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

Patent Trial and Appeal Board
Fiscal Year 2022
Petitions filed by trial type

<table>
<thead>
<tr>
<th>Trial Type</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPR</td>
<td>1,320</td>
<td>97%</td>
</tr>
<tr>
<td>PGR</td>
<td>47</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,367</td>
<td></td>
</tr>
</tbody>
</table>

Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).
Petitions filed by technology

- **Electrical/Computer**: 892 (65%)
- **Mechanical & Business Method**: 319 (23%)
- **Chemical**: 55 (4%)
- **Bio/Pharma**: 95 (7%)
- **Design**: 6 (0%)

Total: 1,367
Petitions filed by month
(Sept. 2022 and Previous 12 Months: Sept. 1, 2021 to Sept. 30, 2022)

IPR

111 118 100 105 102 123 126 114 111 118 (1,320 IPRs in FY22)

PGR

3 6 4 6 3 4 1 4 3 4 6 4 2

(47 PGRs in FY22)
Institution rates by petition

by Petition

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY18</td>
<td>859</td>
<td>577</td>
<td>60%</td>
</tr>
<tr>
<td>FY19</td>
<td>859</td>
<td>510</td>
<td>63%</td>
</tr>
<tr>
<td>FY20</td>
<td>648</td>
<td>507</td>
<td>56%</td>
</tr>
<tr>
<td>FY21</td>
<td>702</td>
<td>498</td>
<td>59%</td>
</tr>
<tr>
<td>FY22</td>
<td>769</td>
<td>380</td>
<td>67%</td>
</tr>
</tbody>
</table>
Institution rates by patent

by Patent

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY18</td>
<td>674</td>
<td>338</td>
</tr>
<tr>
<td>FY19</td>
<td>667</td>
<td>290</td>
</tr>
<tr>
<td>FY20</td>
<td>567</td>
<td>315</td>
</tr>
<tr>
<td>FY21</td>
<td>645</td>
<td>337</td>
</tr>
<tr>
<td>FY22</td>
<td>661</td>
<td>282</td>
</tr>
</tbody>
</table>
Institution rates by patent and by petition
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

Settlement Rate

<table>
<thead>
<tr>
<th>Settlement Rate</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
</tr>
</thead>
<tbody>
<tr>
<td>25%</td>
<td>402</td>
<td>502</td>
<td>309</td>
<td>465</td>
<td>339</td>
</tr>
<tr>
<td>31%</td>
<td>202</td>
<td>243</td>
<td>146</td>
<td>192</td>
<td>165</td>
</tr>
<tr>
<td>22%</td>
<td>200</td>
<td>259</td>
<td>163</td>
<td>273</td>
<td>174</td>
</tr>
<tr>
<td>27%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

- Institution Denied: 7,395 (36%)
- Challenged But No FWD: 5,098 (25%)
- Dismissed: 296 (1%)
- Disclaimed: 801 (4%)
- FWD Unpatentable: 5,371 (26%)
- FWD Patentable: 1,653 (8%)
"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)

1,083 patents with AIA proceedings that ended in FY22
350 patents at least partially invalidated by PTAB
132 patents fully invalidated by PTAB

• 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).