UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

PTAB Trial Statistics
FY21 End of Year Outcome Roundup
IPR, PGR, CBM

Patent Trial and Appeal Board
Fiscal Year 2021

UNITED STATES
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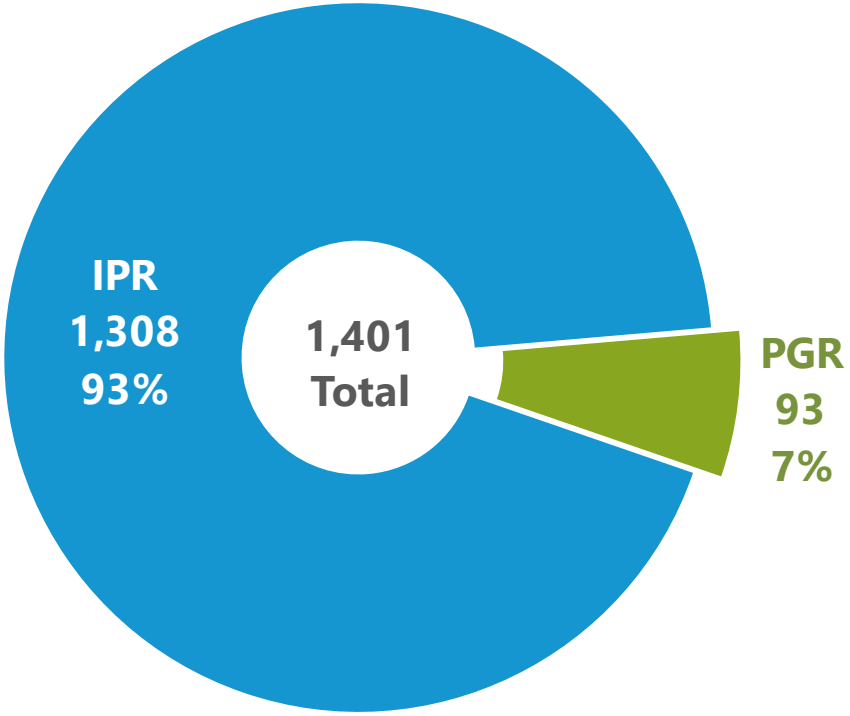
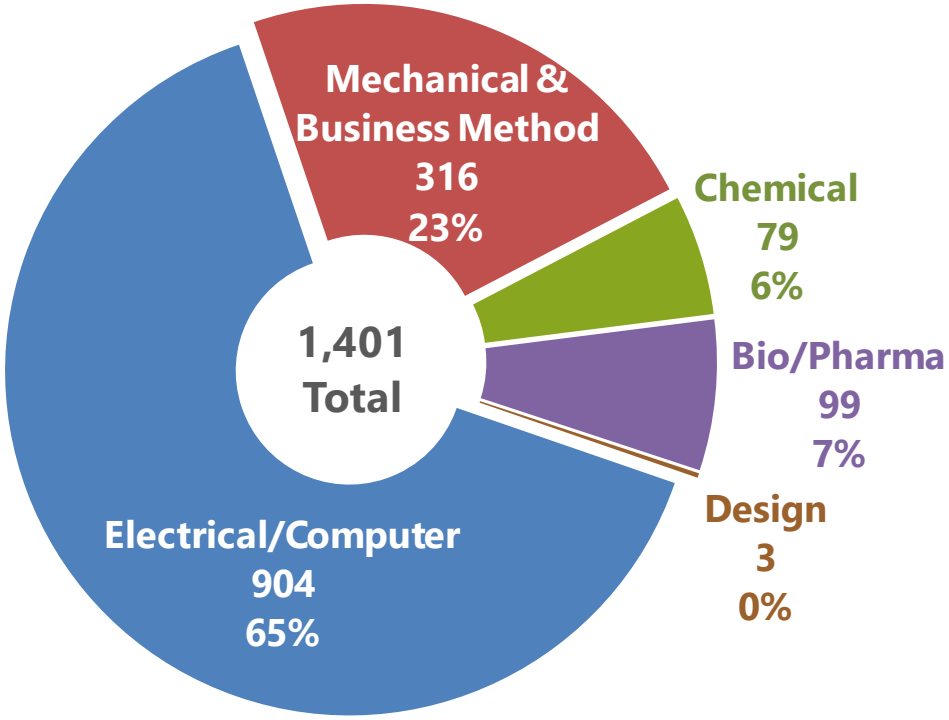
Petitions filed by trial type
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



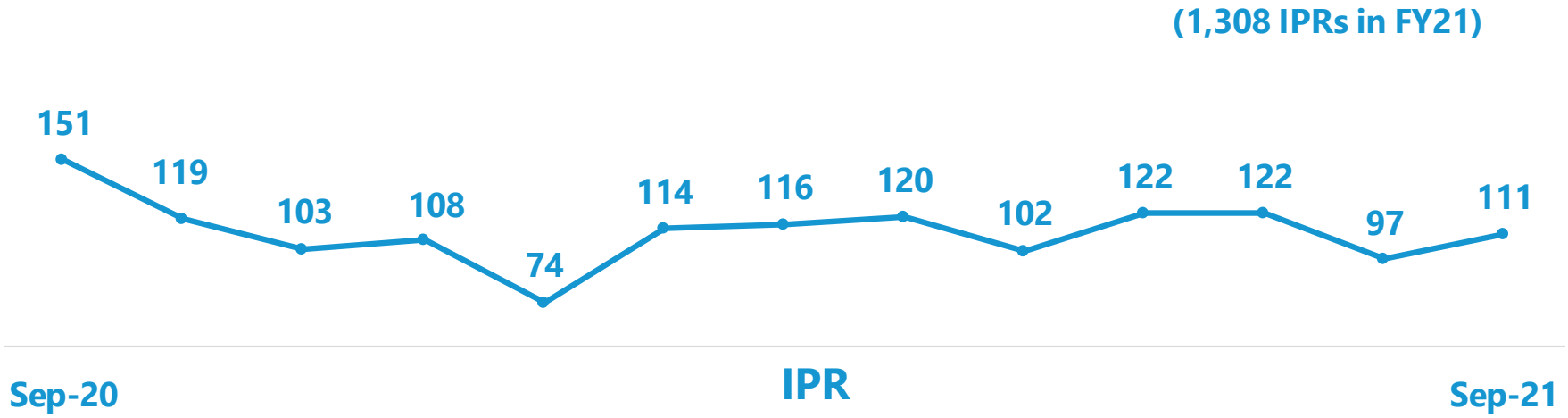
Trial types include Inter Partes Review (IPR), Post Grant Review (PGR), and Covered Business Method (CBM). The Office will not consider a CBM petition filed on or after September 16, 2020.

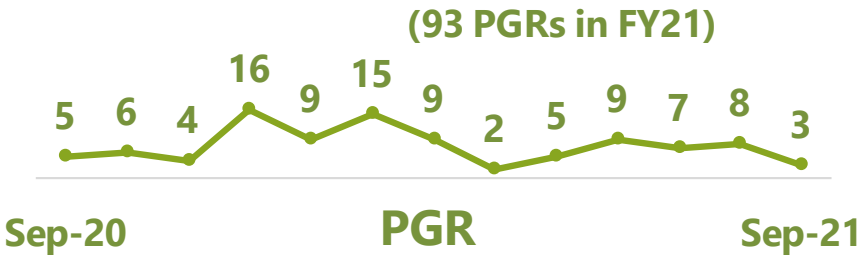
Petitions filed by technology
(FY21: Oct. 1, 2020 to Sept. 30, 2021)

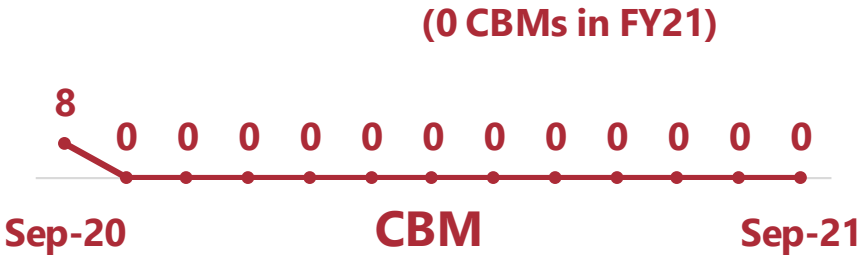


Petitions filed by month

(Sept. 2021 and Previous 12 Months: Sept. 1, 2020 to Sept. 30, 2021)

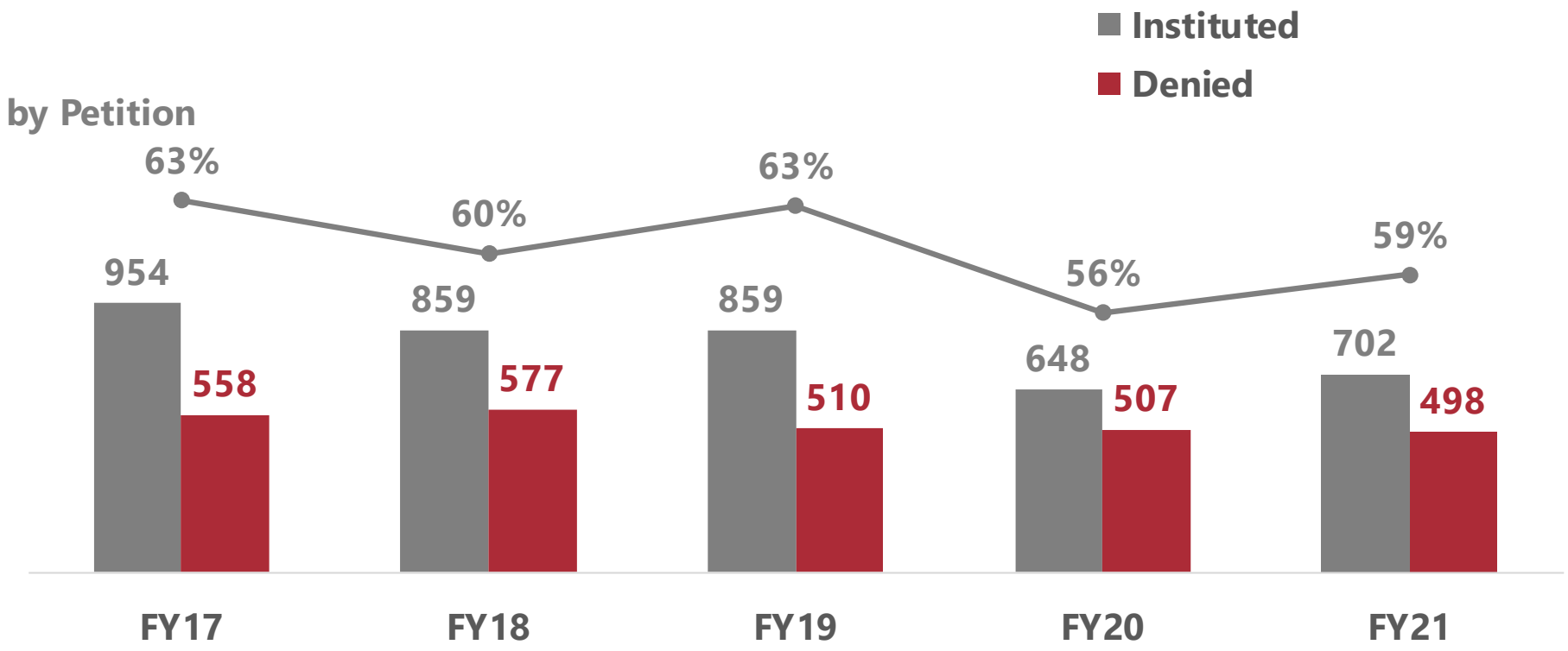




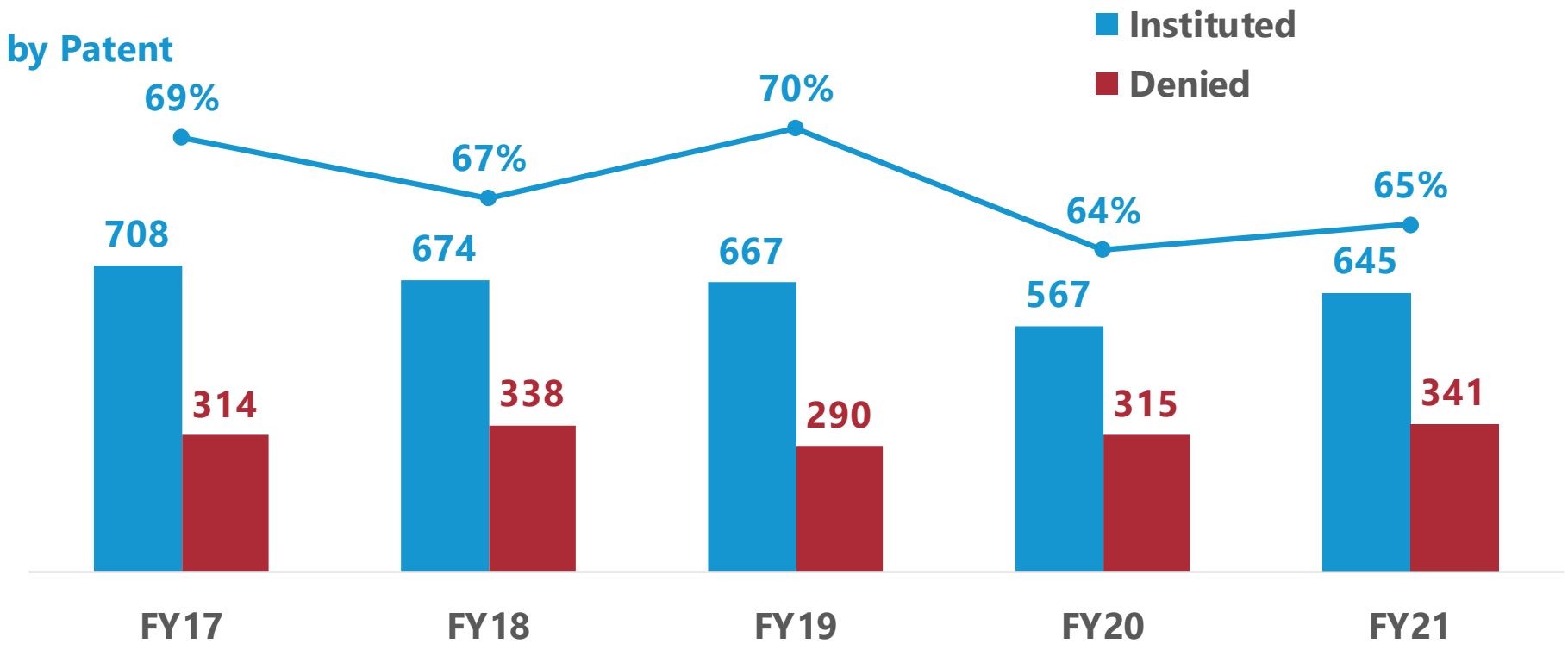


The Office will not consider a CBM petition filed on or after September 16, 2020.

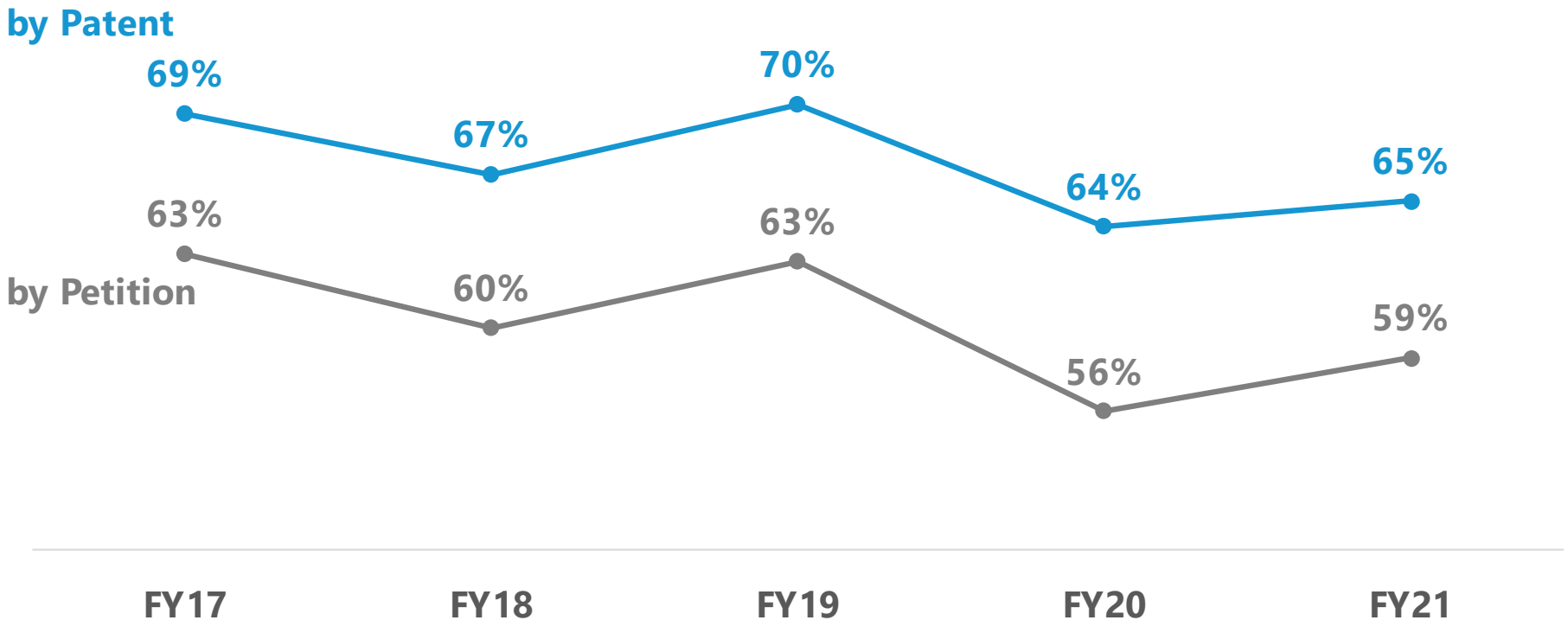
Institution rates by petition
(FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)



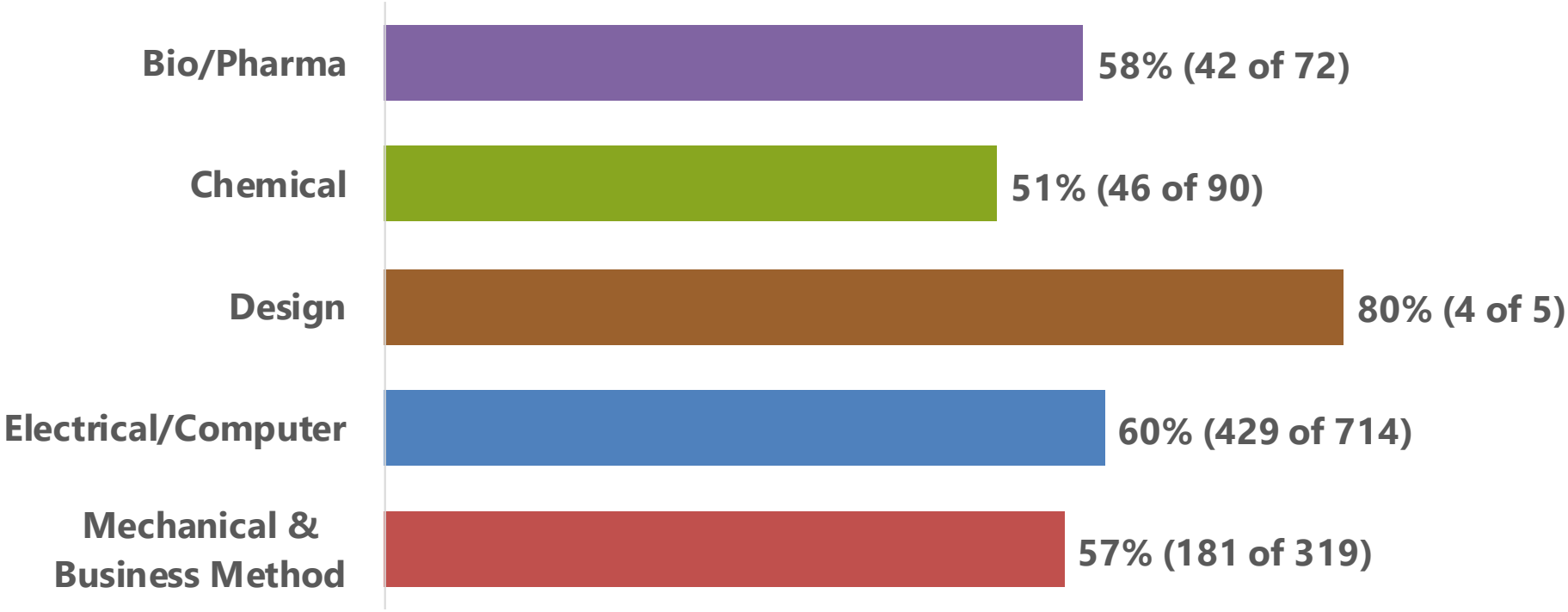
Institution rates by patent
(FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)



Institution rates by patent and by petition
(FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)

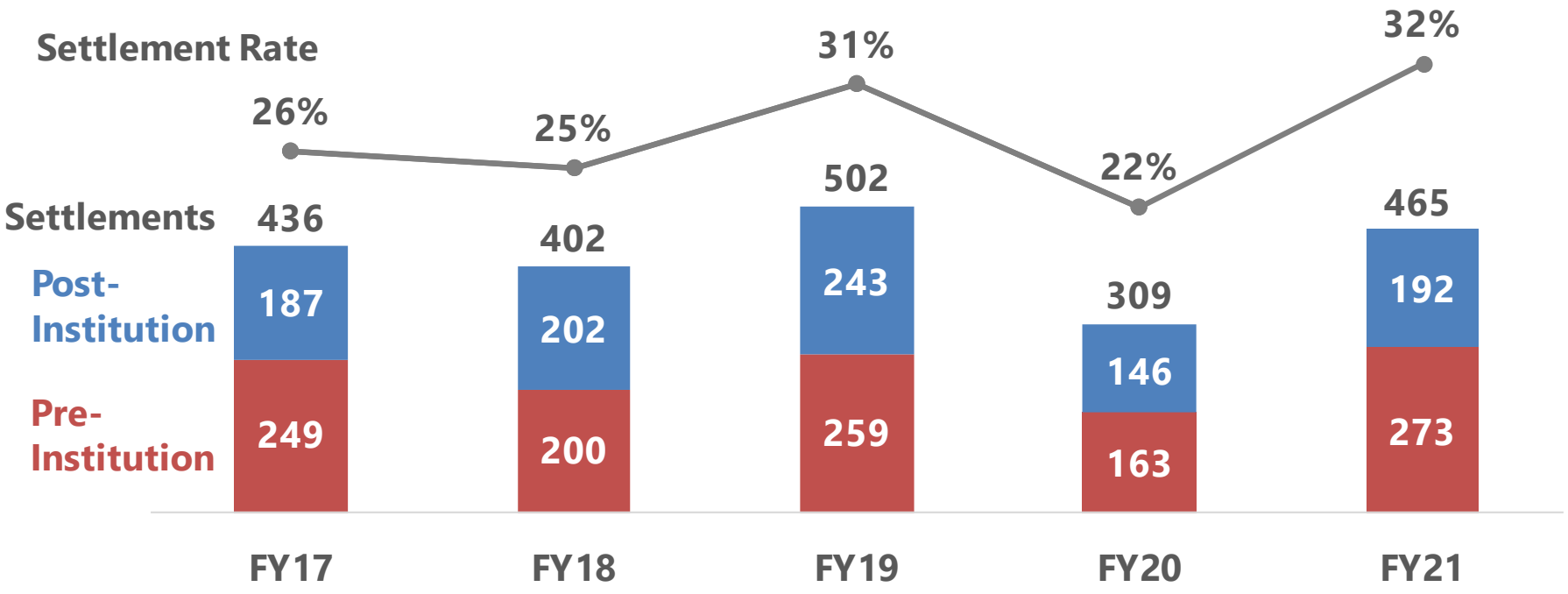


Institution rates by technology
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



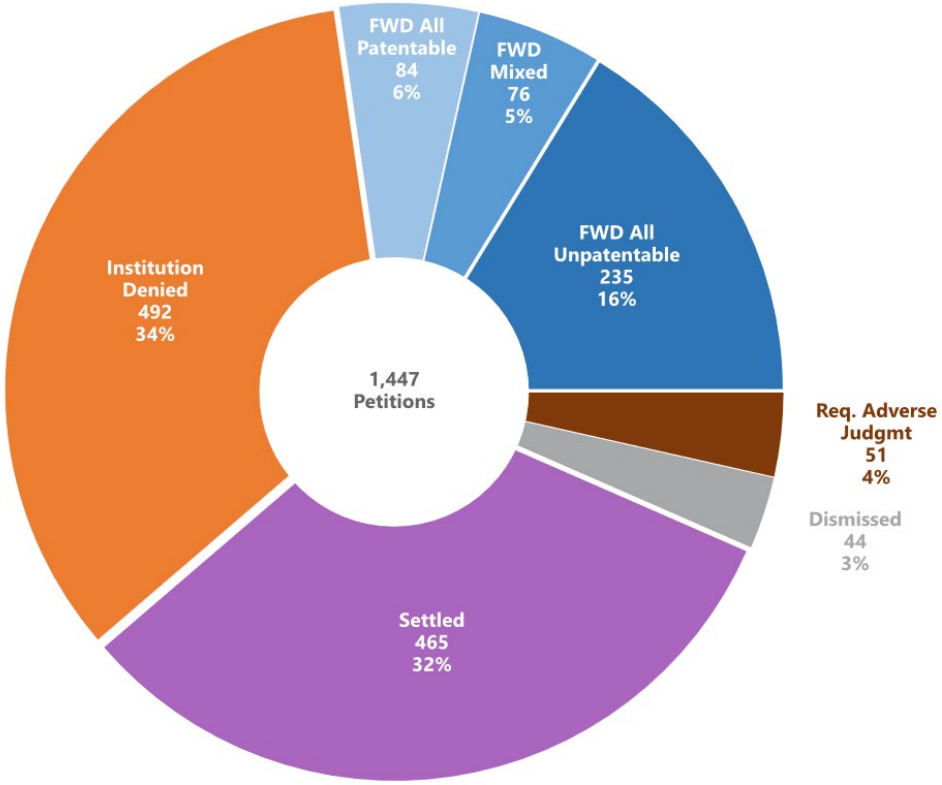
Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements
(FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)



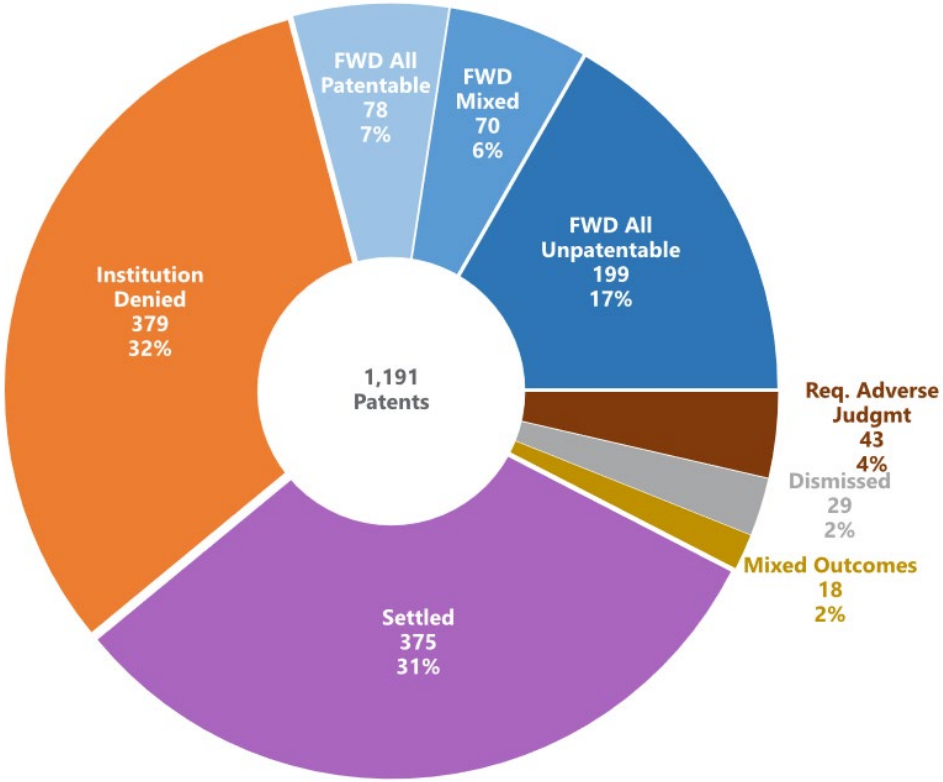
Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.

Outcomes by petition
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



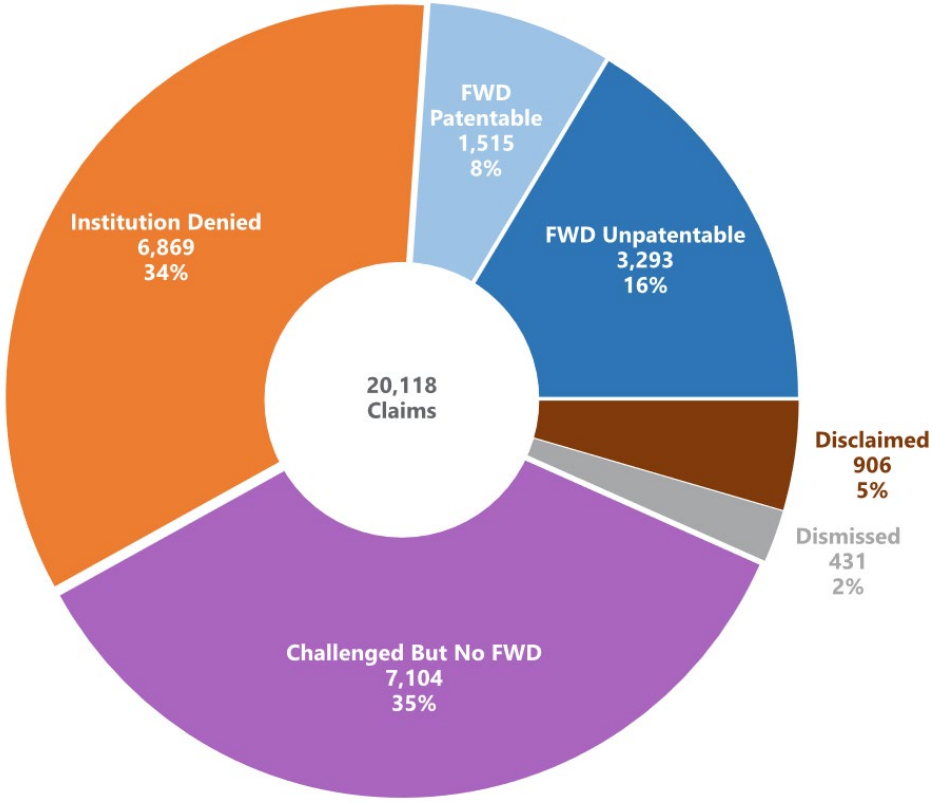
FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. Joined cases are excluded.

Outcomes by patent
(FY21: Oct. 1, 2020 to Sept. 30, 2021)

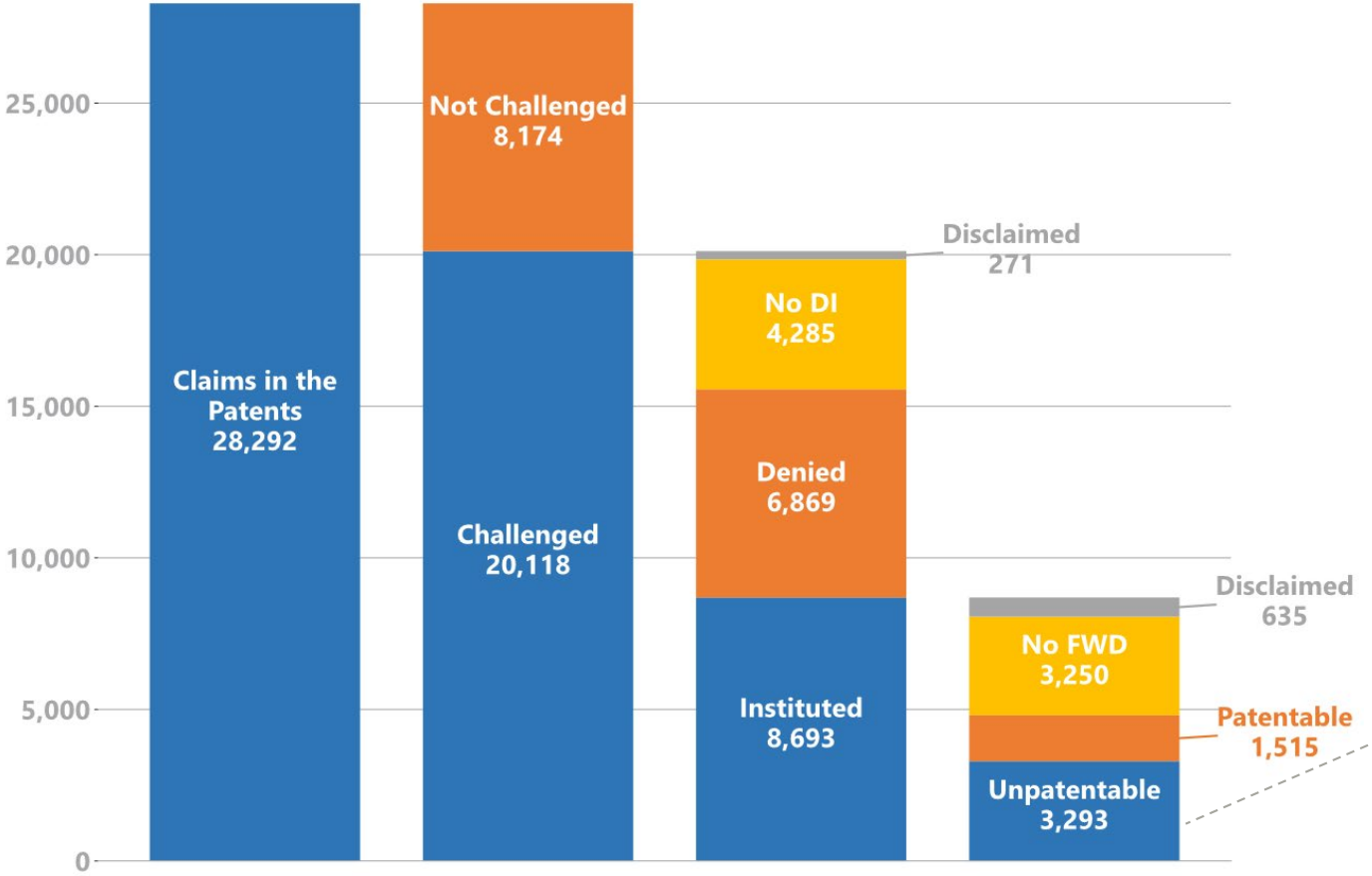


FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever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

Outcomes by claim challenged
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



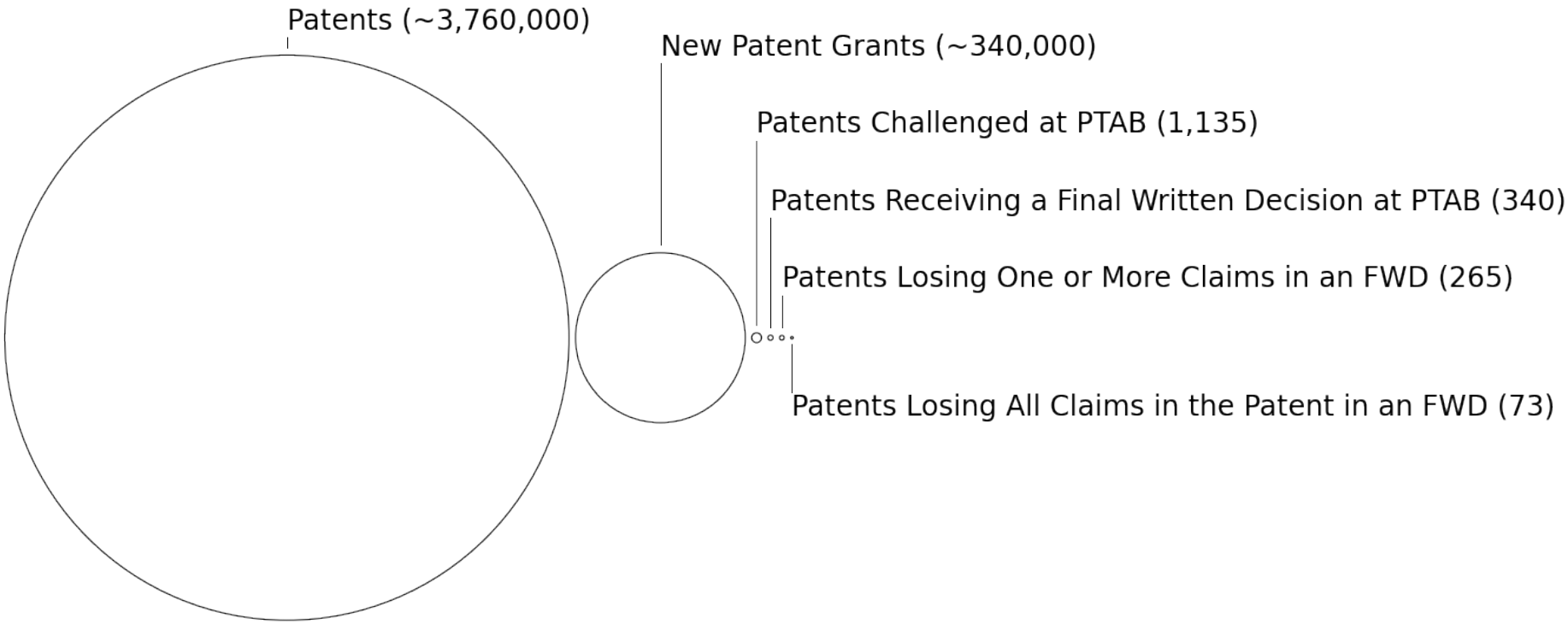
Claim outcomes
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



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

16% of challenged claims and 38% of instituted claims were found unpatentable by a preponderance of the evidence in FY21.

All patents
(FY21: Oct. 1, 2020 to Sept. 30, 2021)



The area inside each circle is scaled to the number of patents in the category.

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DEPARTMENT OF COMMERCE