PTAB Trial Statistics
FY21 Q1 Outcome Roundup
IPR, PGR, CBM

Patent Trial and Appeal Board
Fiscal Year 2021 1st Quarter
Petitions filed by trial type
(FY21 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

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 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

- Electrical/Computer: 210 (59%)
- Mechanical & Business Method: 92 (26%)
- Chemical: 29 (8%)
- Bio/Pharma: 24 (7%)
- Design: 1 (0%)

Total: 356
The Office will not consider a CBM petition filed on or after September 16, 2020.
Institution rates by petition
(FY17 to FY21 through Q1: Oct. 1, 2016 to Dec. 31, 2020)

by Petition

<table>
<thead>
<tr>
<th>Fiscal 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>
</tbody>
</table>

FY21 Q1

62%
Institution rates by patent
(FY17 to FY21 through Q1: Oct. 1, 2016 to Dec. 31, 2020)
Institution rates by patent and by petition (FY17 to FY21 through Q1: Oct. 1, 2016 to Dec. 31, 2020)

By Patent
- FY17: 69%
- FY18: 67%
- FY19: 70%
- FY20: 64%
- FY21 Q1: 71%

By Petition
- FY17: 63%
- FY18: 60%
- FY19: 63%
- FY20: 56%
- FY21 Q1: 62%
Institution rates by technology
(FY21 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

<table>
<thead>
<tr>
<th>Technology</th>
<th>Rate</th>
<th>Petitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bio/Pharma</td>
<td>79%</td>
<td>11 of 14</td>
</tr>
<tr>
<td>Chemical</td>
<td>38%</td>
<td>10 of 26</td>
</tr>
<tr>
<td>Design</td>
<td>75%</td>
<td>3 of 4</td>
</tr>
<tr>
<td>Electrical/Computer</td>
<td>64%</td>
<td>111 of 173</td>
</tr>
<tr>
<td>Mechanical &amp; Business Method</td>
<td>63%</td>
<td>34 of 54</td>
</tr>
</tbody>
</table>

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 through Q1: Oct. 1, 2016 to Dec. 31, 2020)

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 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

- Institution Denied: 102 (32%)
- Settled: 91 (29%)
- FWD All Patentable: 21 (7%)
- FWD Mixed: 16 (5%)
- FWD All Unpatentable: 55 (18%)
- Req. Adverse Judgmt: 15 (5%)
- Dismissed: 14 (4%)

Total Petitions: 314
Outcomes by patent
(FY21 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

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 through Q1: Oct. 1, 2020 to Dec. 31, 2020)

"Challenged But No FWD" most commonly refers to settlement, but can also refer to challenged claims subject to mixed non-FWD outcomes, such as both a denial and a dismissal.
"No DI" and "No FWD" means the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

17% of challenged claims and 31% of instituted claims were found unpatentable by a preponderance of the evidence.