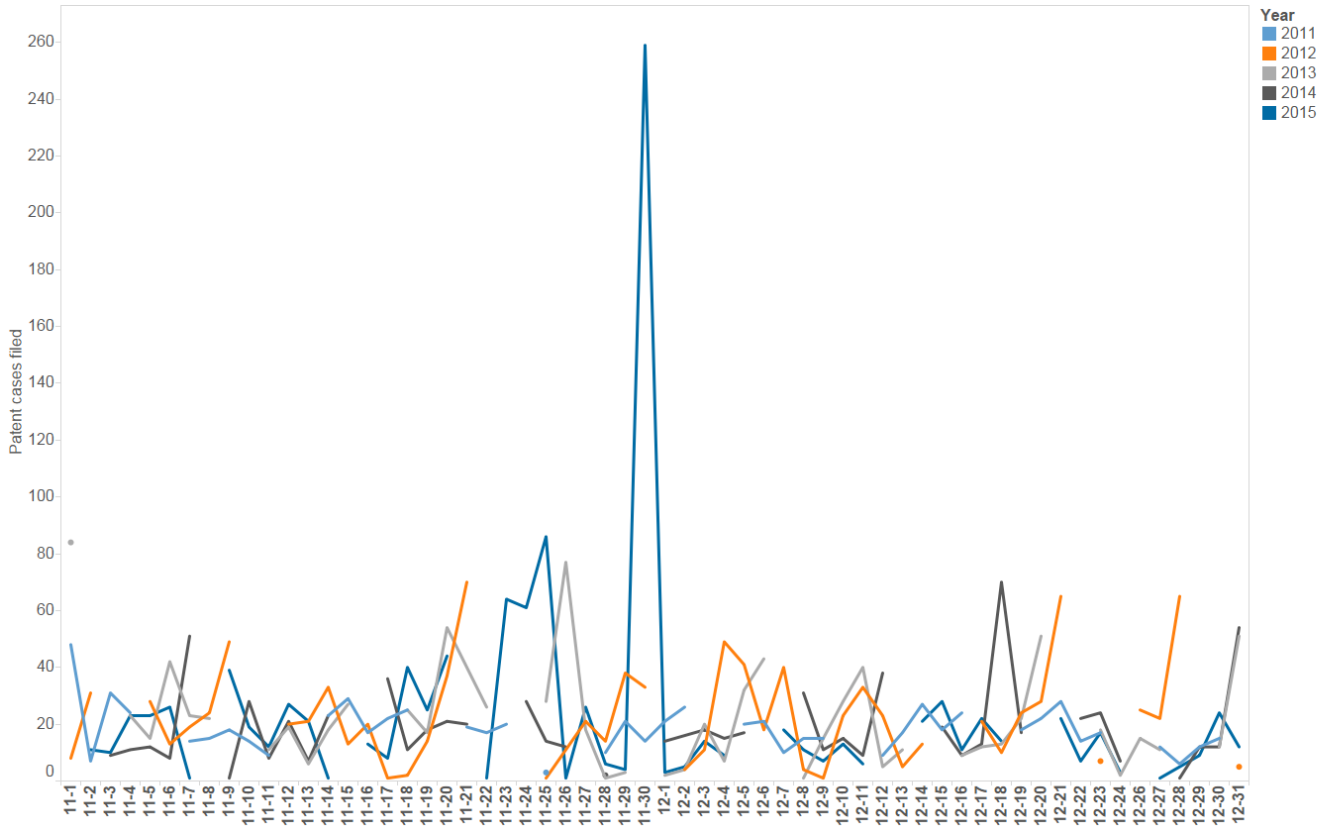
Fig. 1: November and December, 2015



Form 18 provides a simple form for pleading the facts of a direct infringement patent case. Using Form 18 generally guaranteed plaintiffs would survive a motion to dismiss for lack of facts, despite the fact that Form 18 did not require identifying an infringed patent or even an accused product. The abolishment of Form 18 has generally been perceived to raise the pleading standard, although the exact parameters of what now suffices are still not entirely clear.

The 259 cases filed on November 30, 2015 set a new record, exceeding the old record of 200 cases filed on [April 23, 2014, correlating with legislative rumors of patent reform](#). There is no historic pattern which would otherwise explain this spike.

Fig. 2: November and December, 2010-2015



Looking more closely at the cases comprising the spike reveals that more than half were filed by a small number of plaintiffs.

Fig. 3: Plaintiffs filing at least 10 cases on November 30, 2015

Ruby Sands LLC	21
Encoditech LLC	20
Guyzar, LLC	20
Opal Run LLC	20
Iris Connex, LLC	18
Anuwave, LLC	17
Bluestone Innovations LLC	13
Manitto Technologies, L.L.C.	10