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

Patent Trial and Appeal Board
Fiscal Year 2021
Petitions filed by trial type

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

- Electrical/Computer: 904 (65%)
- Mechanical & Business Method: 316 (23%)
- Chemical: 79 (6%)
- Bio/Pharma: 99 (7%)
- Design: 3 (0%)

Total: 1,401
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)

by Petition

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY17</td>
<td>954</td>
<td>558</td>
</tr>
<tr>
<td>FY18</td>
<td>859</td>
<td>577</td>
</tr>
<tr>
<td>FY19</td>
<td>859</td>
<td>510</td>
</tr>
<tr>
<td>FY20</td>
<td>648</td>
<td>507</td>
</tr>
<tr>
<td>FY21</td>
<td>702</td>
<td>498</td>
</tr>
</tbody>
</table>
Institution rates by patent
(FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)

by Patent

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY17</td>
<td>708</td>
<td>314</td>
</tr>
<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>341</td>
</tr>
</tbody>
</table>
Institution rates by patent and by petition (FY17 to FY21: Oct. 1, 2016 to Sept. 30, 2021)

**by Patent**
- FY17: 69%
- FY18: 67%
- FY19: 70%
- FY20: 64%
- FY21: 65%

**by Petition**
- FY17: 63%
- FY18: 60%
- FY19: 63%
- FY20: 56%
- FY21: 59%
Institution rates by technology

- Bio/Pharma: 58% (42 of 72)
- Chemical: 51% (46 of 90)
- Design: 80% (4 of 5)
- Electrical/Computer: 60% (429 of 714)
- Mechanical & Business Method: 57% (181 of 319)

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.

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: 6,869 (34%)
- FWD Patentable: 1,515 (8%)
- FWD Unpatentable: 3,293 (16%)
- Disclaimed: 906 (5%)
- Dismissed: 431 (2%)
- Challenged But No FWD: 7,104 (35%)

Total Claims: 20,118
“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

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