

The enclosed study is part of  
a larger report in preparation:

“The Crisis in Intellectual Property  
Protection and China’s Role in that  
Crisis”

The larger report is being prepared  
By one of the members of  
The Trade Lawyers Advisory Group

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The views in the enclosed study are those of  
the author, Pat Choate.

















































































**Table One**  
**USPTO Patent Applications and Grants**  
**Vital Data (Utility, Plant and Reissue Patents) (1998-2006)**

<b>Ownership of Utility, Plant and Reissue Patents (UPR)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<u>Total Utility, Plant and Reissue (UPR) Applications (FY)*</u>	240,090	261,041	293,244	326,081	333,688	333,452	355,527	384,228	417,819
Large Entity Applicants									
Percent of Total Applications	69%	69%	71%	N/A	71%	71%	72%	72%	73%
Small Entity Applicants									
Percent of Total Applications	31%	31%	29%	N/A	29%	29%	28%	28%	27%
<u>Total Utility, Plant and Reissue (UPR) Grants (FY)*</u>	140,159	143,681	165,500	170,638	162,216	173,065	170,637	152,088	164,115
Large Entity Grantees									
Percent of Total Patent Grants	71%	71%	72%	73%	76%	77%	76%	76%	77%
Small Entity Grantees									
Percent of Total Patent Grants	29%	29%	28%	27%	24%	23%	24%	24%	23%
<u>Utility Patents Granted (Calendar Year)**</u>	147,518	153,485	157,494	166,036	167,331	169,023	164,291	143,806	173,771
U.S. Origin	80,289	83,905	85,068	87,600	86,971	87,893	84,271	74,637	89,823
Percent of Total	54.20%	54.70%	54.00%	52.80%	52.00%	52.00%	51.30%	51.90%	51.70%
Foreign Origin	67,229	69,580	72,426	78,436	80,360	81,130	80,020	69,169	83,948
Percent of Total	45.80%	45.30%	46.00%	47.20%	48.00%	48.00%	48.70%	48.10%	48.30%
<u>U.S.-Origin Utility Patents (Calendar Year)</u>	80,289	83,905	85,068	87,600	86,971	87,893	84,271	74,637	89,823
Large Entity U.S. Grantees (Calculated)									
Percent of Total	61%	62%	63%	65%	69%	69%	69%	68%	N/A
Small Entity U.S. Grantees (Calculated)									
Percent of Total	39%	38%	37%	35%	31%	31%	31%	32%	N/A
<u>Patent Applications Published at 18 Months (FY)***</u>	N/A	N/A	N/A	25,359	169,729	243,007	248,561	291,221	291,259

Data Sources: "Small entity" means an independent inventor, small businesses with 500 or fewer employees, universities and colleges, and organizations the U.S. Internal Revenue Service designates as a 501(c)(3) non-profit organization. By statute, they may pay reduced patent fees. The data herein is denoted as to whether it is on the basis of a Fiscal Year or a Calendar Year. \*Provided to Author by USPTO Analysts. \*\*All Patents, All Types of Report, USPTO, A PTMB Report, 2006. \*\*\* USPTO Annual Reports, 2004, 2005 and 2006.



**Table Three**  
**Copyright, Patent and Trademark Cases Filed**  
**U.S. District Courts**  
(1990-2005 – Calendar Years)

<b>Fiscal Year</b>	<b>Private Cases</b>			<b>Total</b>
	<b>Copyright</b>	<b>Patent</b>	<b>Trademark</b>	
<b>1990</b>	2,075	<b>1,212</b>	2,405	5,692
<b>1995</b>	2,417	<b>1,706</b>	2,716	6,839
<b>2000</b>	2,050	<b>2,460</b>	4,187	8,697
<b>2001</b>	2,446	<b>2,496</b>	3,340	8,282
<b>2002</b>	2,084	<b>2,680</b>	3,458	8,222
<b>2003</b>	2,448	<b>2,788</b>	3,657	8,893
<b>2004</b>	3,007	<b>3,055</b>	3,496	9,558
<b>2005</b>	5,796	<b>2,706</b>	3,657	12,159

Source: **Federal Judicial Caseload Statistics**. The surge in intellectual property lawsuits is primarily due to an increase in copyright filings that was likely due to music companies filing infringement cases against individuals downloading from the Internet copyrighted recordings.

**Table Four**  
**Patents Granted and Lawsuits Commenced**  
(FY 1992-2006)

Fiscal Year	Patents Granted	Patents Suits Commenced	Lawsuits as a Percent of Patents Granted
2006	183,000	2,700	1.47
2005	165,000	2,720	1.64
2004	187,000	3,075	1.64
2003	190,000	2,814	1.48
2002	177,000	2,700	1.52
2001	188,000	2,520	1.32
2000	182,000	2,484	1.36
1999	159,000	2,318	1.45
1998	155,000	2,218	1.43
1997	123,000	2,112	1.71
1996	117,000	1,840	1.57
1995	114,000	1,723	1.51
1994	113,000	1,617	1.43
1993	107,000	1,553	1.45

Sources: Data from the patents Granted is from USPTO Annual Reports. Data for lawsuits commenced is from the Federal Judicial Statistics. The lawsuit data is as of March 31 of each year. The patents granted data is as of the Federal Fiscal Year. While the data is skewed by the different times used for the reporting years, a long-term view is created for this 14-year period. The author calculated the ratios.



