UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

PTAB Trial Statistics
FY22 End of Year Outcome Roundup
IPR, PGR

Patent Trial and Appeal Board
Fiscal Year 2022

UNITED STATES
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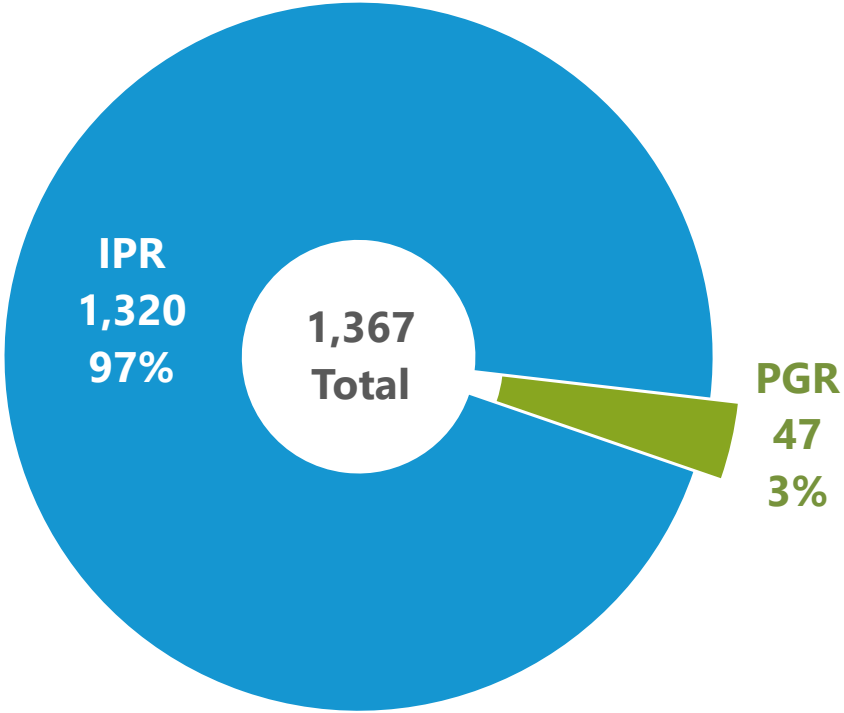
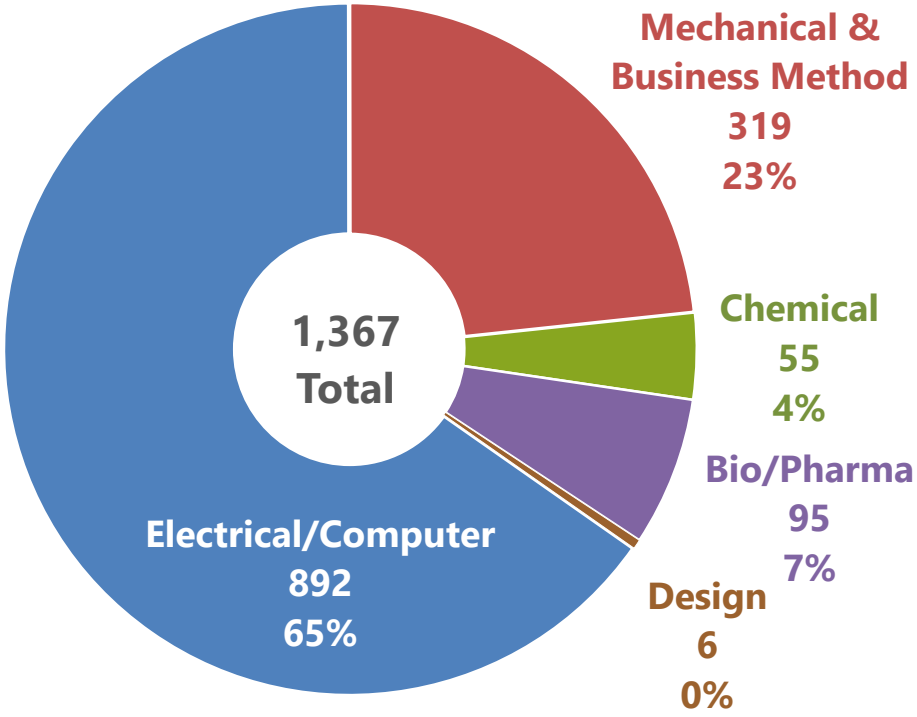
Petitions filed by trial type
(FY22: Oct. 1, 2021 to Sept. 30, 2022)



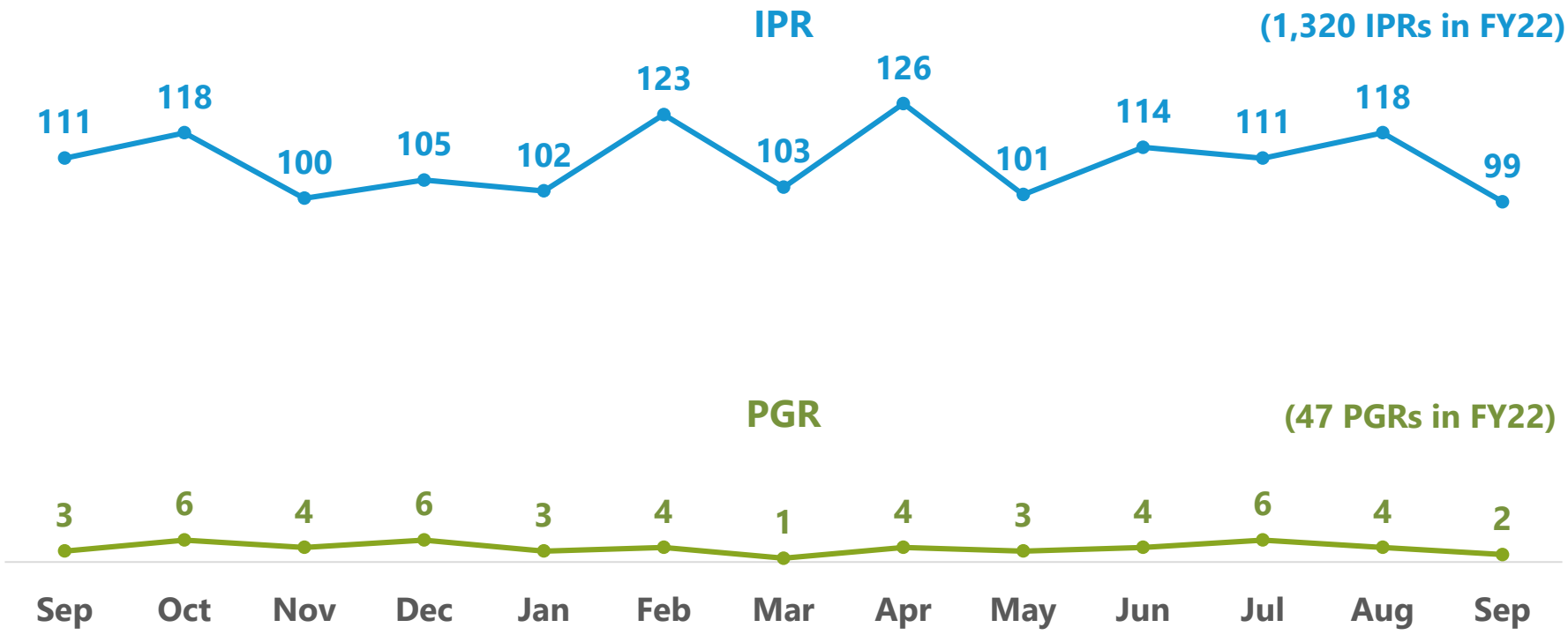
Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).

Petitions filed by technology
(FY22: Oct. 1, 2021 to Sept. 30, 2022)

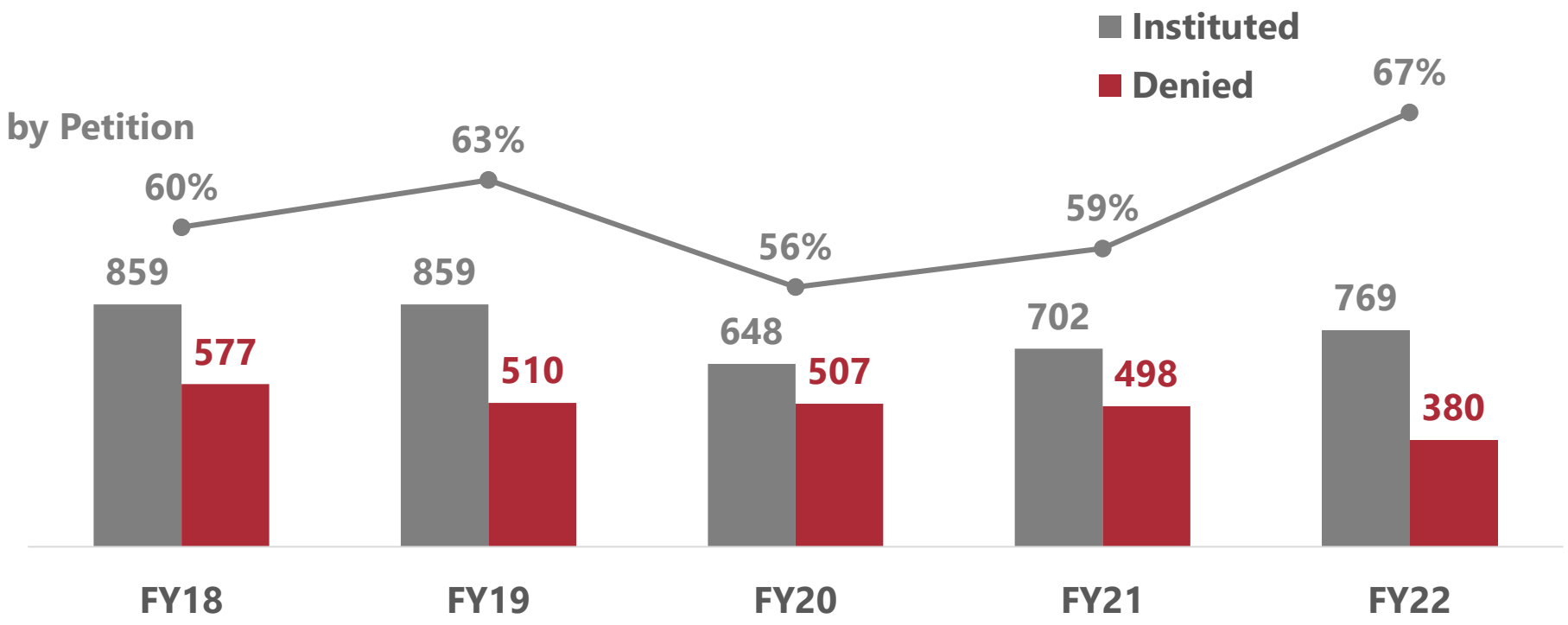


Petitions filed by month

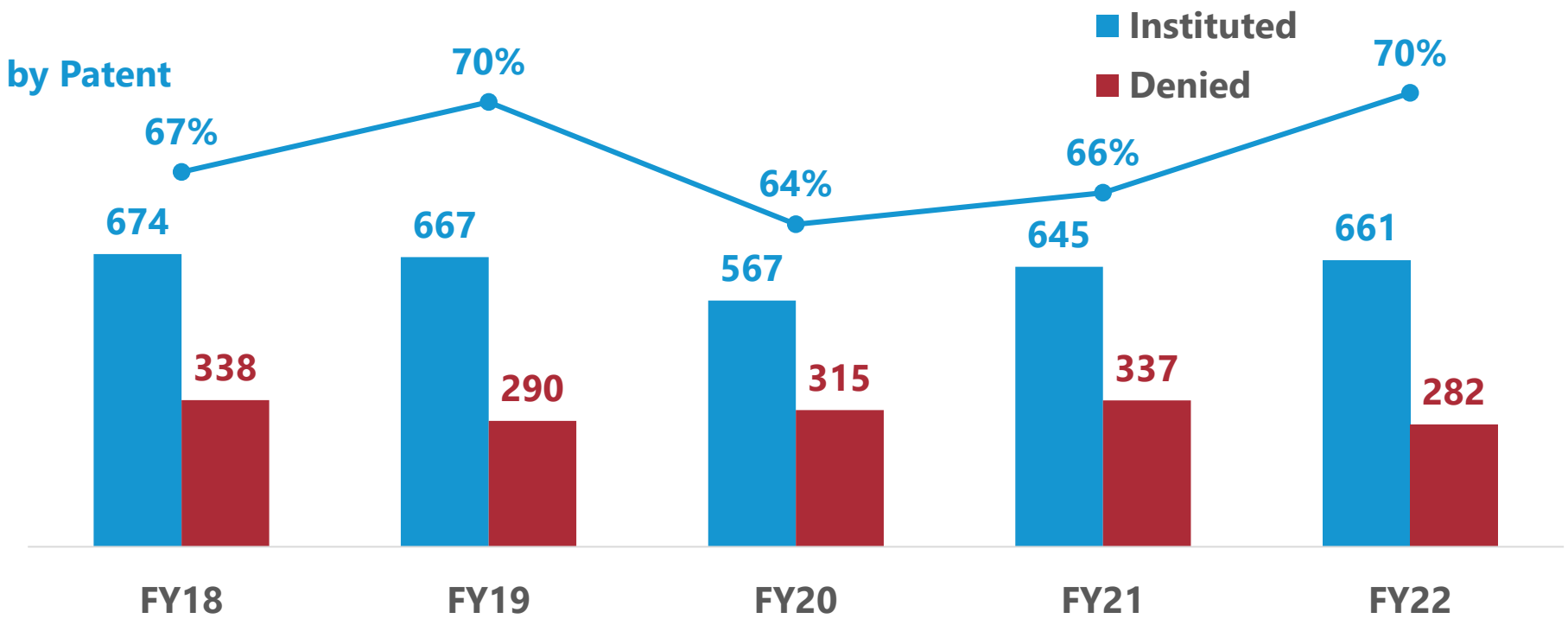
(Sept. 2022 and Previous 12 Months: Sept. 1, 2021 to Sept. 30, 2022)



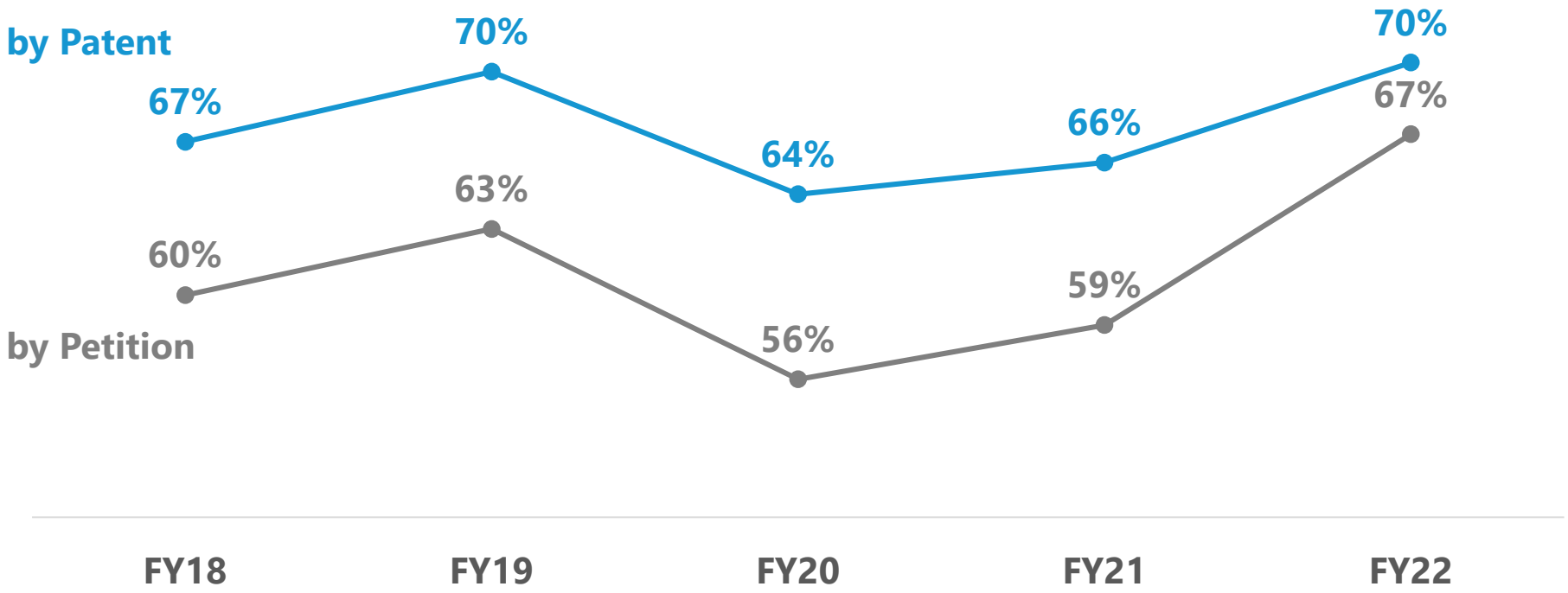
Institution rates by petition
(FY18 to FY22: Oct. 1, 2017 to Sept. 30, 2022)



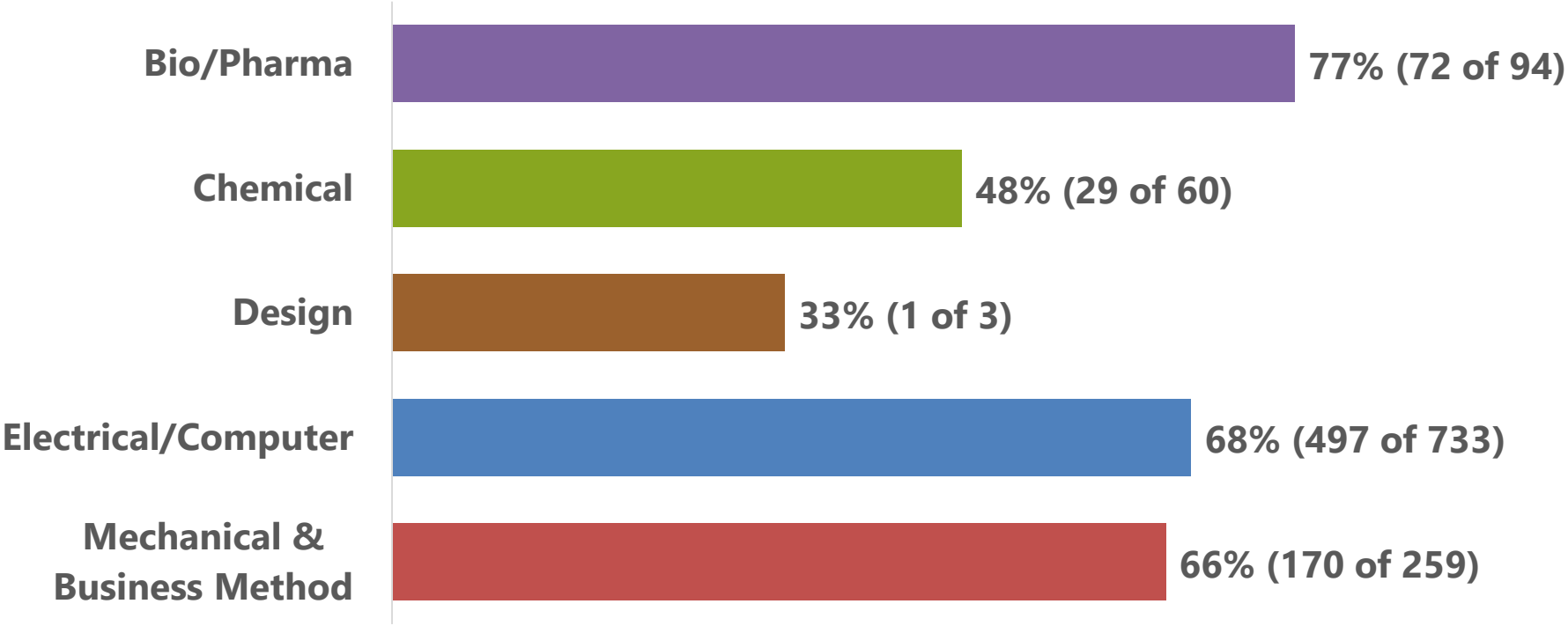
Institution rates by patent
(FY18 to FY22: Oct. 1, 2017 to Sept. 30, 2022)



Institution rates by patent and by petition
(FY18 to FY22: Oct. 1, 2017 to Sept. 30, 2022)

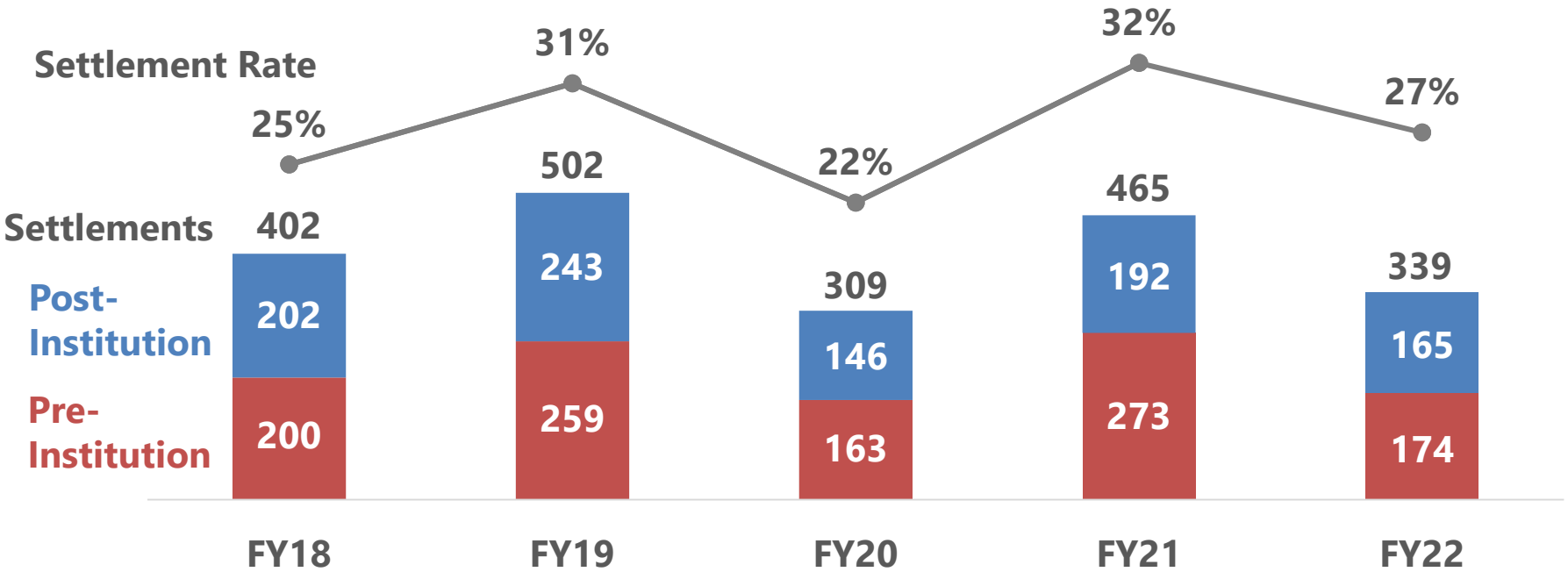


Institution rates by technology
(FY22: Oct. 1, 2021 to Sept. 30, 2022)



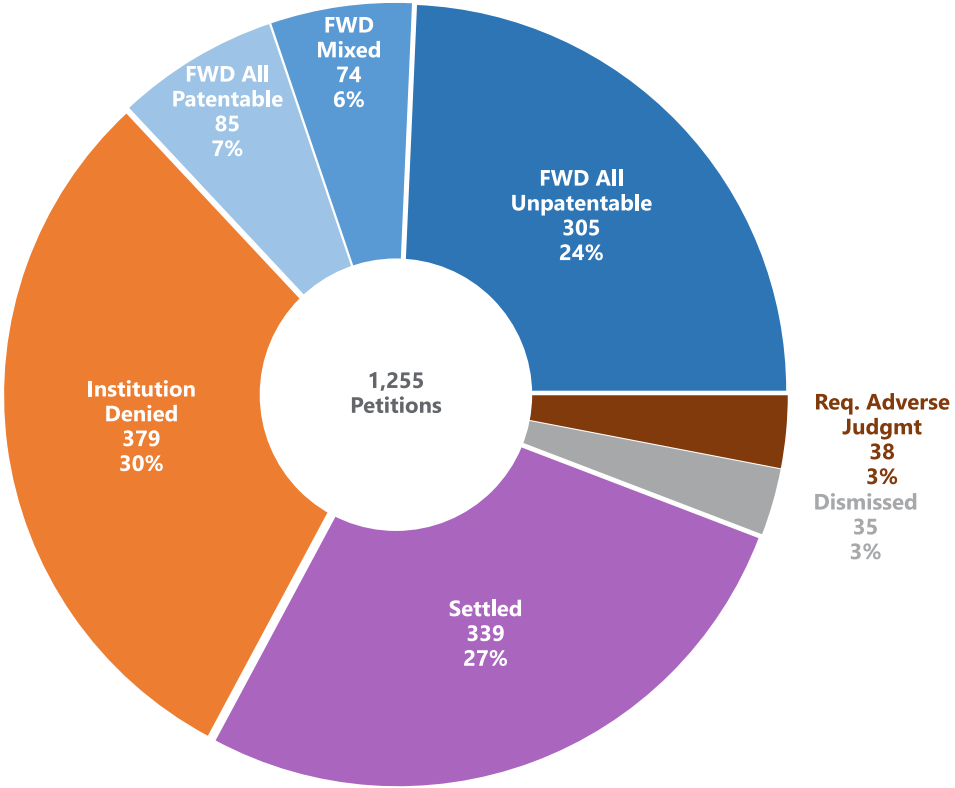
Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements
(FY18 to FY22: Oct. 1, 2017 to Sept. 30, 2022)



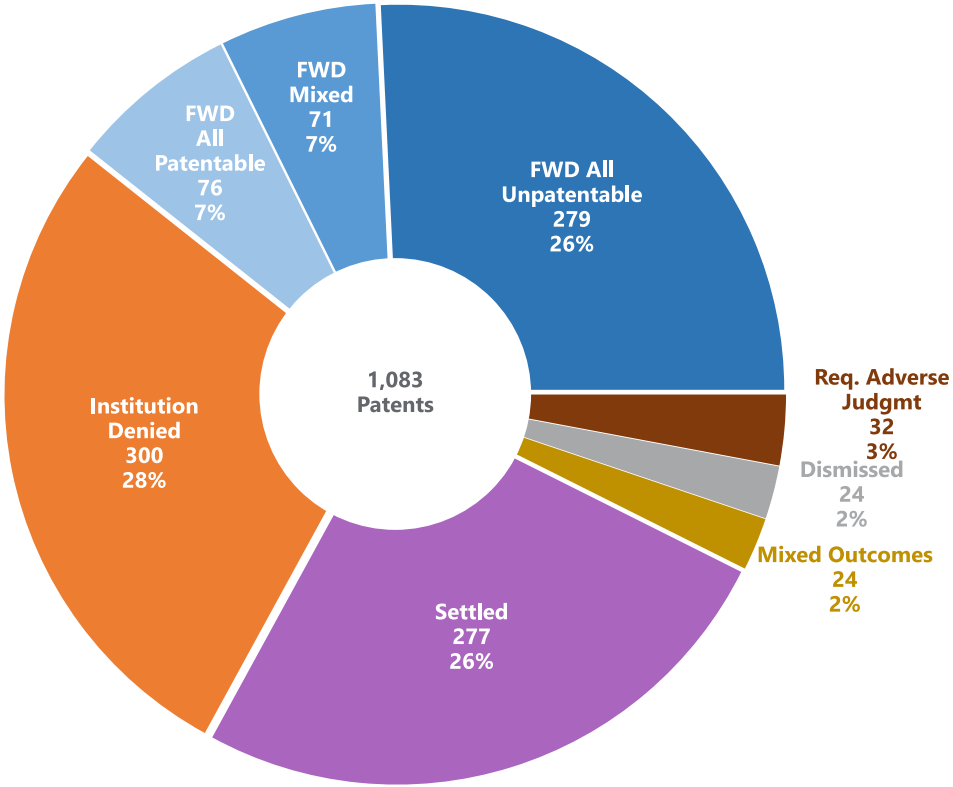
Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.

Outcomes by petition
(FY22: Oct. 1, 2021 to Sept. 30, 2022)



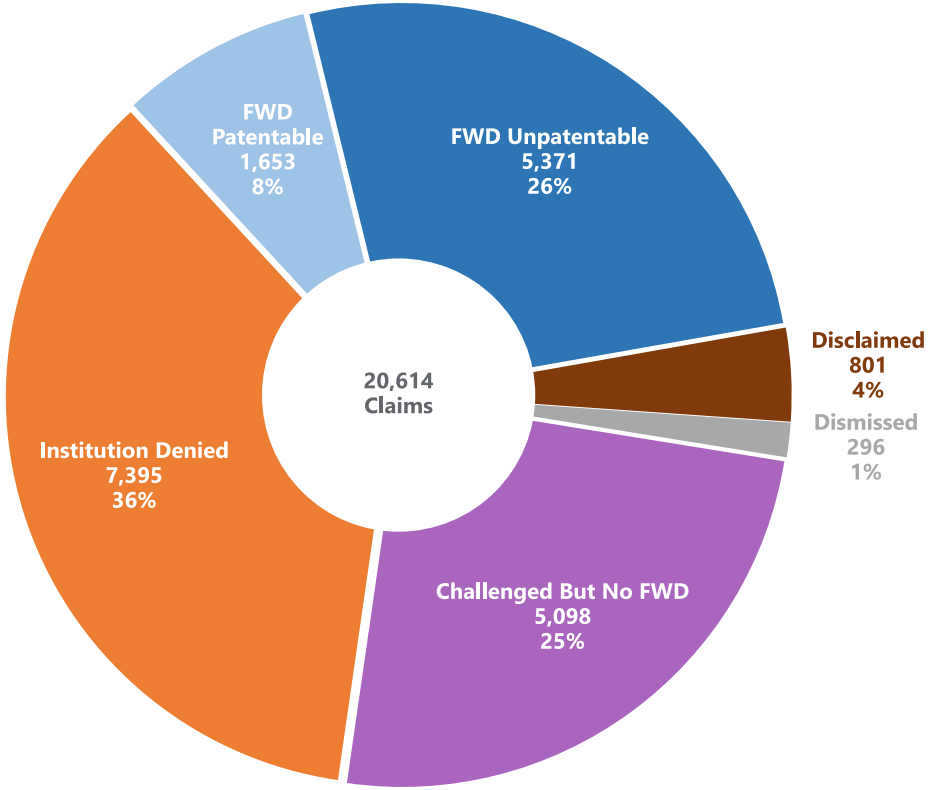
FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. Joined cases are excluded.

Outcomes by patent
(FY22: Oct. 1, 2021 to Sept. 30, 2022)

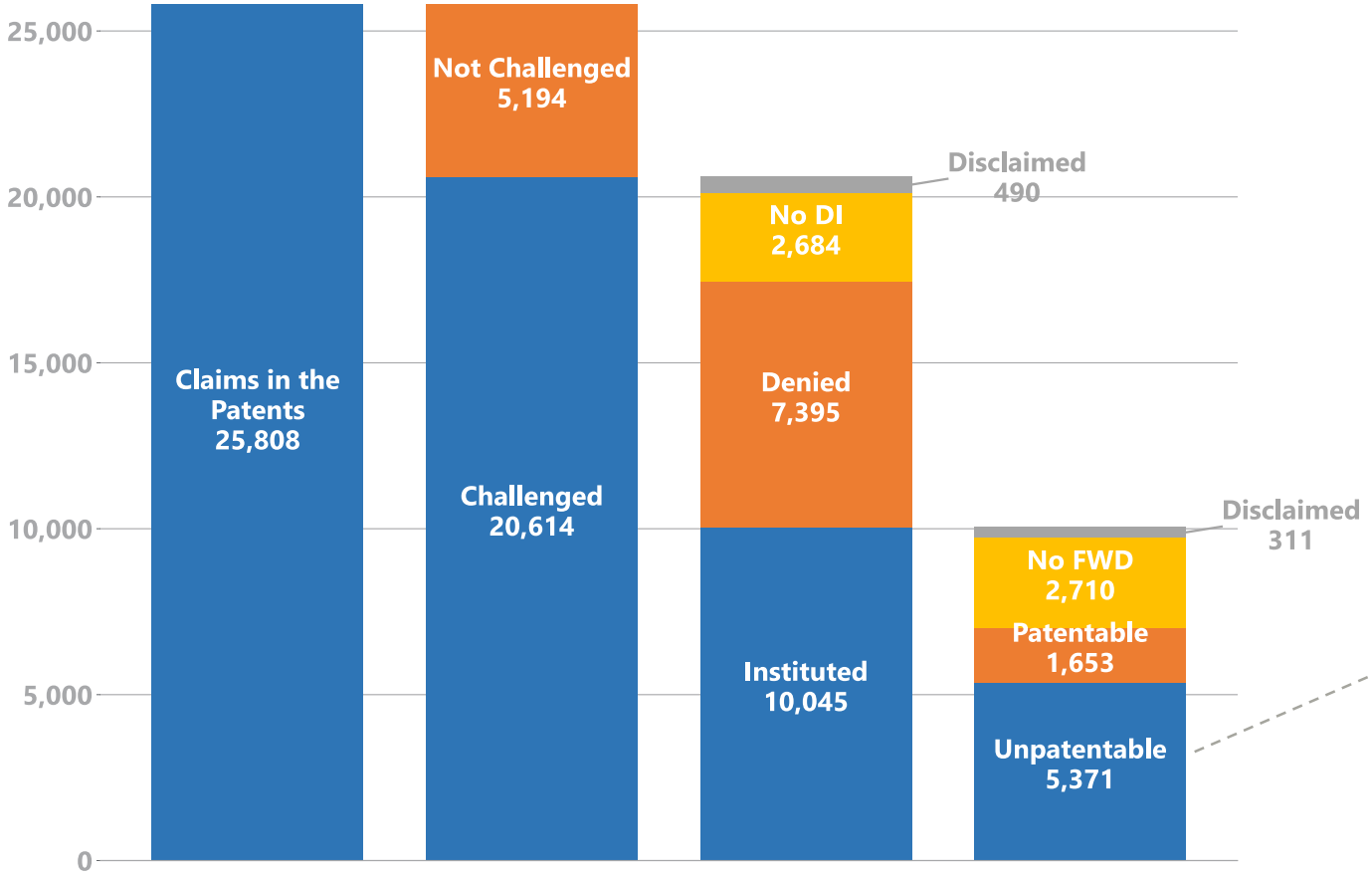


FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever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

Outcomes by claim challenged
(FY22: Oct. 1, 2021 to Sept. 30, 2022)



Claim outcomes
(FY22: Oct. 1, 2021 to Sept. 30, 2022)

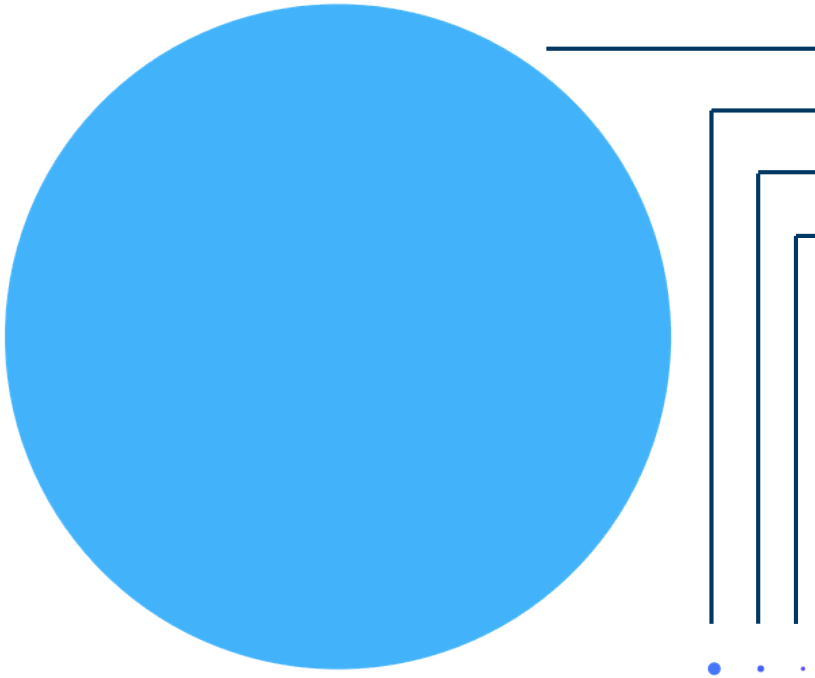


"No DI" and "No FWD" means the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

26% of challenged claims and 53% of instituted claims were found unpatentable by a preponderance of the evidence

All patents: Fiscal Year 2022

(Oct. 1, 2021 to Sept. 30, 2022)

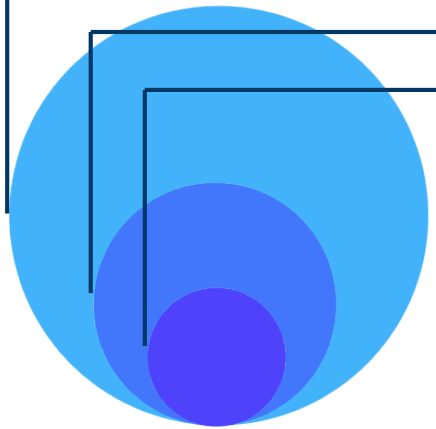


- 12% of patents with proceedings ending in FY22 were fully invalidated by PTAB (132 out of 1,083).
- Less than 0.004% of all live patents in FY22 were fully invalidated by PTAB (132 out of ~3,780,000).

Events that end an AIA proceeding include denials of institution, settlements, dismissals, requests for adverse judgment, and final written decisions (FWD). A patent is listed in an FWD category if it ever received an FWD.

All patents: All time

(Sept. 16, 2012 to Sept. 30, 2022)



8,578 patents challenged in AIA proceedings

2,749 patents at least partially invalidated by PTAB

890 patents fully invalidated by PTAB

10% of challenged patents were fully invalidated by PTAB (890 out of 8,578).

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DEPARTMENT OF COMMERCE