

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Trial and Appeal Board (PTAB) Statistics Updates

Sharon Israel, Vice Chief Administrative Patent Judge

Michael Kim, Vice Chief Administrative Patent Judge

Jason Repko, Administrative Patent Judge

October 8, 2025



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Agenda

- Study of high-volume filers and domestic university-related patentees in district court litigation and PTAB proceedings
- Multiple Petitions Study Addendum
- Appeals dashboard
- PTAB Orange Book patent/biologic patent study FY 25 update
- PTAB trial statistics
- Q&A

Question/comment submission

To send in questions or comments during the webinar, please email:

- USPTOHour@uspto.gov

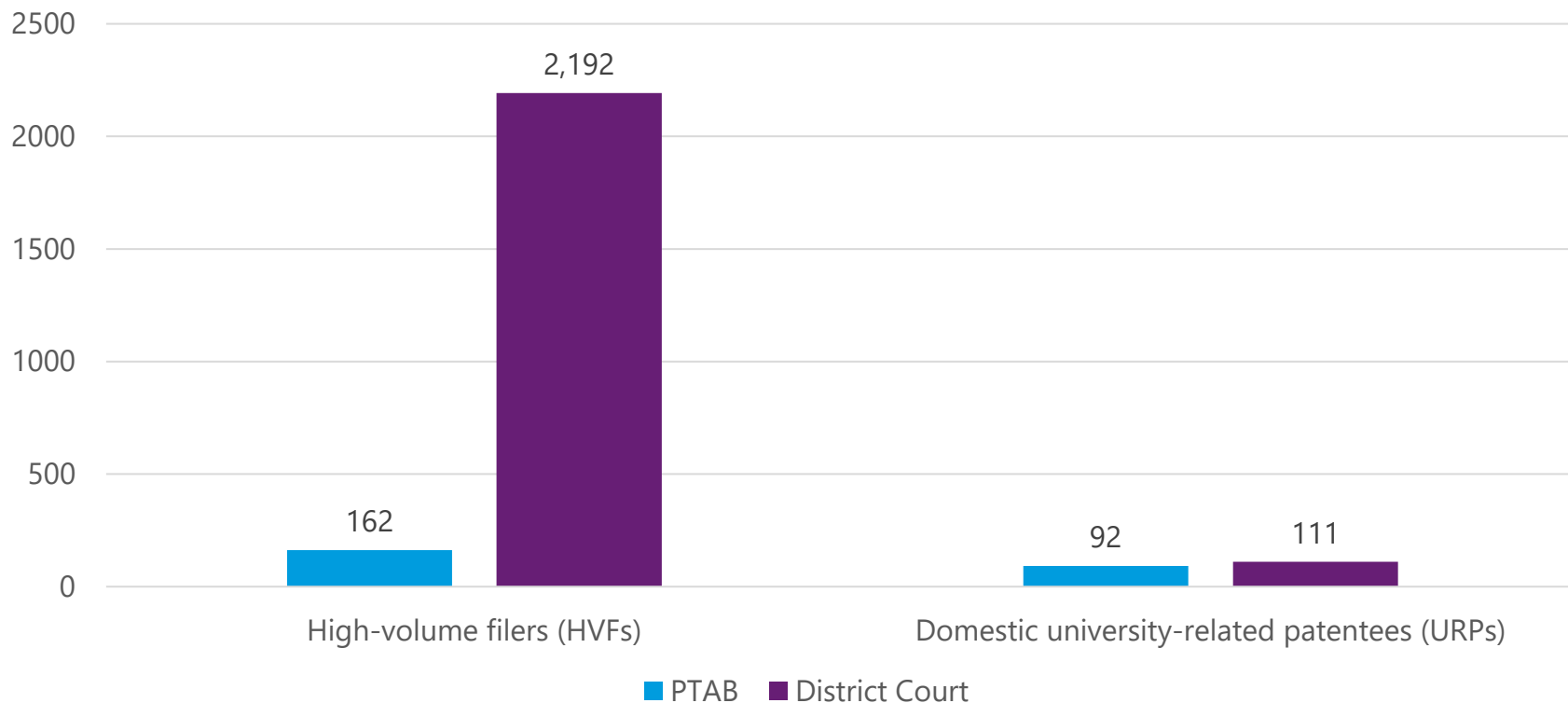
Study of high-volume filers and domestic university-related patentees in district court litigation and PTAB proceedings

Overview

- Looked at statistical information, including PTAB filing data, regarding the most active high-volume district court filer patentees (HVF's) and domestic university-related patentees (URPs) involved in district court litigation over a 6-year time period
- Focused on patentees whose utility and reissue patents were at issue in district court litigation from January 1, 2019, through December 31, 2024
- Identified the top PTAB petition filers over the same time-period

PTAB petitions and district court filings

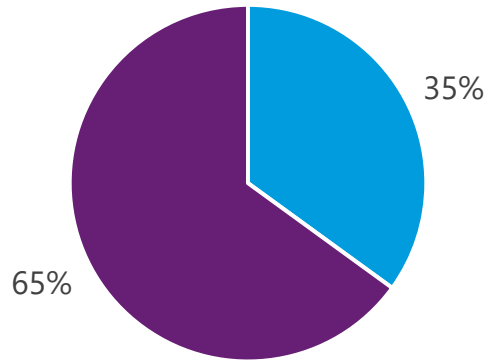
(January 1, 2019 through December 31, 2024)*



Top 20 HVF and URP PTAB challenges

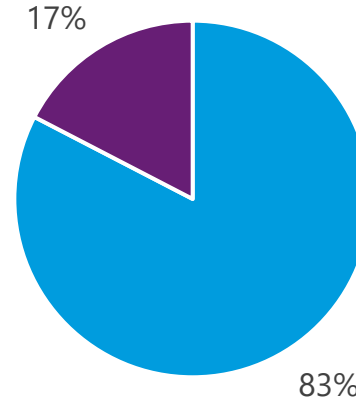
(January 1, 2019 through December 31, 2024)*

Top 20 HVFs



- Had patents challenged at the PTAB
- Did not have patents challenged at the PTAB

Top 20 URPs



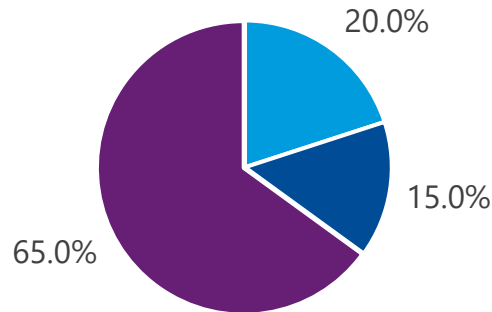
- Had patents challenged at the PTAB
- Did not have patents challenged at the PTAB



Top 20 HVF and URP PTAB challenges

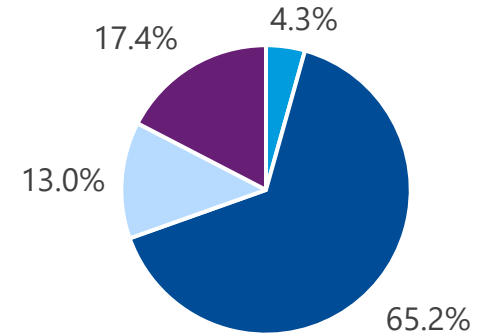
(January 1, 2019 through December 31, 2024)*

Top 20 HVFs



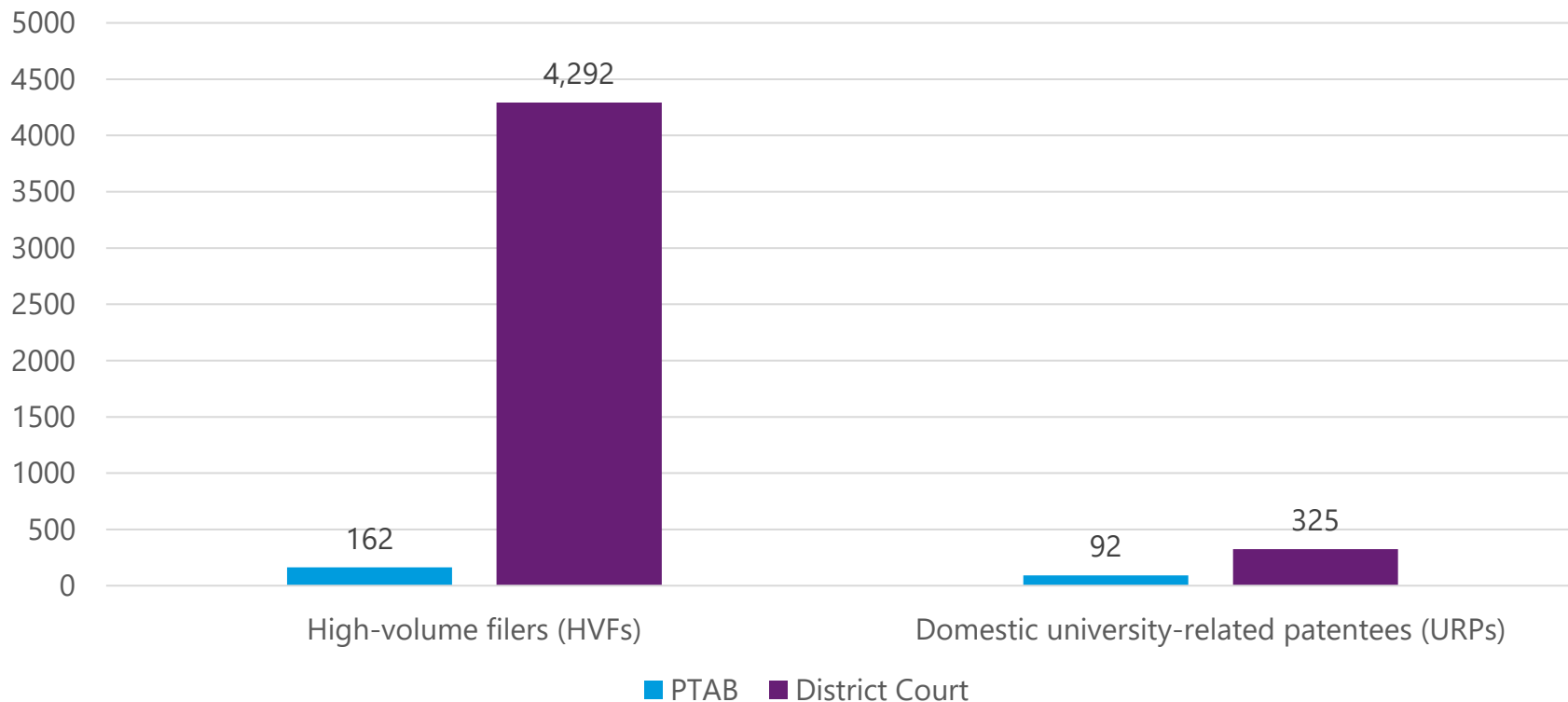
- Had patents challenged at the PTAB by someone other than district court litigants
- Had patents challenged at the PTAB by district court litigants
- Did not have patents challenged at the PTAB

Top 20 URPs



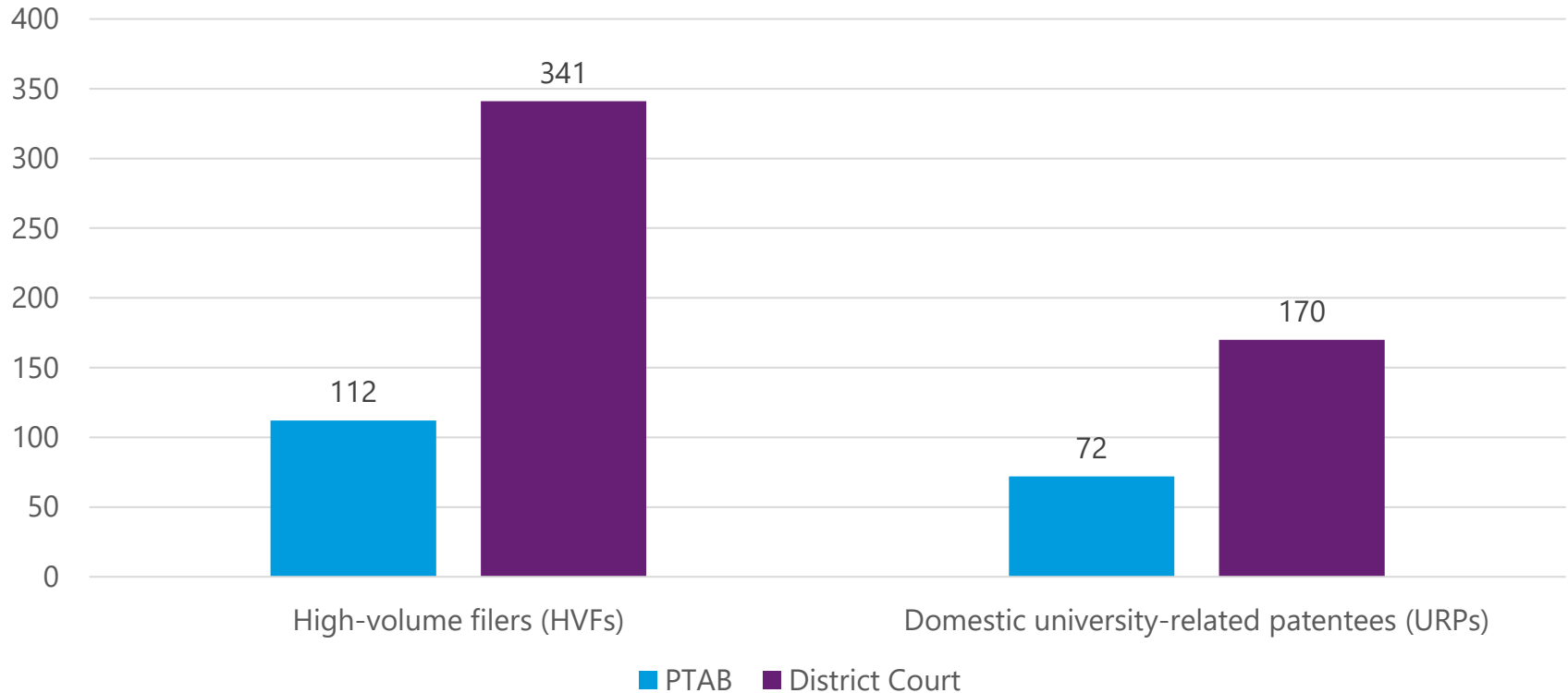
- Had patents challenged at the PTAB by someone other than district court litigants
- Had patents challenged at the PTAB by district court litigants
- Had patents challenged at the PTAB by both
- Did not have patents challenged at the PTAB

PTAB challenges vs. total patent “Assertions” in District Court (January 1, 2019 through December 31, 2024)*



Number of unique patents at issue

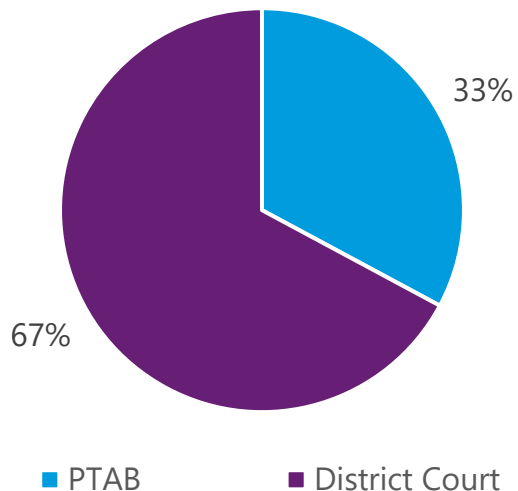
(January 1, 2019 through December 31, 2024)*



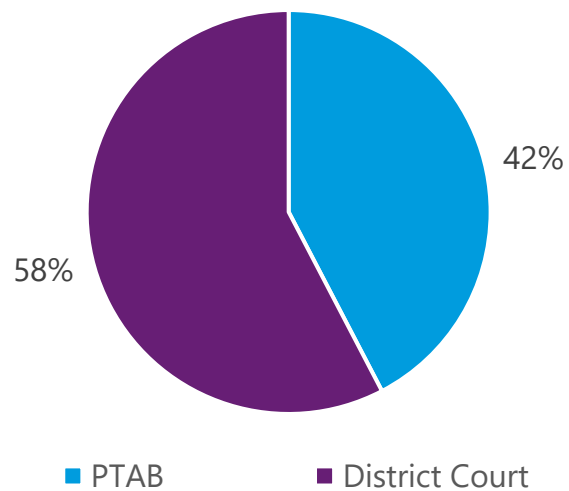
Number of unique patents at issue by percentage

(January 1, 2019 through December 31, 2024)*

Top 20 HVFs



Top 20 URPs



Top PTAB petition filers

Top 20 PTAB petition filers (cont.)

(January 1, 2019 through December 31, 2024)

| Petitioner* | Number of petitions filed |
|------------------------------|---------------------------|
| Samsung Electronics | 525 |
| Apple | 456 |
| Google | 340 |
| Unified Patents | 138 |
| Microsoft | 134 |
| Intel | 132 |
| Cisco Systems | 103 |
| Amazon | 89 |
| Roku | 79 |
| Comcast Cable Communications | 67 |

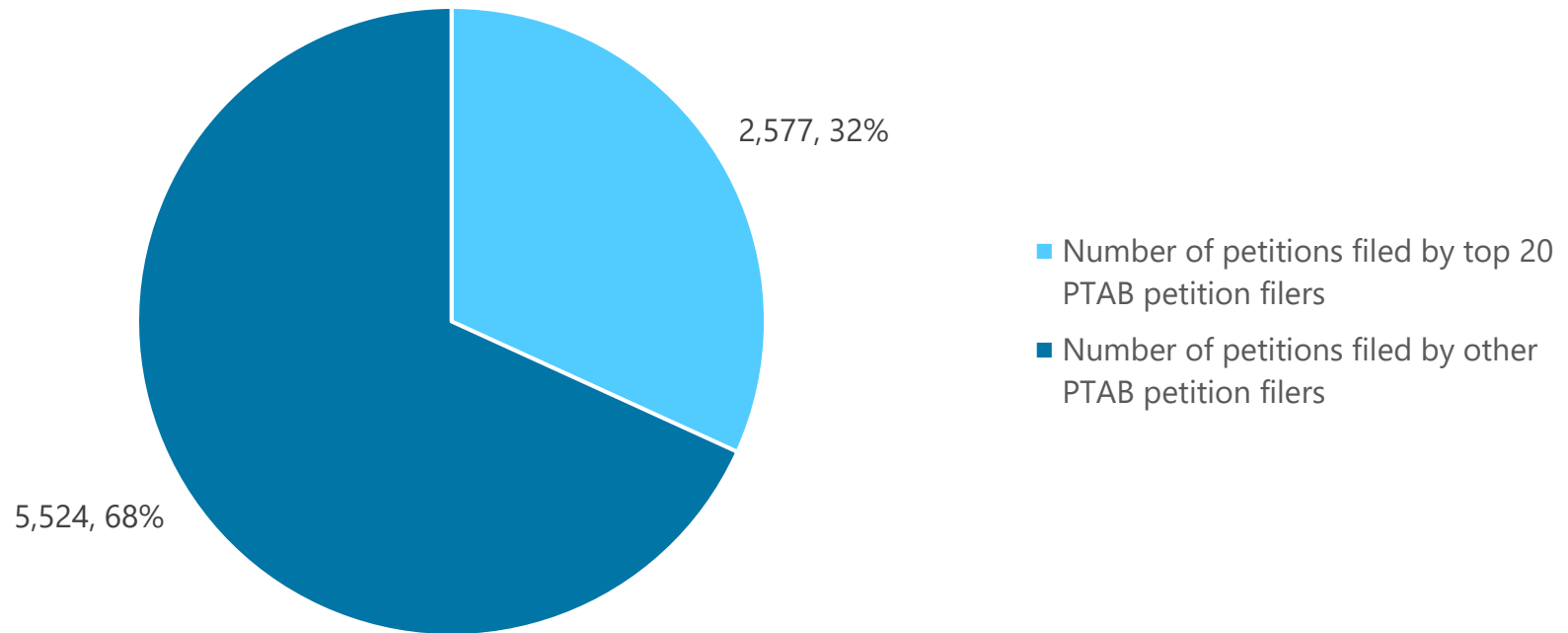
Top 20 PTAB petition filers (cont.)

(January 1, 2019 through December 31, 2024)

| Petitioner* | Number of petitions filed |
|-----------------------------|---------------------------|
| Meta Platforms | 65 |
| Micron Technology | 63 |
| Ericsson | 59 |
| LG Electronics | 57 |
| Volkswagen Group of America | 57 |
| Juniper Networks | 48 |
| Samsung Electronics America | 46 |
| Facebook | 44 |
| Dish Network | 38 |
| Lenovo (United States) | 37 |

Petitions filed by top 20 petitioners vs. total number of petitions filed

(January 1, 2019 through December 31, 2024)*



Takeaways and Next Steps

Takeaways/Trends

- The ratio of PTAB petitions filed against HVF patents relative to district court assertions is lower than the ratio of PTAB petitions filed against URP patents:
 - 7:100 for HVFs
 - 83:100 for URPs
- Adversaries of HVFs in district court generally do not file PTAB challenges
- The ratio of the number of unique patents asserted/at issue in HVF cases and URP cases to unique patents challenged at the PTAB is closer:
 - 33% for HVFs
 - 42% for URPs

Takeaways/Trends

- HVF district court cases, on average, were resolved in less than one year.
- For URP district court cases that were concluded, on average, they remained pending about 18 months, and less than 40% concluded in under a year.
- From January 2019 through December 2024, the top 20 PTAB petition filers filed more than 30% of all PTAB petitions.

Next steps

- This study will help us inform future rulemaking and practice updates
- We plan to continue to build on and refine our study results
- We welcome comments on this study and next steps
 - PTABStatisticsQuestions@USPTO.GOV

Appendix

Methodology and definitions

- Analyzed high-volume filers in district court cases for a 6-year period (2019-24)
 - Started with top district court filers in terms of number of cases docketed in U.S. district courts from Jan. 1, 2019 to Dec. 31, 2024 (“**Relevant Period**”).
 - To arrive at “top 20” **High-Volume Filers (HVF)**s, removed four top filers, two that primarily assert infringement of design patents and two involved in ANDA cases.
 - For the top 20 HVFs, examined total cases docketed (transferred cases only counted once), average days to resolution of concluded cases, percent resolved in less than one year, number of unique patents at issue/total patent assertions in district court, and number of AIA trial challenges and number of unique patents at issue before PTAB.
 - If AIA trial petitions were filed in first calendar quarter of 2025, i.e., from Jan. 1 – Mar. 31, 2025, on patents at issue in district court during the Relevant Period, those were included in the number of AIA trial challenges and noted in the study report.

Methodology and Definitions (cont.)

- Analyzed top domestic University-Related Patentee ("URP") Litigants for same Relevant Period
 - Conducted docket searches for parties that included "University," "Institute," "College," "Tech," "Research," or "Foundation" in their names and identified such domestic parties whose utility or reissue patents have been involved in two or more patent litigation cases over the Relevant Period.
 - Because five such parties "tied" for the final top 20 spot, for URP litigants, analyzed 23 parties as members of the "top 20."
 - For each URP litigant, repeated the same process used for HVFs, and examined total cases docketed (transferred cases only counted once), average days to resolution of concluded cases, percent resolved in less than one year, number of unique patents at issue/total patent assertions in district court, and number of AIA trial challenges and number of unique patents at issue before PTAB.

Question/comment submission

To send in questions or comments during the webinar, please email:

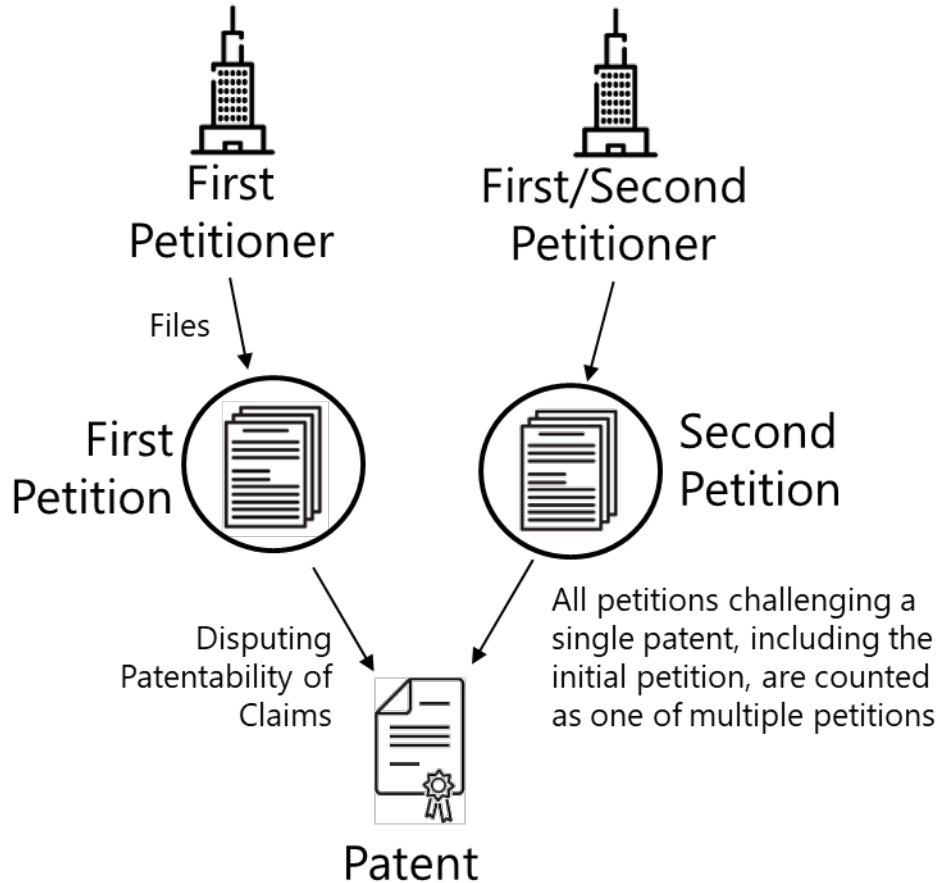
- USPTOHour@uspto.gov



Simplified Inter Partes Review (IPR) Analysis Addendum

PTAB Multiple Petitions Study

(NEW) Overall multiple petitions trends



The new metric introduced in this addendum captures the volume of petitions that represent **additional** petitions that a patent owner may need to respond to, along with the **initial** petition, against the same patent. For example, if a patent is challenged twice, then the initial petition and the additional petition would both be counted as **one of multiple petitions**. Until an additional petition is filed against the same patent, a petition is considered a **solo petition**.

(NEW) Solo and multiple petitions* overall breakdown

(FY 12 to FY 24: September 16, 2012, through September 30, 2024)

FY2012-FY2024

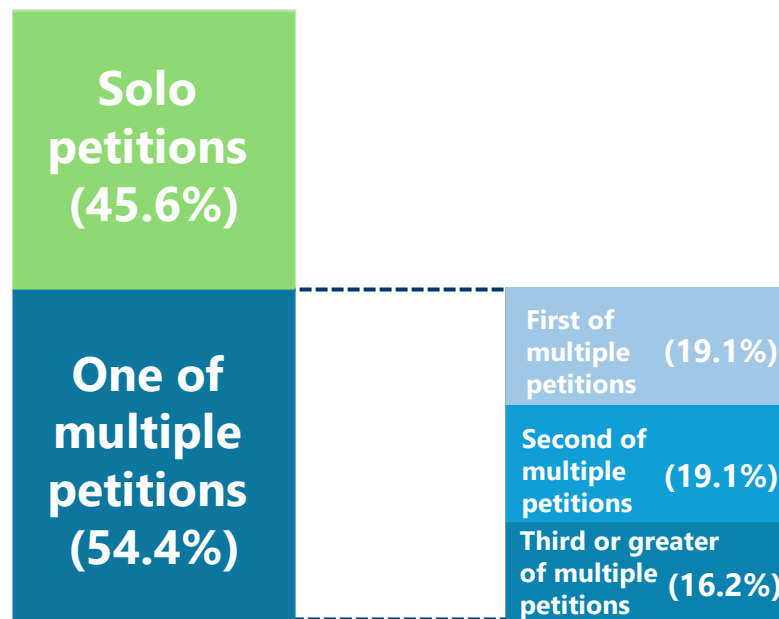


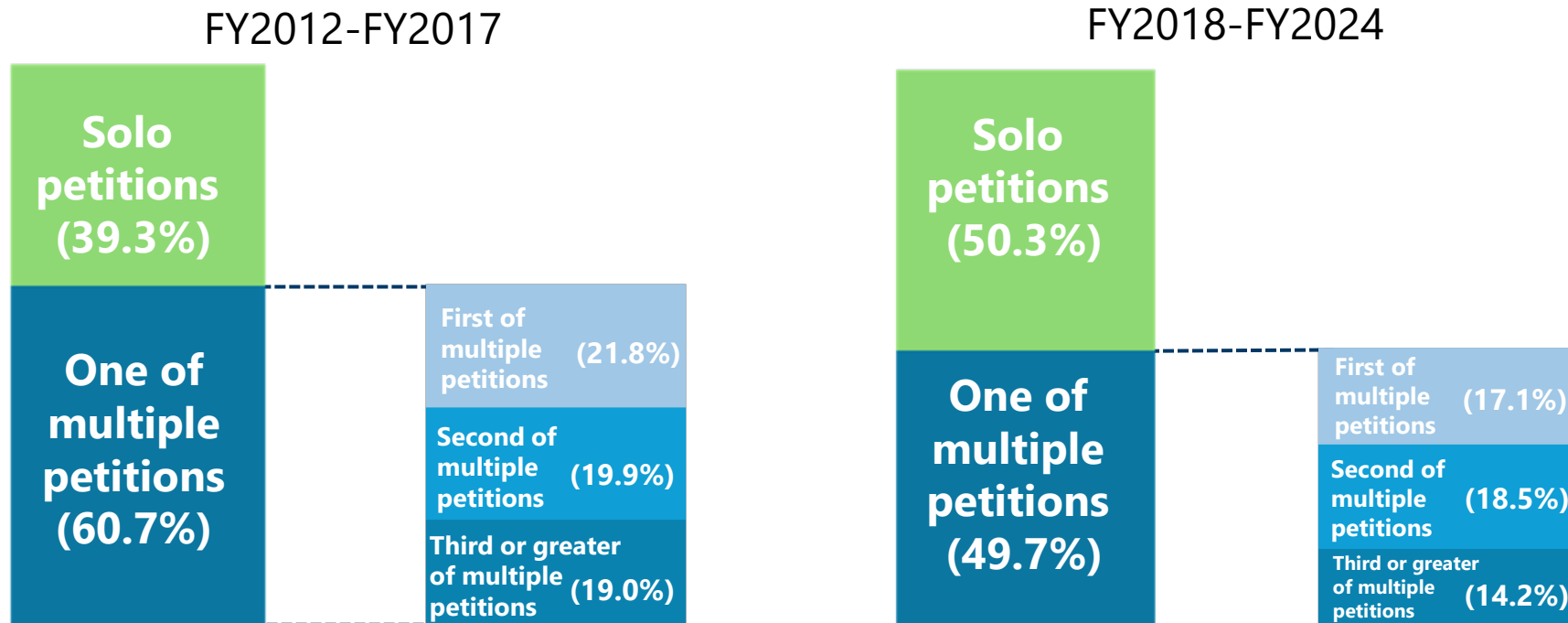
Figure may contain rounding errors.

** Any inter partes review (IPR) challenges of the same patent, including from the same or different challengers.*



(NEW) Solo and multiple petitions* trends

(FY 12 to FY 24: September 16, 2012, through September 30, 2024)



General Plastic issued Sept. 6, 2017 (end FY17)
precedential Oct. 18, 2017 (start FY18)

General Plastic established
factors for whether to deny
institution of trial when multiple
petitions are filed



28 Figure may contain rounding errors.

* Any IPR challenges of the same patent, including from the same or different challengers.

Appeals dashboard

Appeals Dashboard

www.uspto.gov/dashboard/ptab/

- Appeals data at the Patent Trial and Appeal Board including:
 - Appeals inventory by technology and fiscal year
 - Appeals filed by technology and fiscal year
 - Average appeal pendency (months) by technology and fiscal year
 - Appeal outcome by type and fiscal year



Question/comment submission

To send in questions or comments during the webinar, please email:

- USPTOHour@uspto.gov



FY25 Update

PTAB Orange Book patent/biologic patent study

Overview of findings from Orange Book/biologic patent study (1/2)

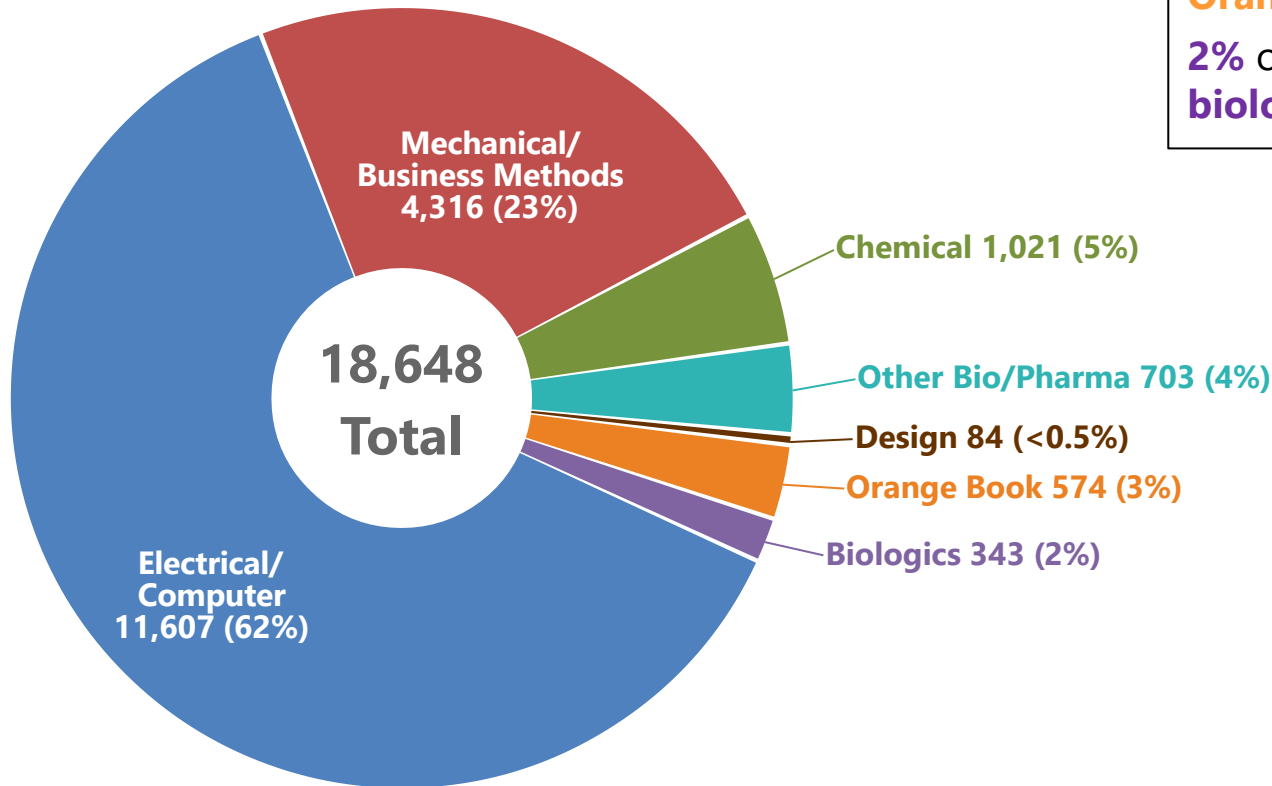
- 3% of all AIA petitions challenge Orange Book-listed patents
- 2% of all AIA petitions challenge biologic patents
- Challenges to Orange Book-listed patents have fallen from a peak of 7.5% of all petitions filed in FY 2016 to less than 1.4% of all petitions filed this FY
- Challenges to biologic patents have been more steady, but fewer since FY 2017

Overview of findings from Orange Book/biologic patent study (2/2)

- PGR petitions are used more often when challenging biologic patents, compared to Orange Book-listed patents and other technologies
- The institution rate for biologic patents (61%) is similar to the institution rate for Orange Book-listed patents (62%)
- Orange Book-listed patents have had a greater percentage of claims upheld in a final written decision than biologic patents

Petitions filed by technology

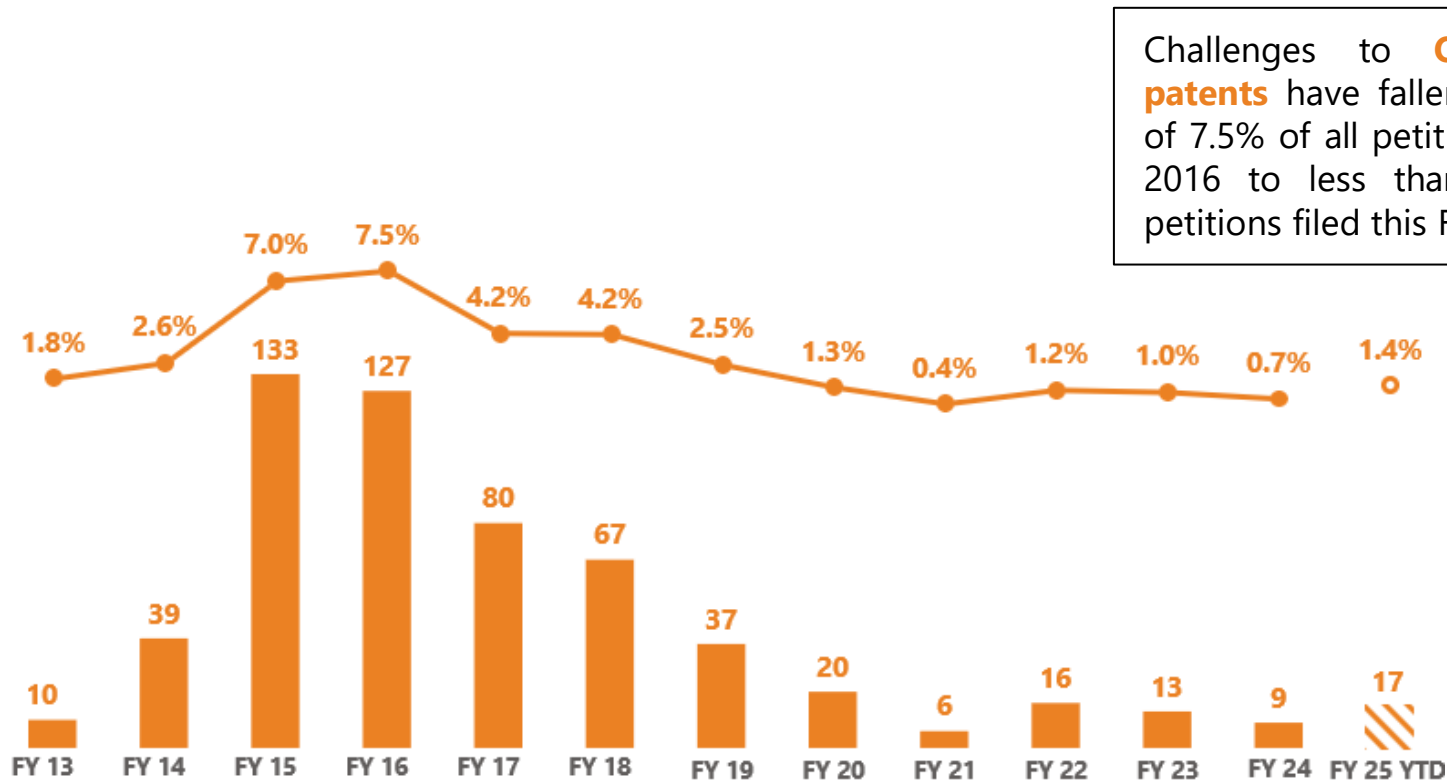
(September 16, 2012 to July 31, 2025)



3% of all AIA petitions challenge
Orange Book patents
2% of all AIA petitions challenge
biologic patents

Petitions challenging Orange Book patents

(October 1, 2012 to July 31, 2025)

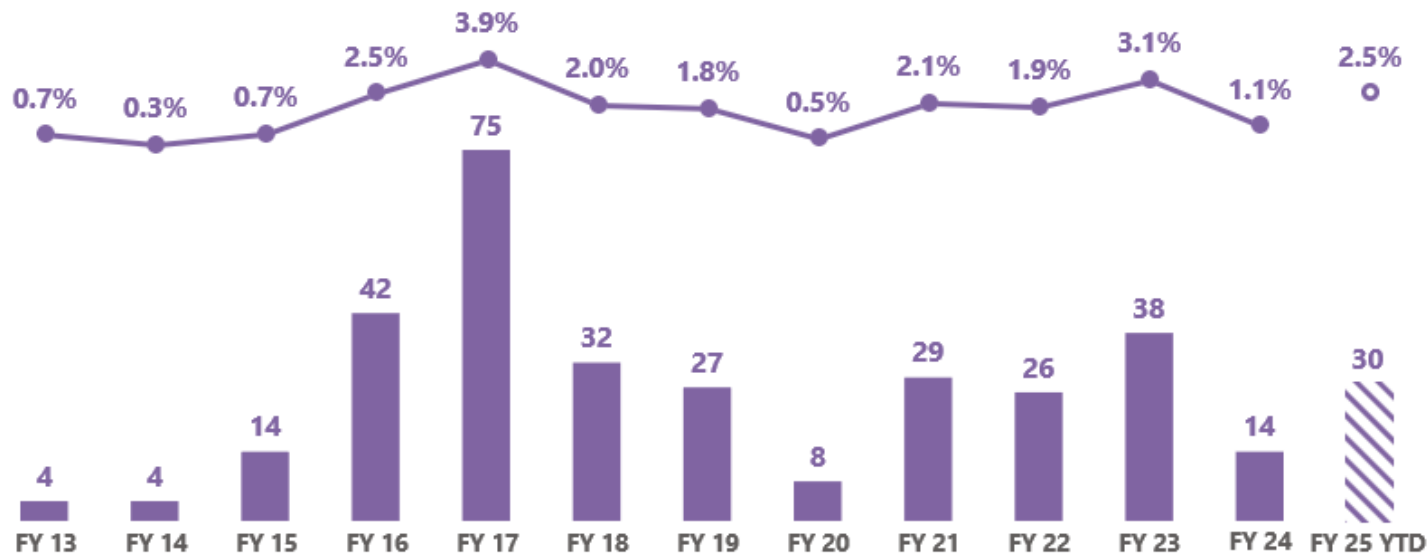


No petitions challenging Orange-Book-listed patents were filed in FY12.

Petitions challenging biologic patents

(October 1, 2012 to July 31, 2025)

Challenges to **biologic patents** have been more steady, but fewer since FY 2017

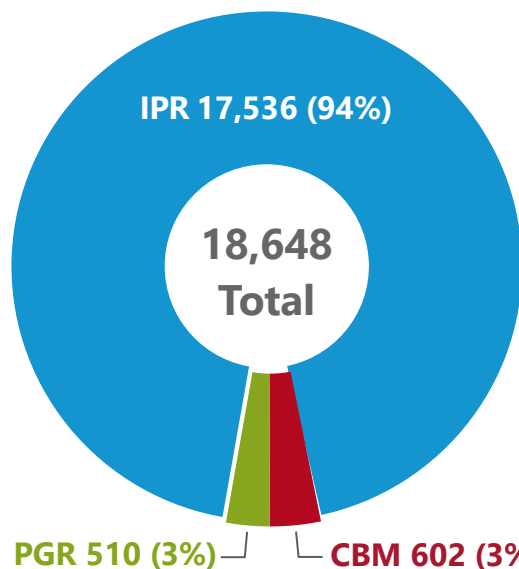


No petitions challenging biologic patents were filed in FY12.

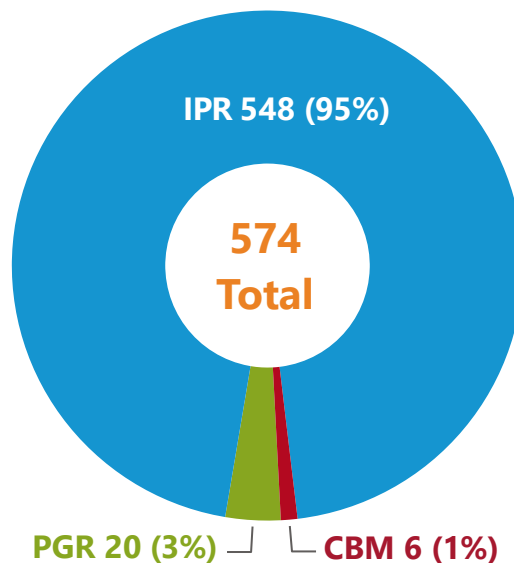
Petitions filed by trial type

(September 16, 2012 to July 31, 2025)

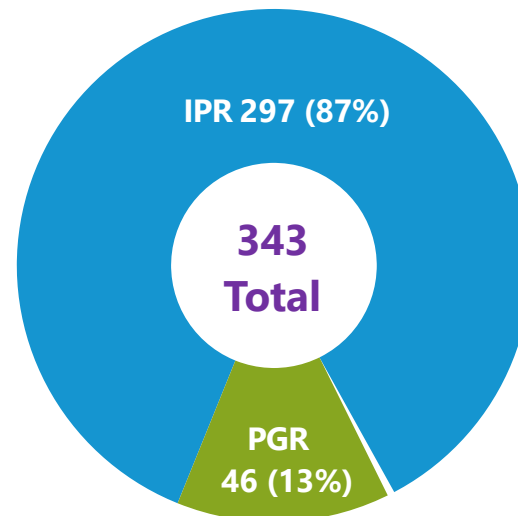
All Technology Categories



Orange Book



Biologics



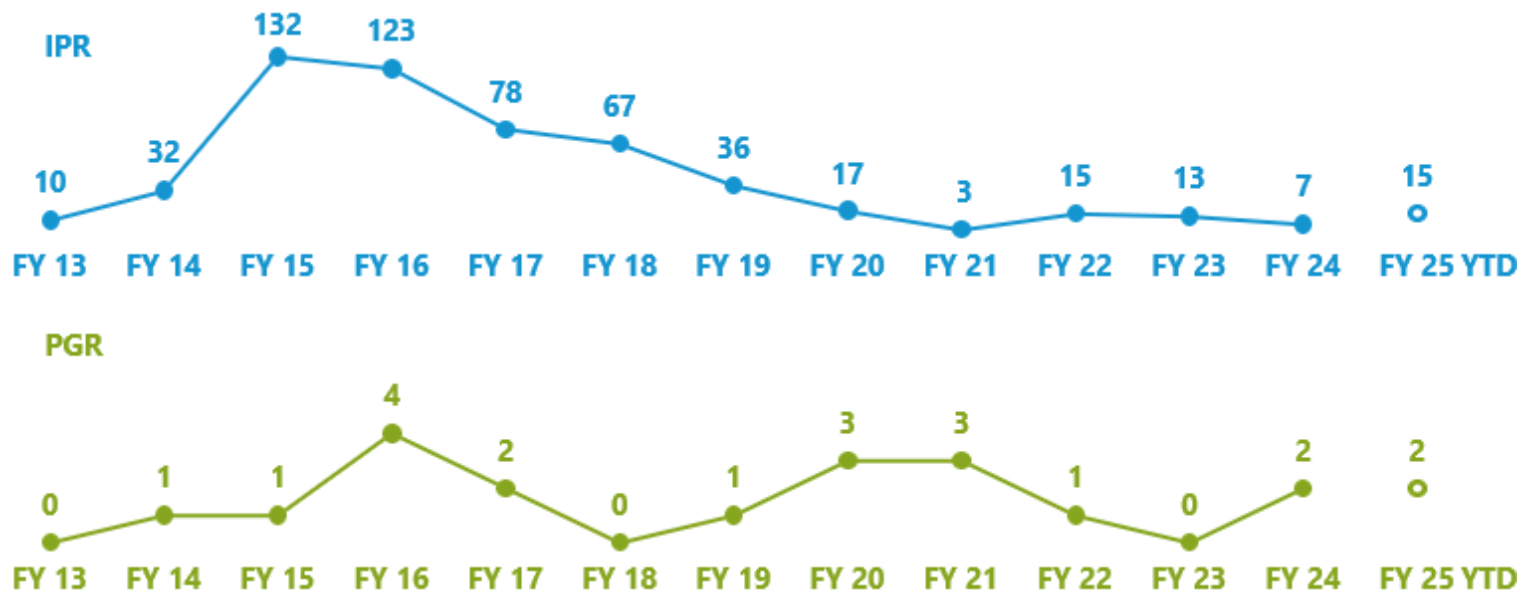
PGR petitions are used more often when challenging **biologic patents**, compared to **Orange Book patents** and other technologies



Orange Book petitions filed by trial type

(October 1, 2012 to July 31, 2025)

Petitioners most often use IPR petitions to challenge
Orange Book patents

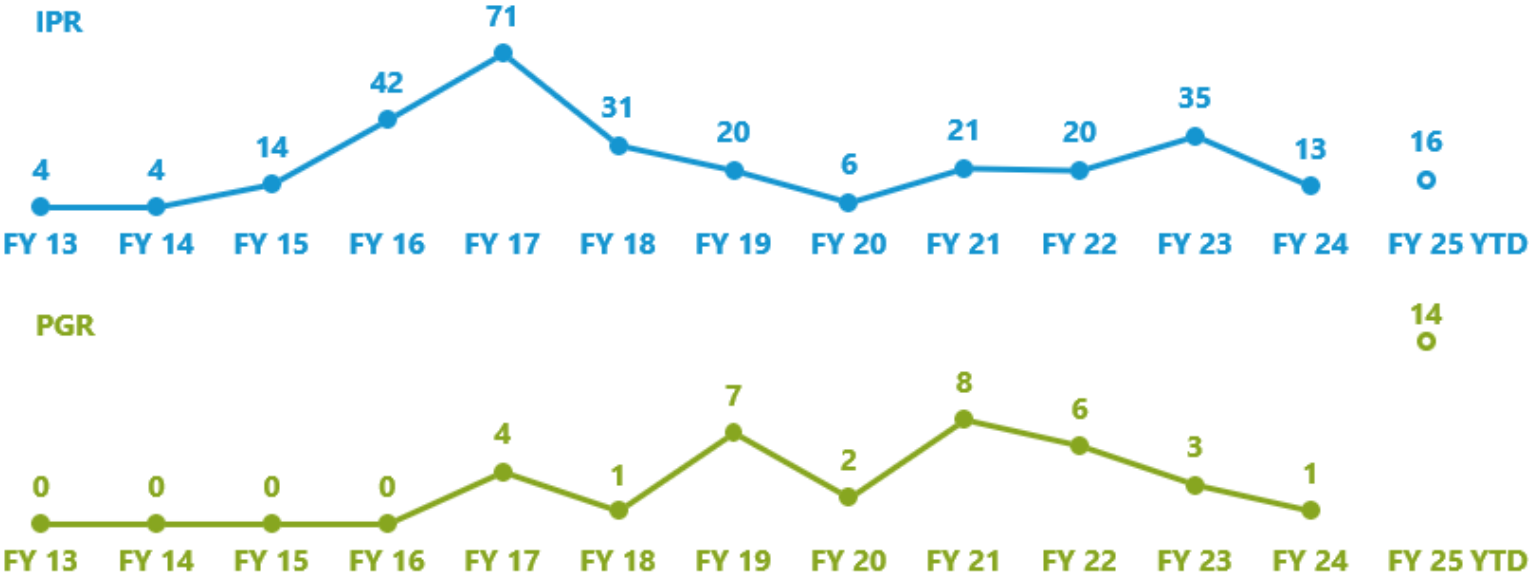


Not shown: 6 CBMs challenging OB-listed patents were filed in 2014.

Biologic petitions filed by trial type

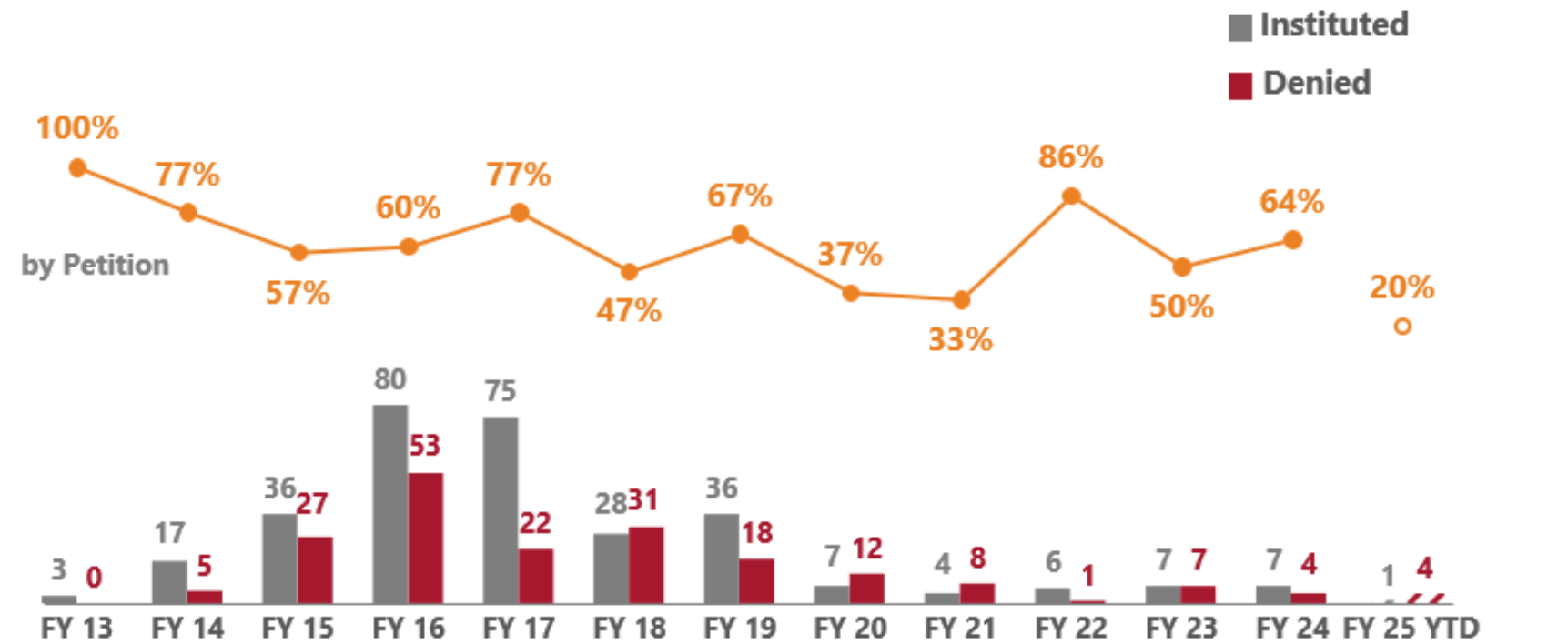
(October 1, 2012 to July 31, 2025)

Petitioners generally use IPR and PGR petitions, but IPR petitions more frequently, to challenge **biologic patents**



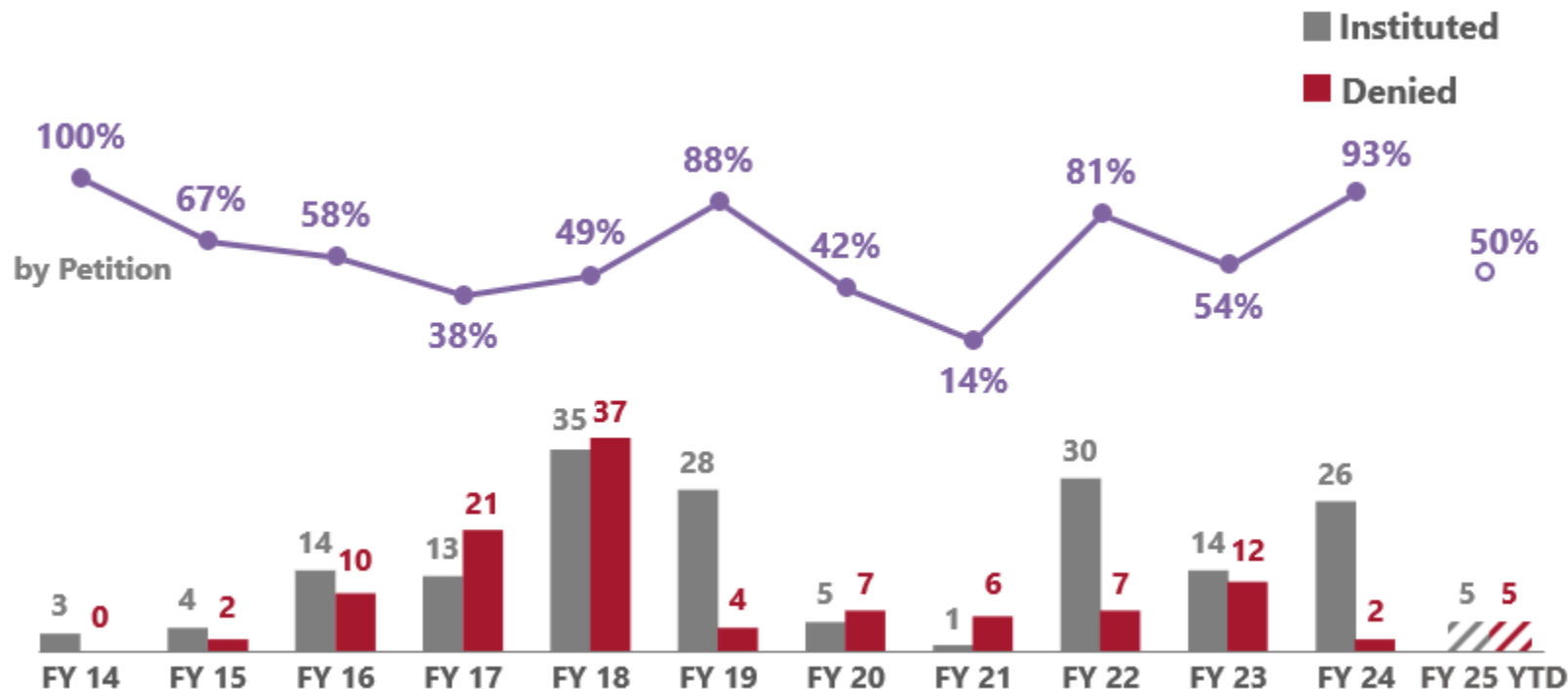
Institution rates by petition for Orange Book patents

(October 1, 2012 to July 31, 2025)



Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Institution rates by petition for biologic patents (October 1, 2013 to July 31, 2025)

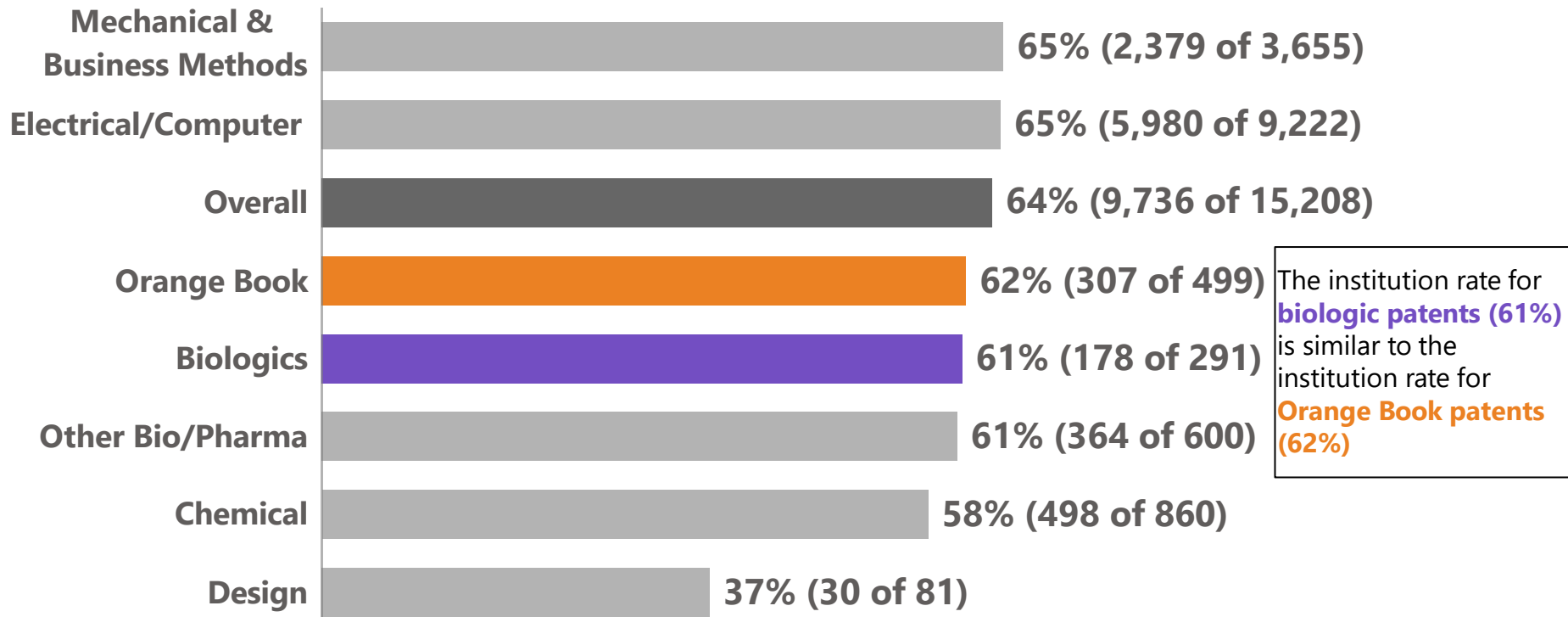


No institution decisions for biologic patents before FY14

Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

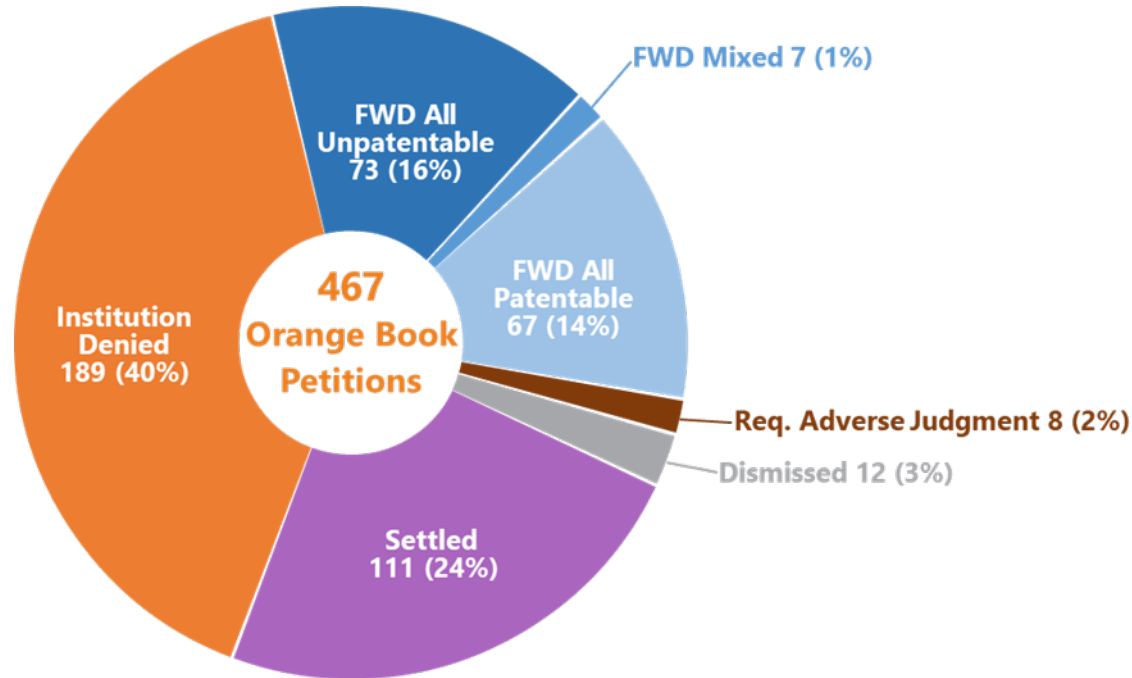
Institution rates by technology

(September 16, 2012 to July 31, 2025)



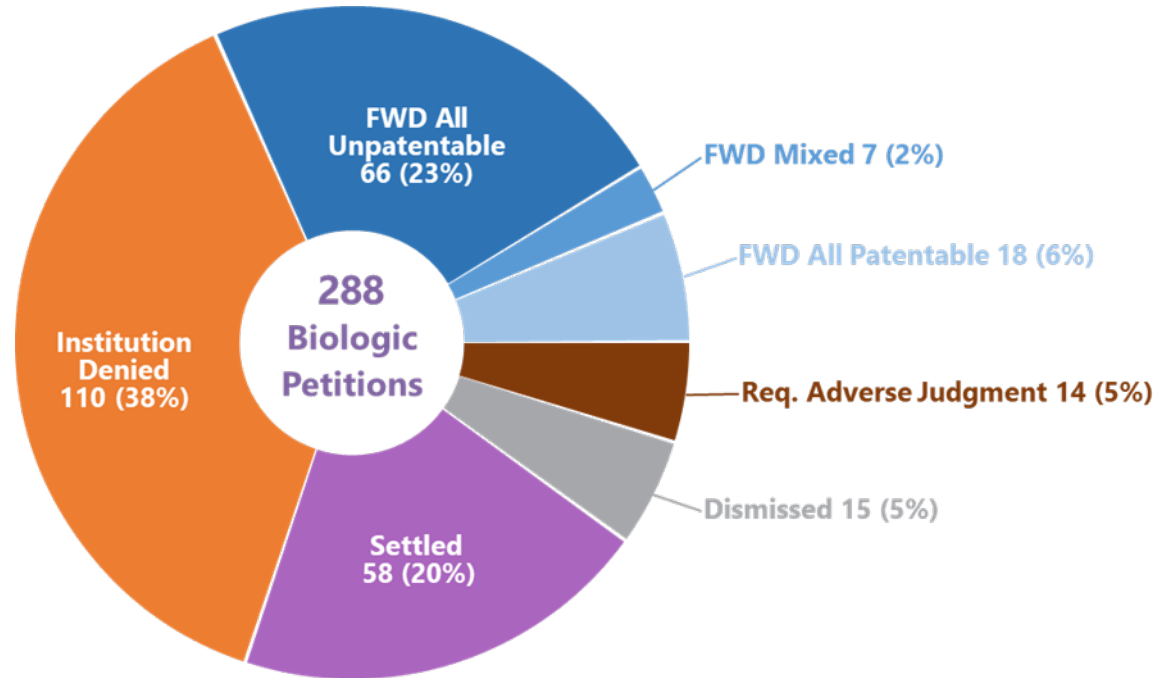
Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Outcomes of petitions challenging Orange Book patents (September 16, 2012 to July 31, 2025)



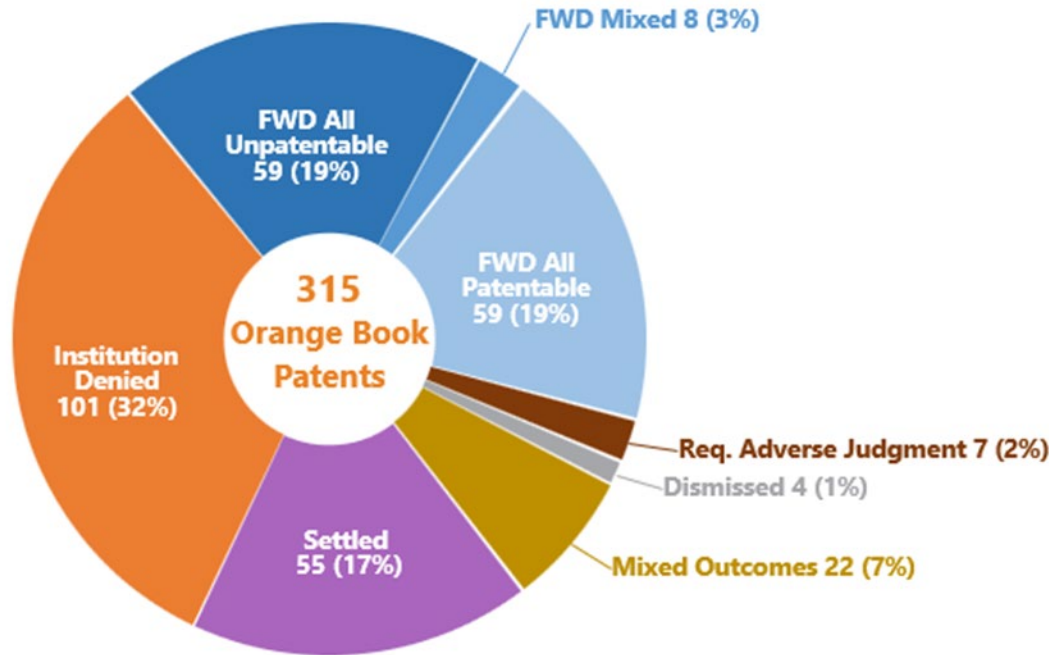
FWD patentability or unpatentability reported with respect to the claims at issue in the FWD.
Joined cases are excluded. The outcomes of decisions on institution responsive to requests for rehearing are included.

Outcomes of petitions challenging biologic patents (September 16, 2012 to July 31, 2025)



FWD patentability or unpatentability reported with respect to the claims at issue in the FWD.
Joined cases are excluded. The outcomes of decisions on institution responsive to requests for rehearing are included.

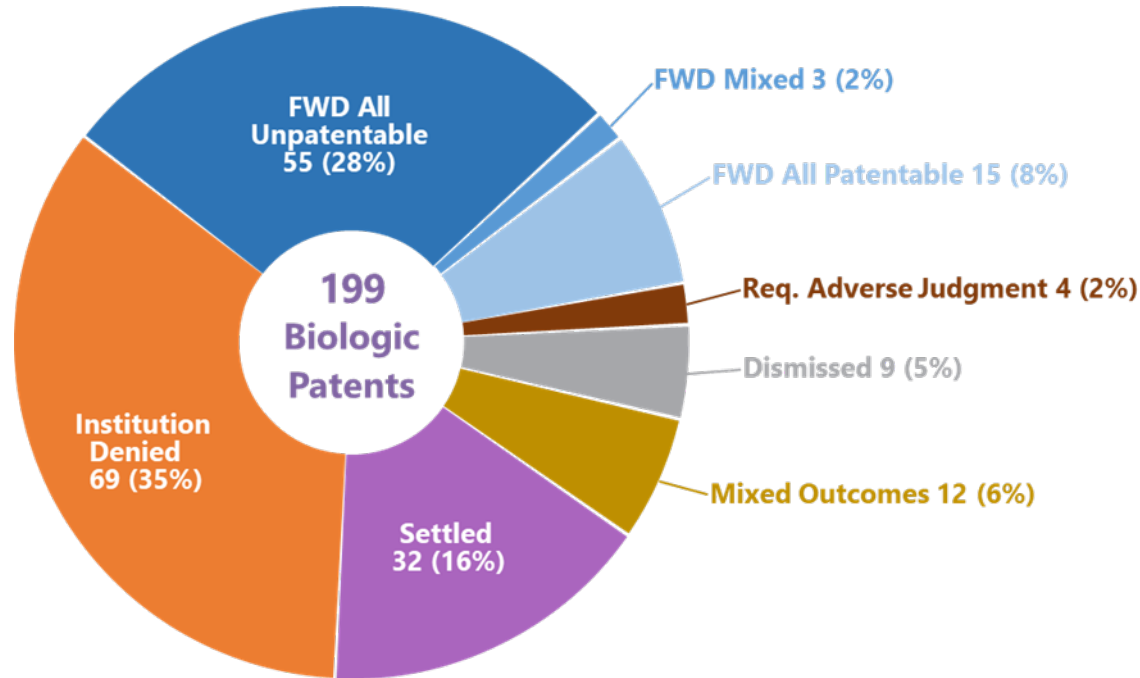
Outcomes by patent for Orange Book patents (September 16, 2012 to July 31, 2025)



FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever received a FWD, regardless of other outcomes.

Outcomes by patent for biologic patents

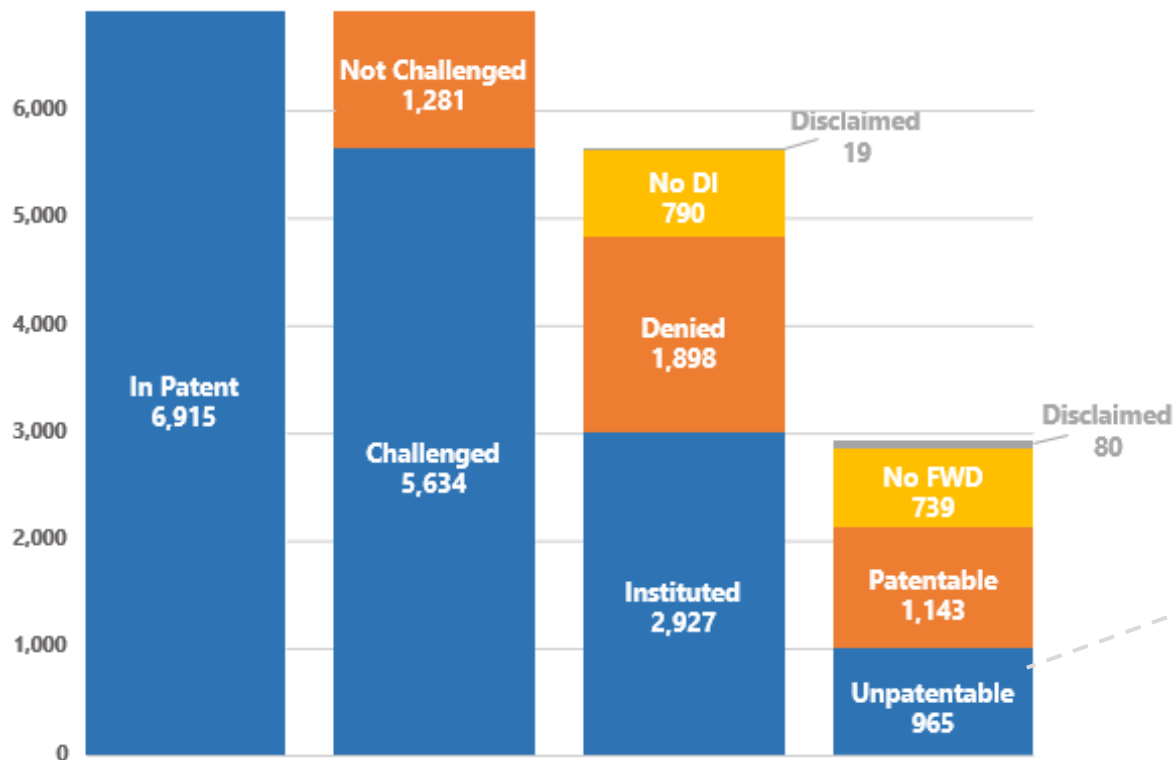
(September 16, 2012 to July 31, 2025)



FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever received a FWD, regardless of other outcomes.

Claim outcomes for Orange Book patents

(Sep. 16, 2012 to Jul. 31, 2025)



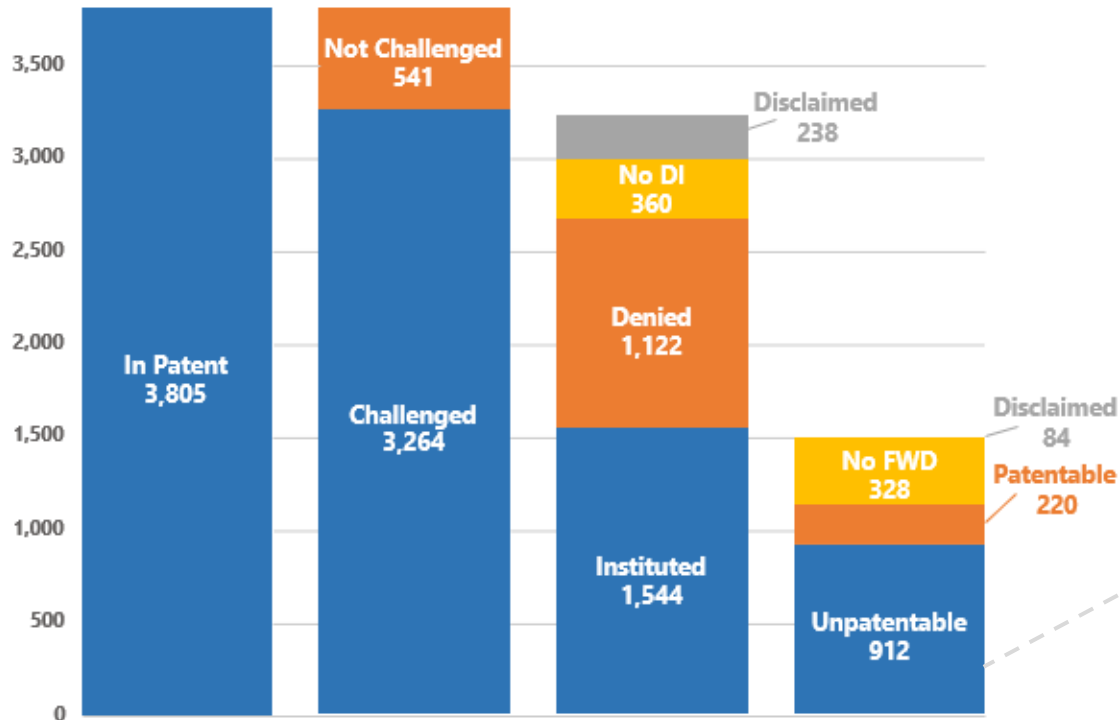
"No DI" and "No FWD" means the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

Orange Book patents:

17% of challenged claims and 33% of instituted claims were found unpatentable by a preponderance of the evidence

Claim outcomes for biologic patents

(September 16, 2012 to July 31, 2025)



"No DI" and "No FWD" means the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

Biologic patents:

27% of challenged claims and 59% of instituted claims were found unpatentable by a preponderance of the evidence

Question/comment submission

To send in questions or comments during the webinar, please email:

- USPTOHour@uspto.gov

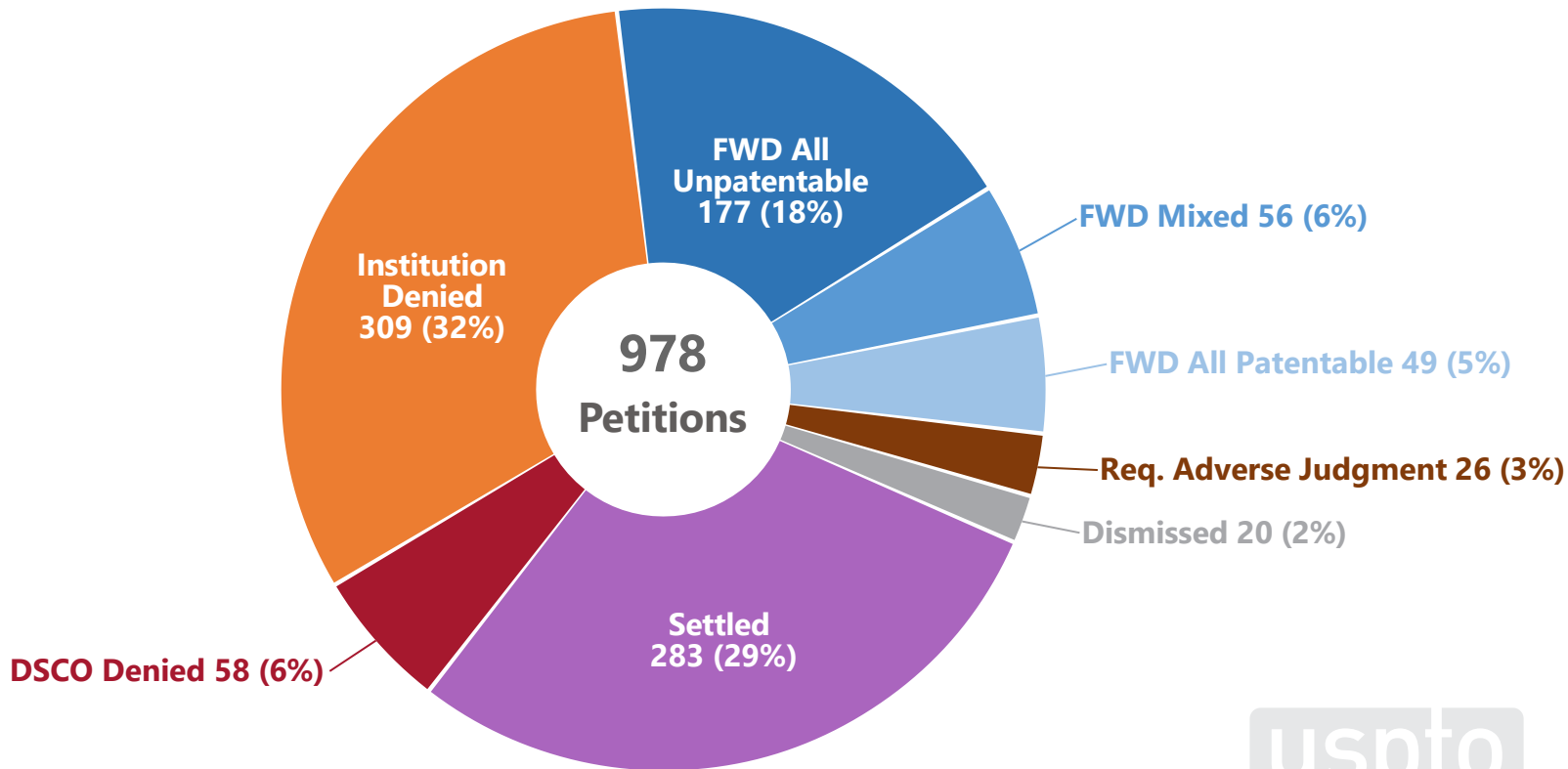


PTAB trial statistics

PTAB trial statistics: FY 25 Q3 outcome roundup

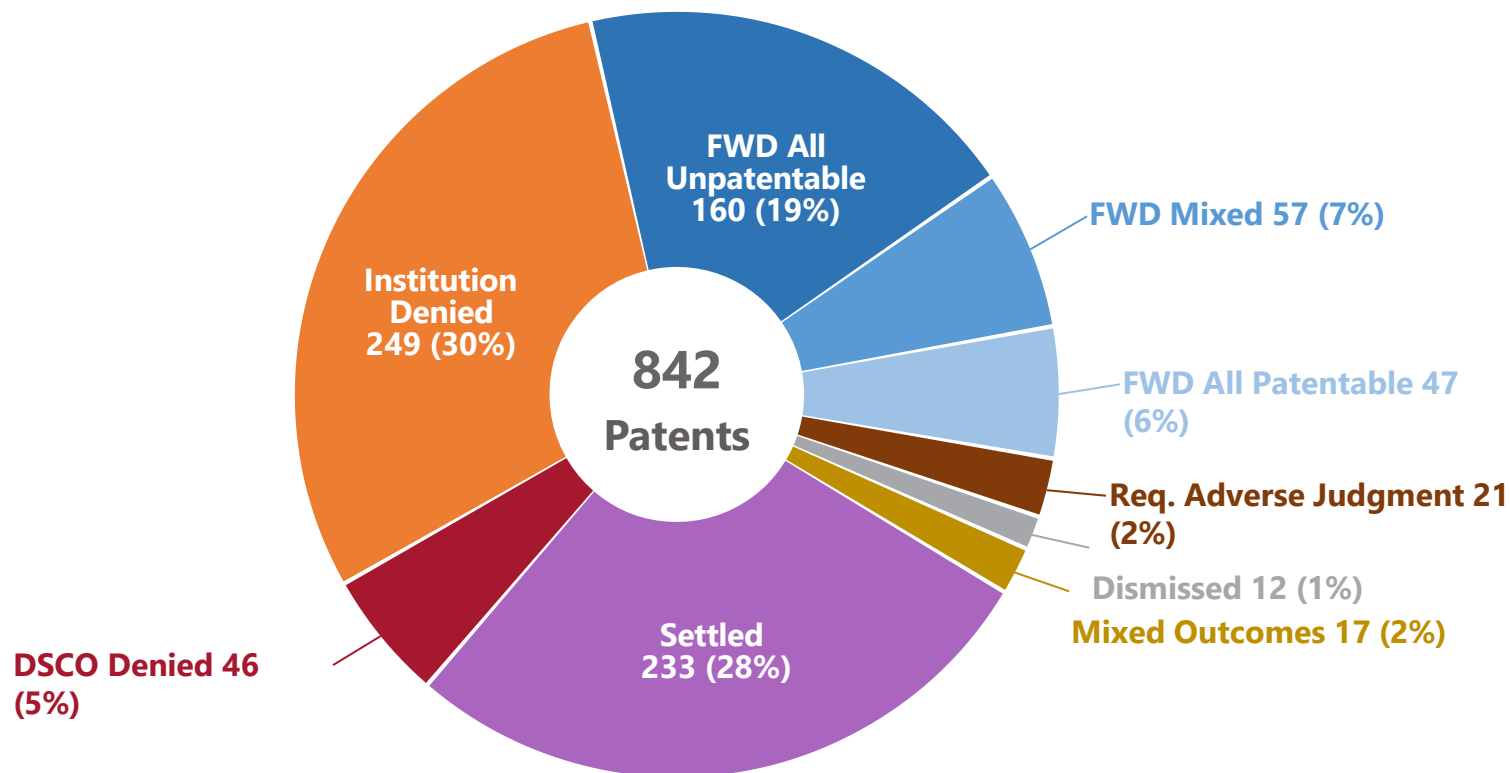
Outcomes by petition

(FY 25 through Q3: October 1, 2024 to June 30, 2025)



Outcomes by patent

(FY 25 through Q3: October 1, 2024 to June 30, 2025)

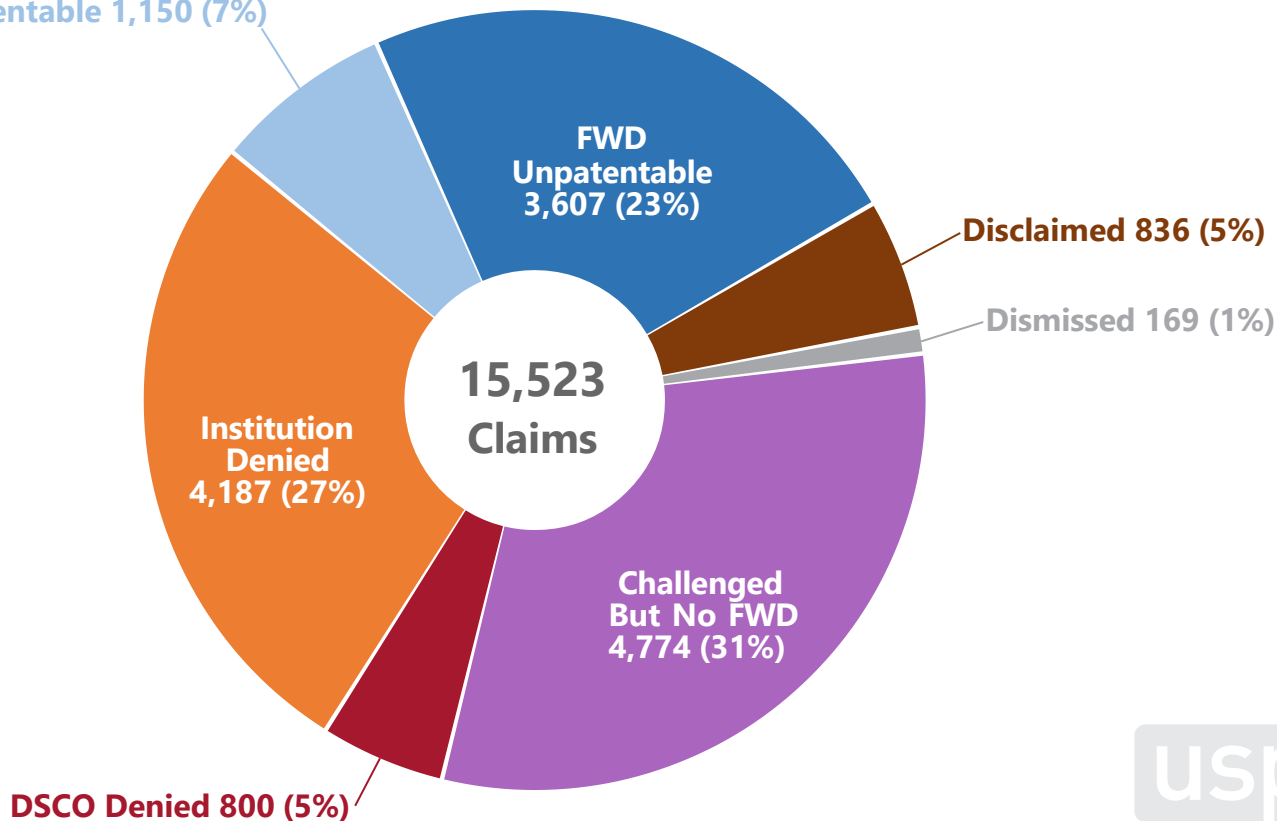


FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever received a FWD, regardless of other outcomes.

Outcomes by claim challenged

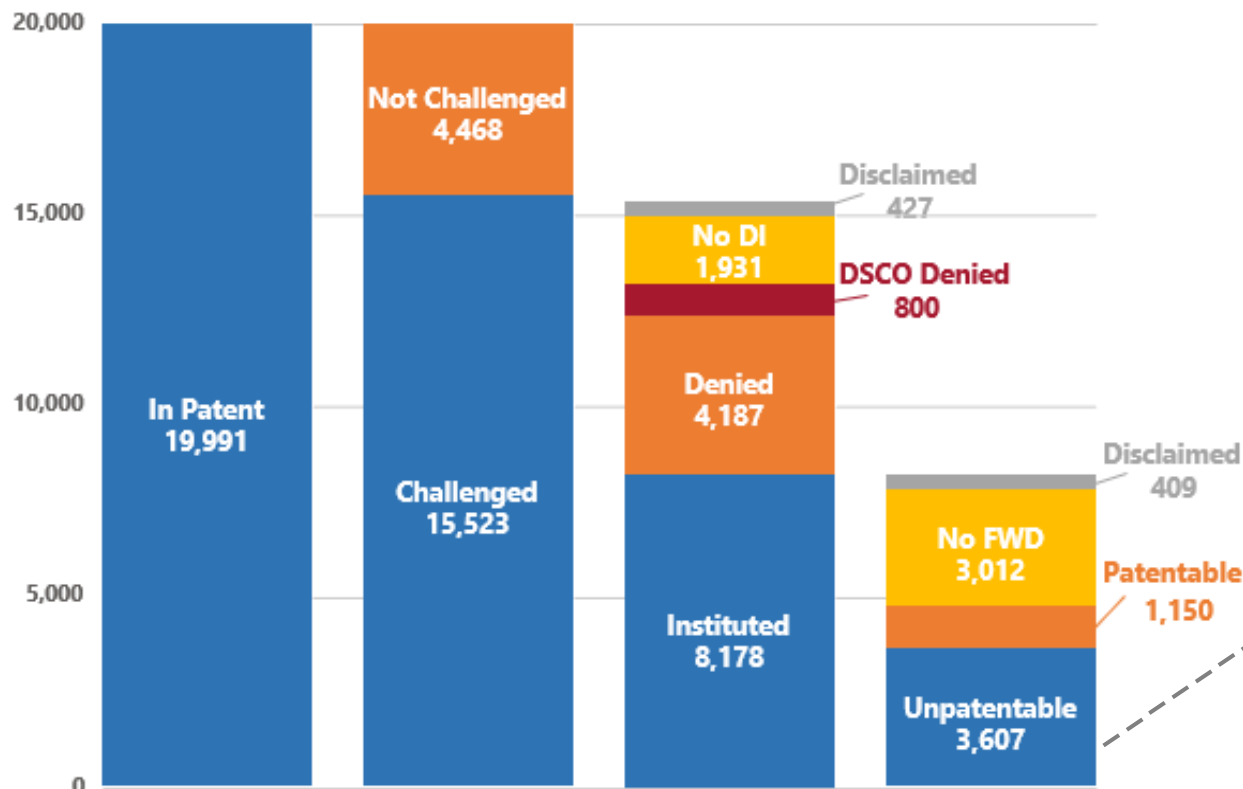
(FY 25 through Q3: Oct. 1, 2024 to Jun. 30, 2025)

FWD Patentable 1,150 (7%)



Claim outcomes

(FY 25 through Q3: Oct. 1, 2024 to Jun. 30, 2025)



"No DI" and "No FWD" mean the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

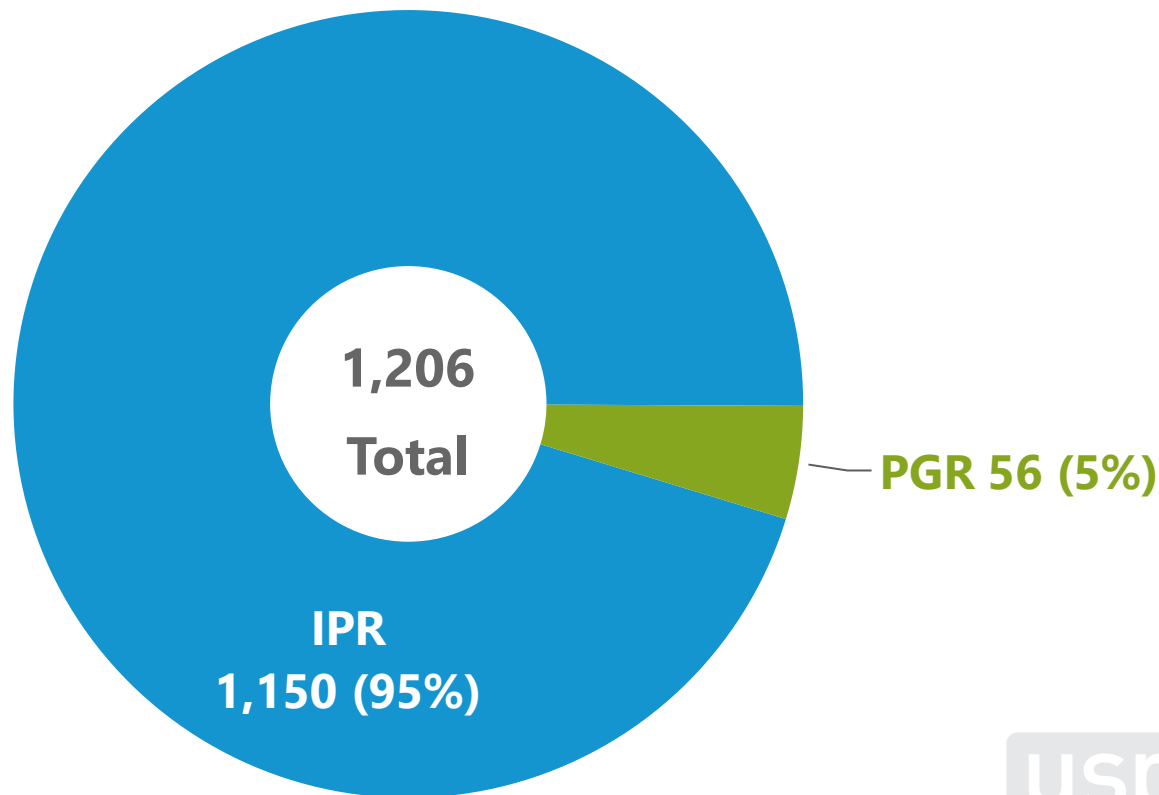
23% of challenged claims and 44% of instituted claims were found unpatentable by a preponderance of the evidence.



PTAB Trial Statistics: July 2025

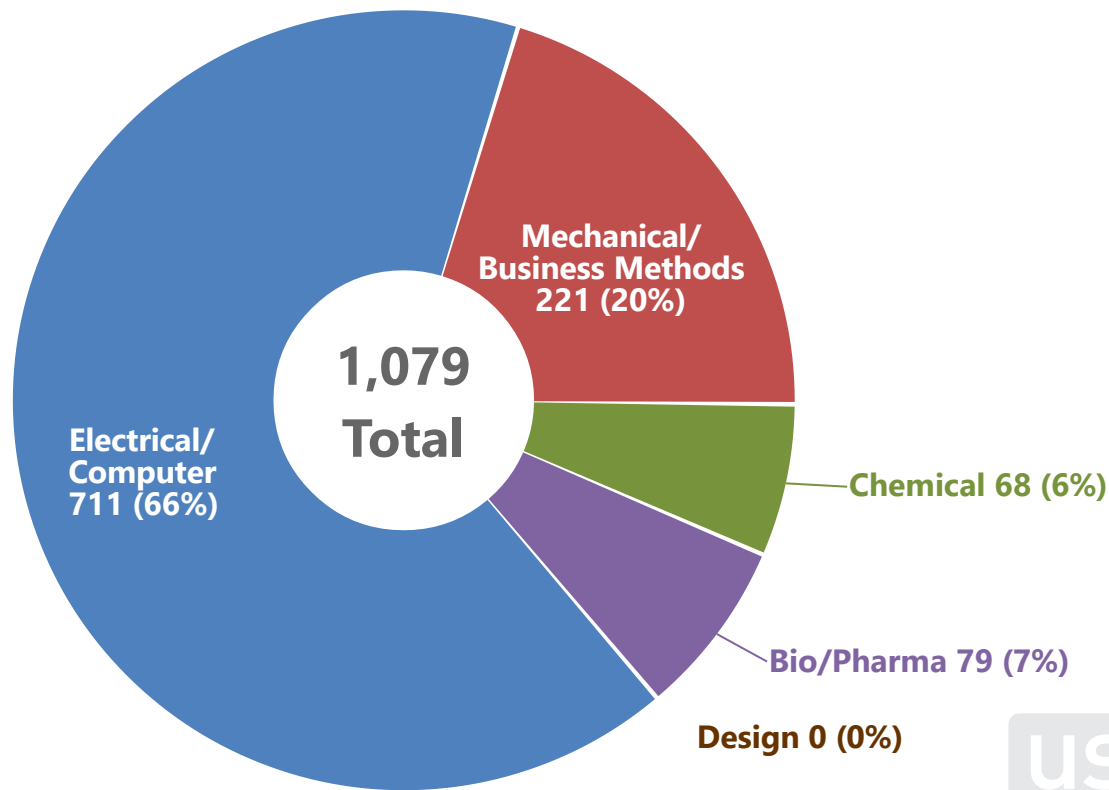
Petitions filed by trial type

(FY 25 through July: Oct. 1, 2024 to Jul. 31, 2025)



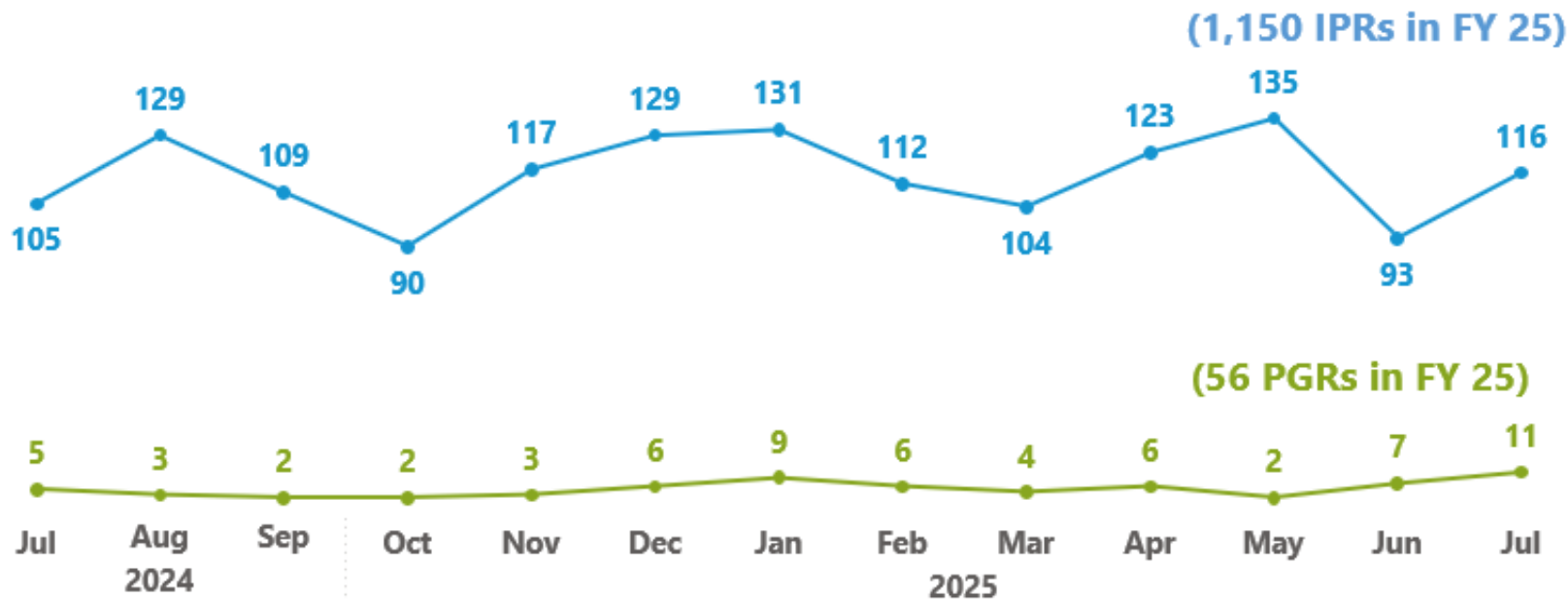
Petitions filed by technology

(FY 25 through Q3: October 1, 2024 to June 30, 2025)



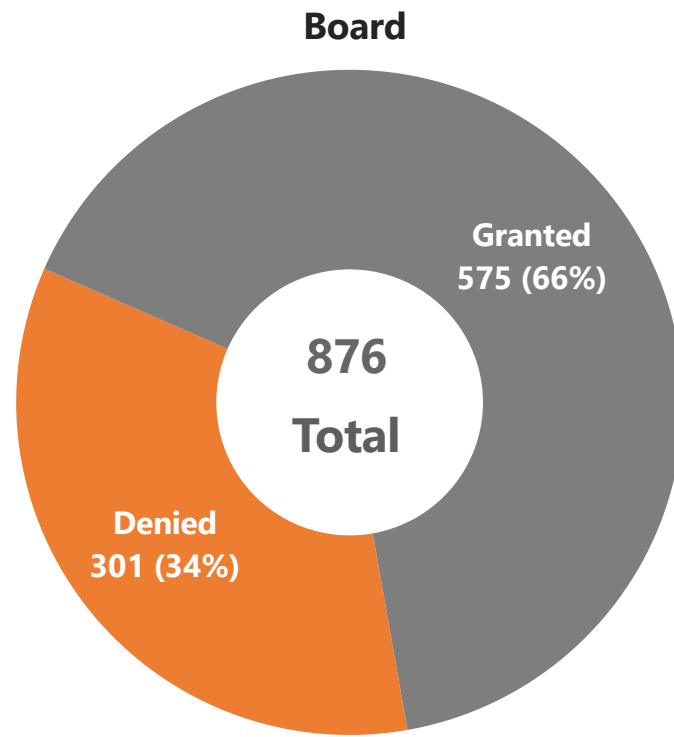
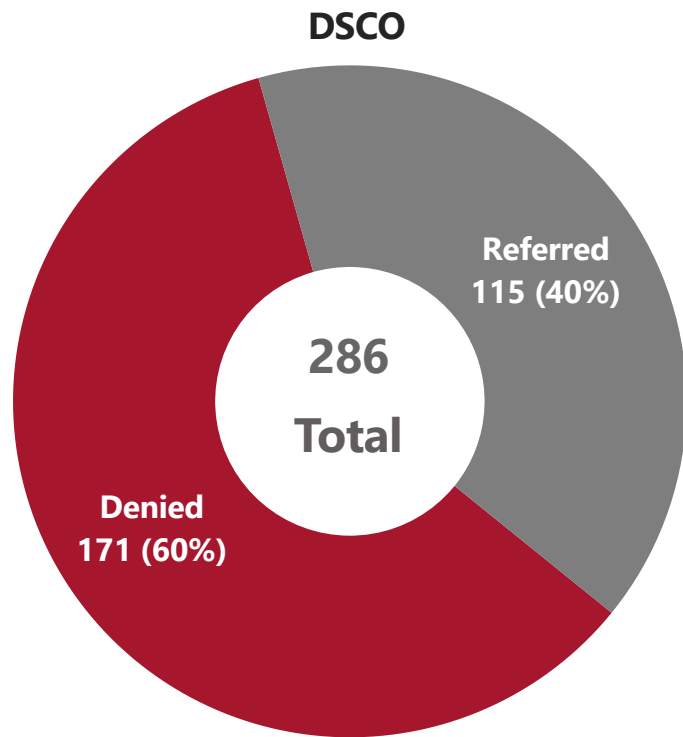
Petitions filed by month

(July 2025 and Prior 12 Months: July 1, 2024 to July 31, 2025)



Disposition rates by decision type

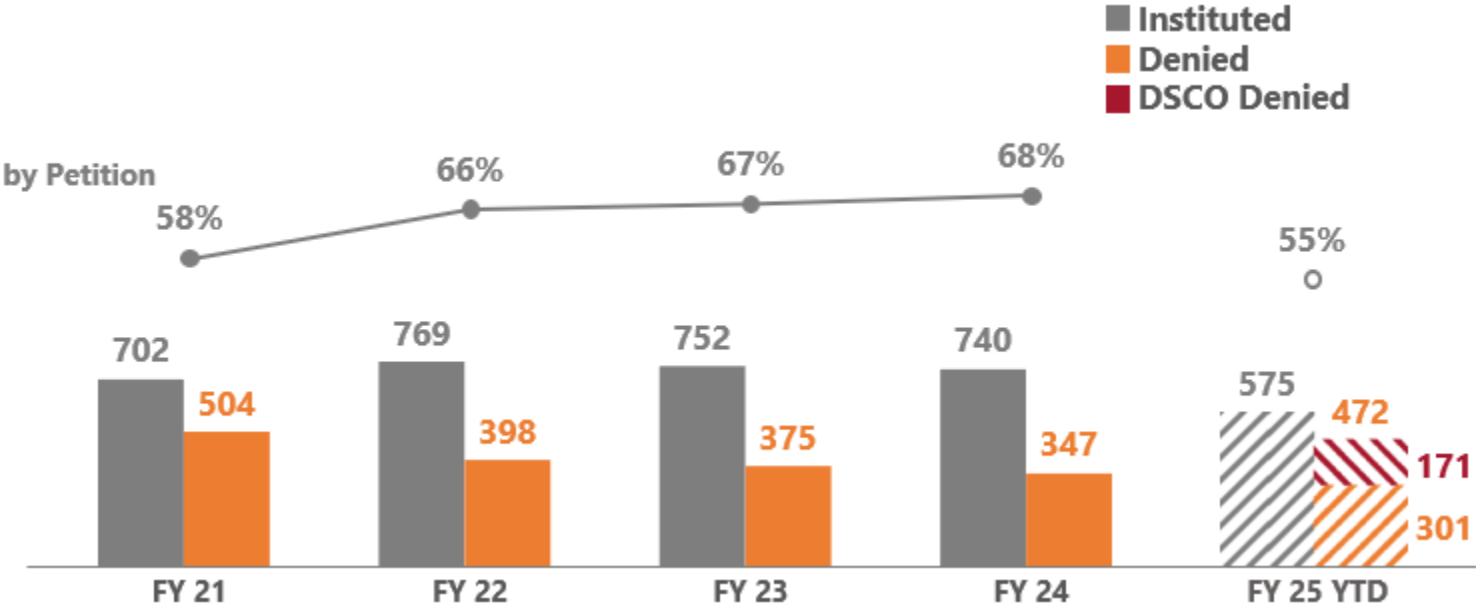
(FY 25 through July: October 1, 2024 to July 31, 2025)



"DSCO" is Director Discretionary Considerations Decisions

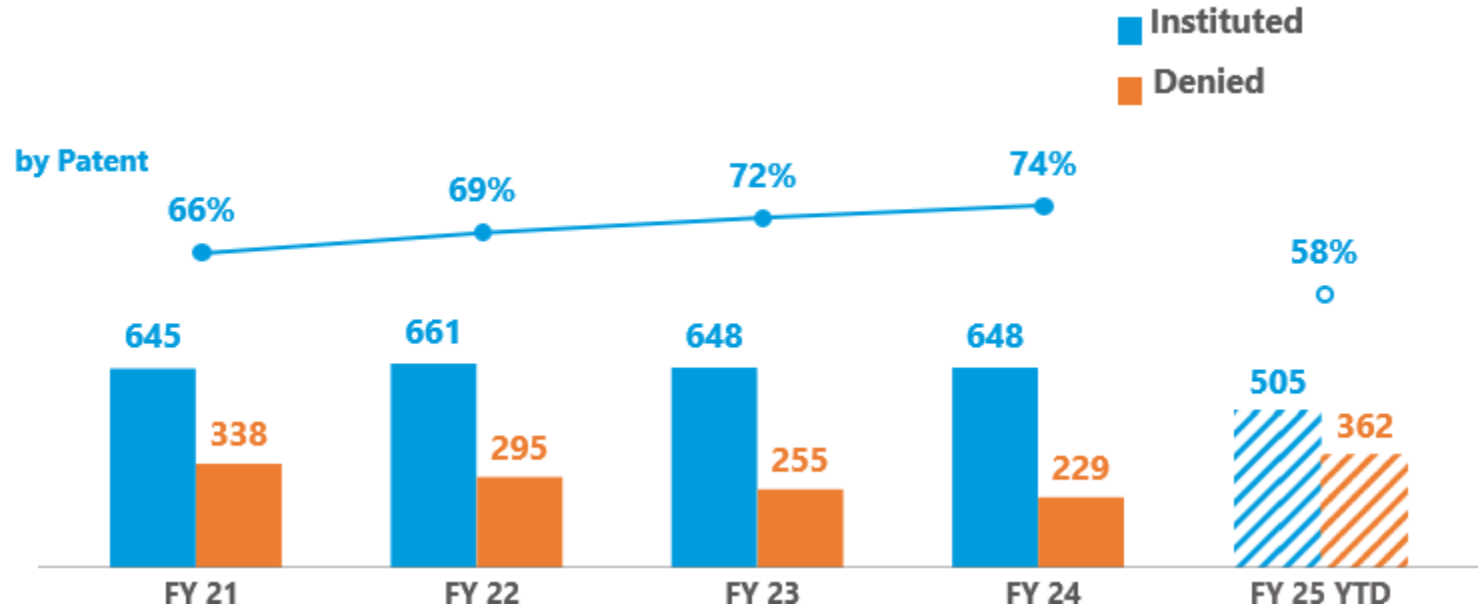
Institution rates by petition

(FY 21 to FY 25 through July: October 1, 2020 to July 31, 2025)



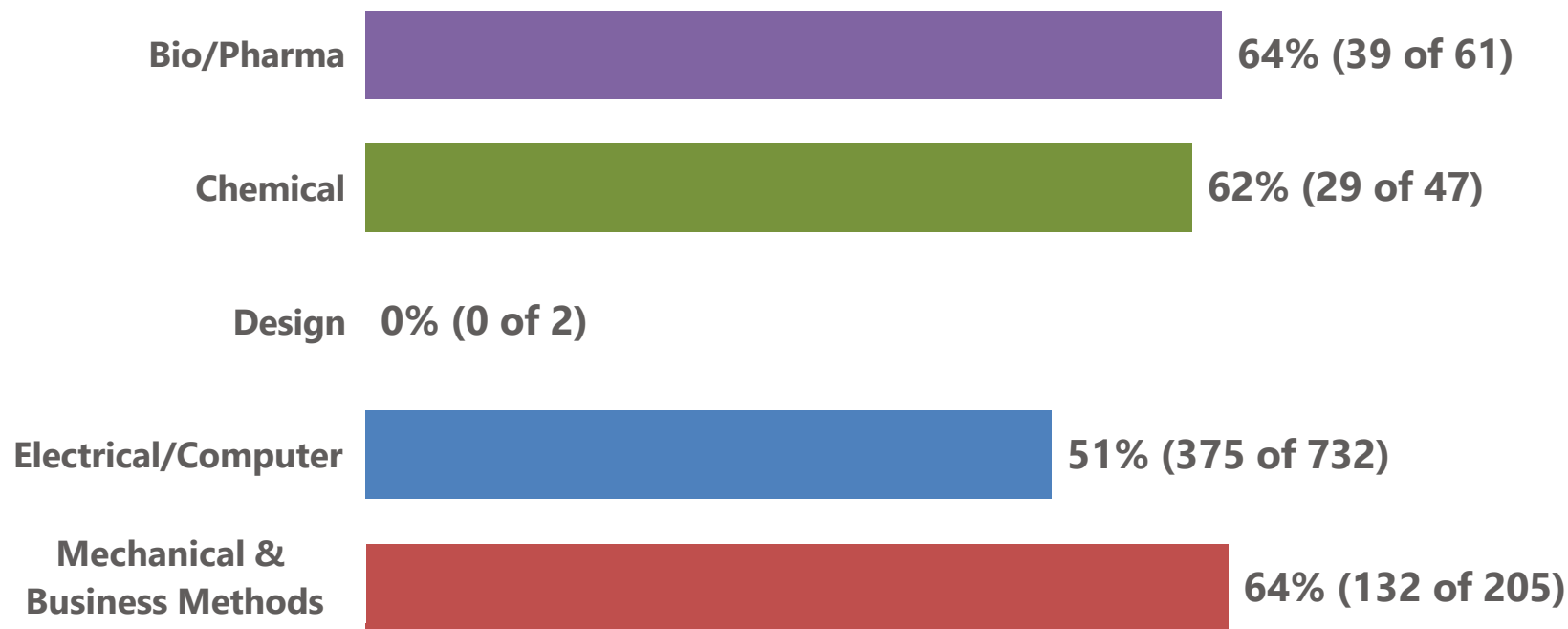
Institution rates by patent

(FY 21 to FY 25 through July: October 1, 2020 to July 31, 2025)



Institution rates by technology

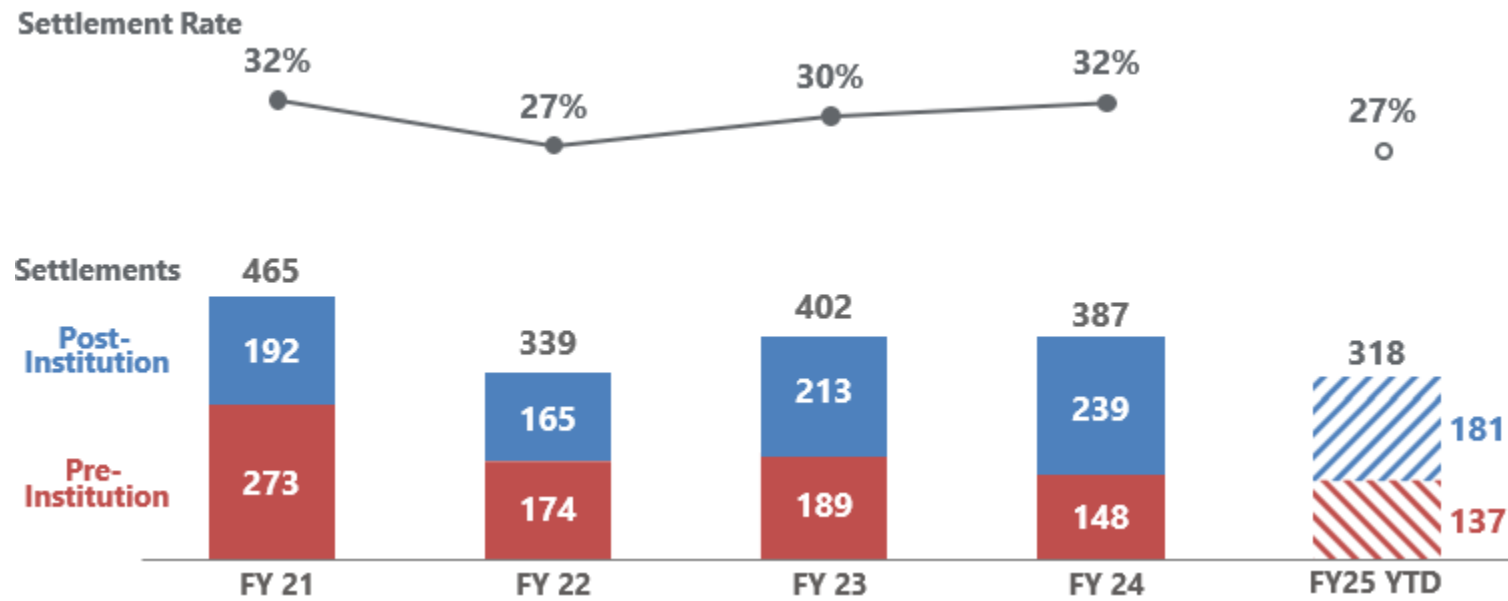
(FY 25 through July: October 1, 2024 to July 31, 2025)



Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements

(FY 21 to FY 25 through July: October 1, 2020 to July 31, 2025)



Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.

Question/comment submission

To send in questions or comments during the webinar, please email:

- USPTOHour@uspto.gov

Questions

