UNITED STATES
PATENT AND TRADEMARK OFFICE

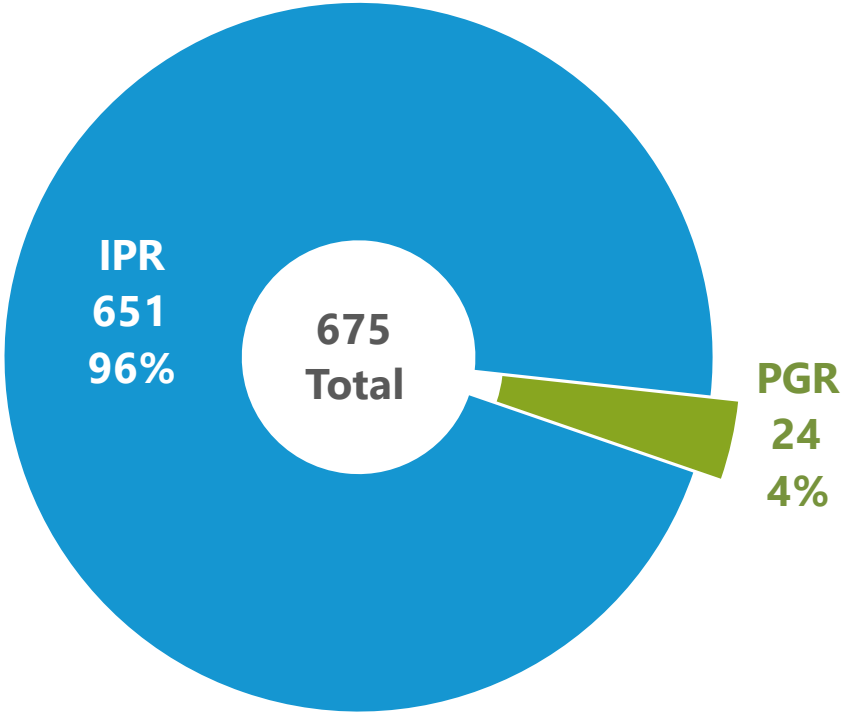
uspto

PTAB Trial Statistics
FY22 Q2 Outcome Roundup
IPR, PGR

Patent Trial and Appeal Board
Fiscal Year 2022 2nd Quarter

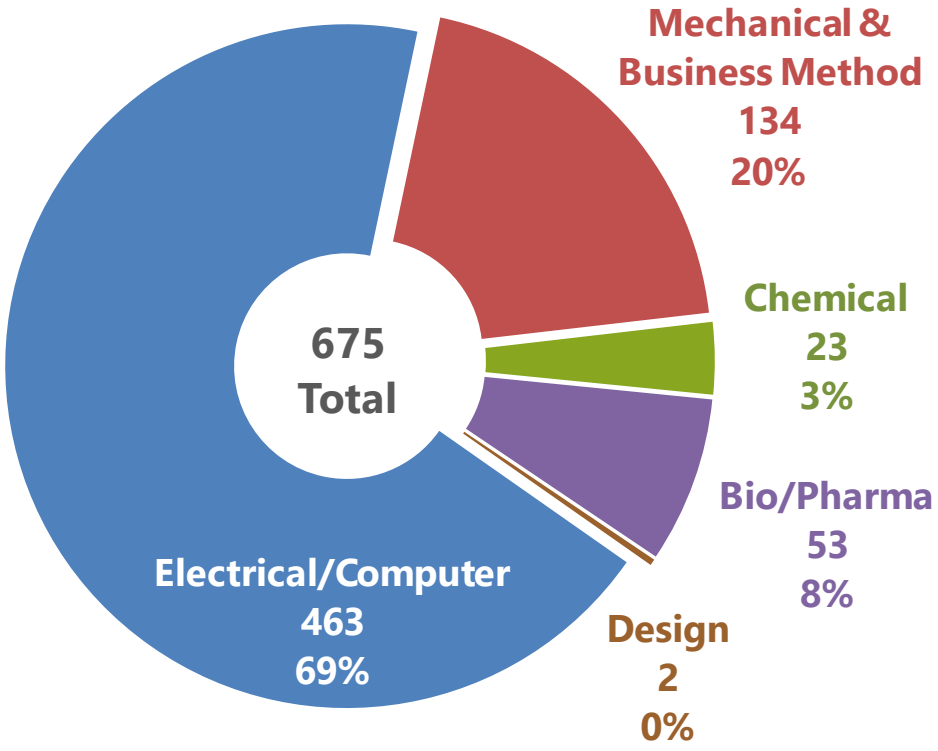
UNITED STATES
PATENT AND TRADEMARK OFFICE
uspto

Petitions filed by trial type
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)



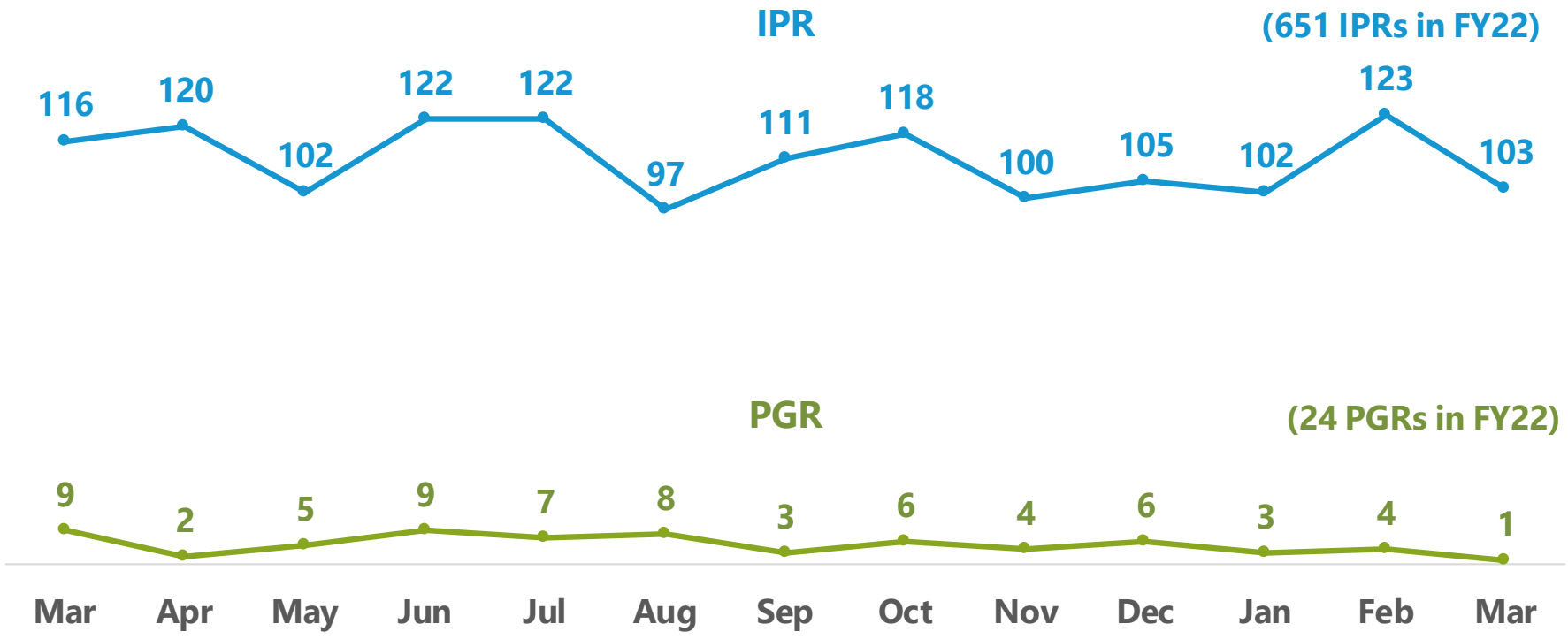
Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).

Petitions filed by technology
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)

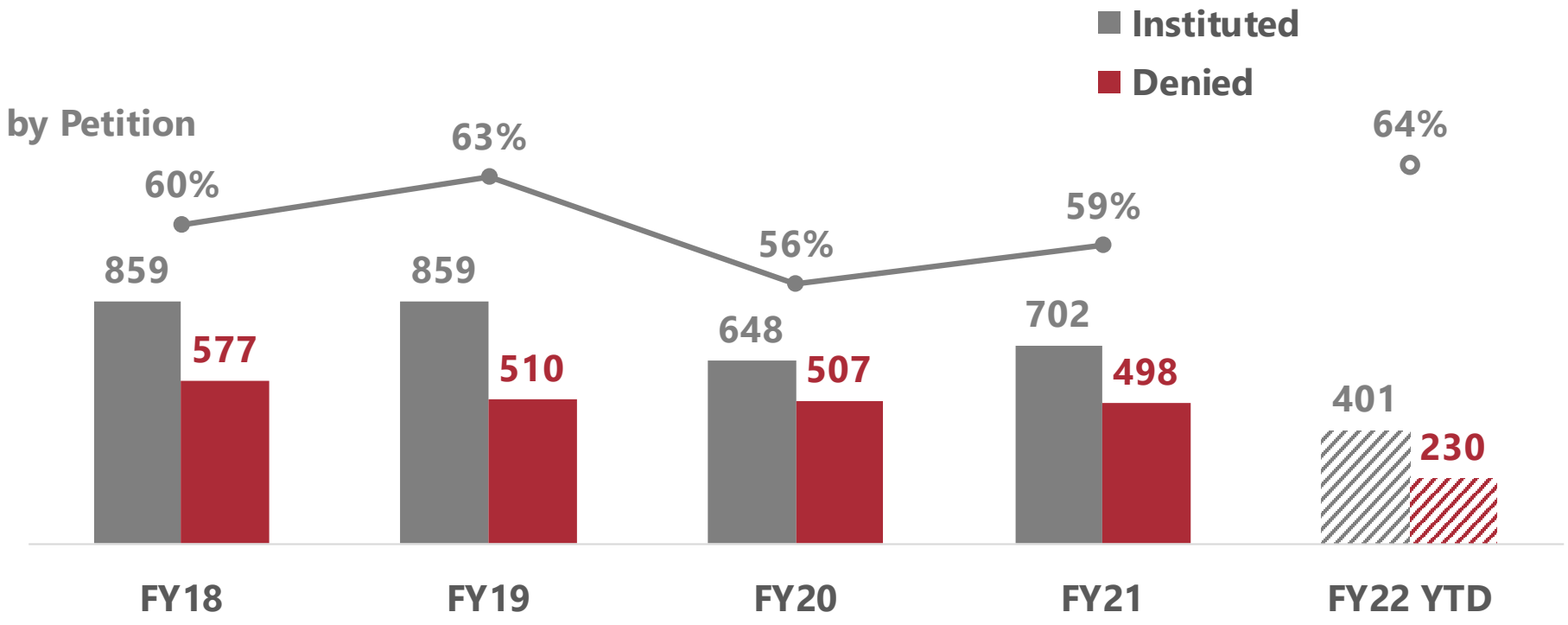


Petitions filed by month

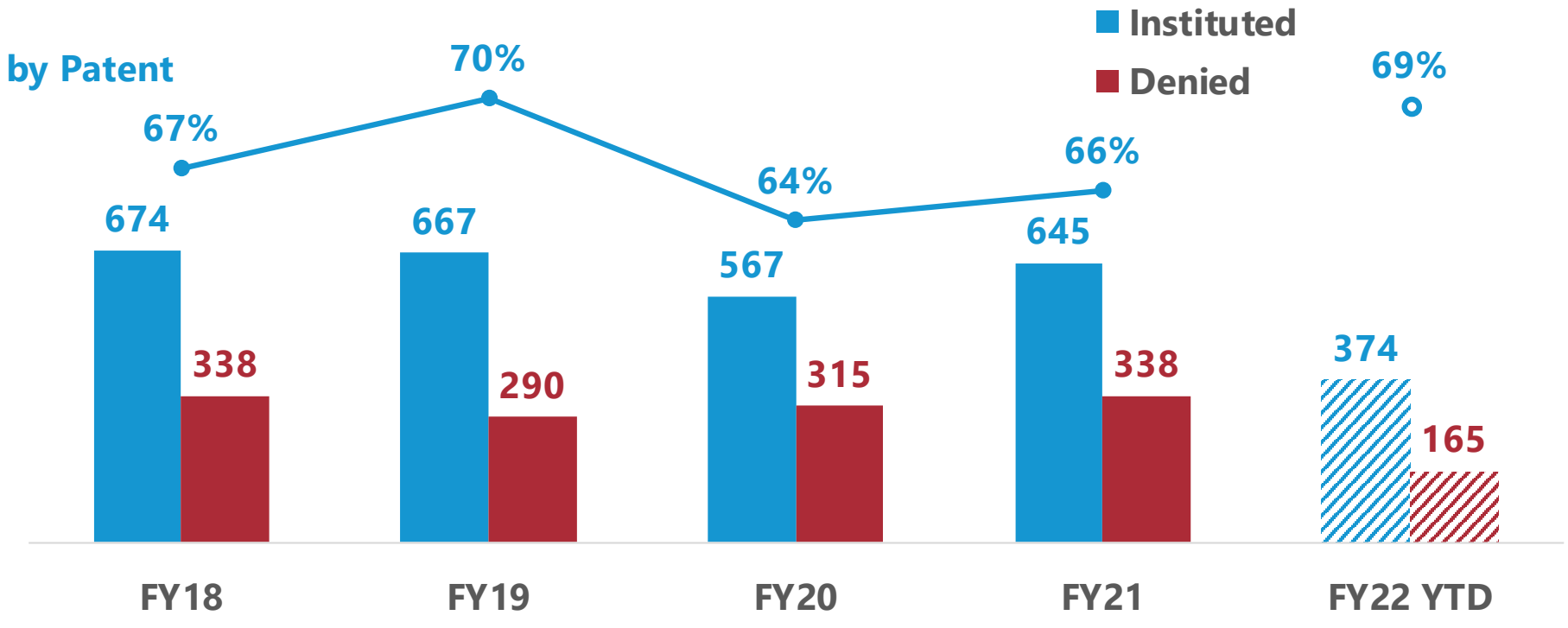
(Mar. 2022 and Previous 12 Months: Mar. 1, 2021 to Mar. 31, 2022)



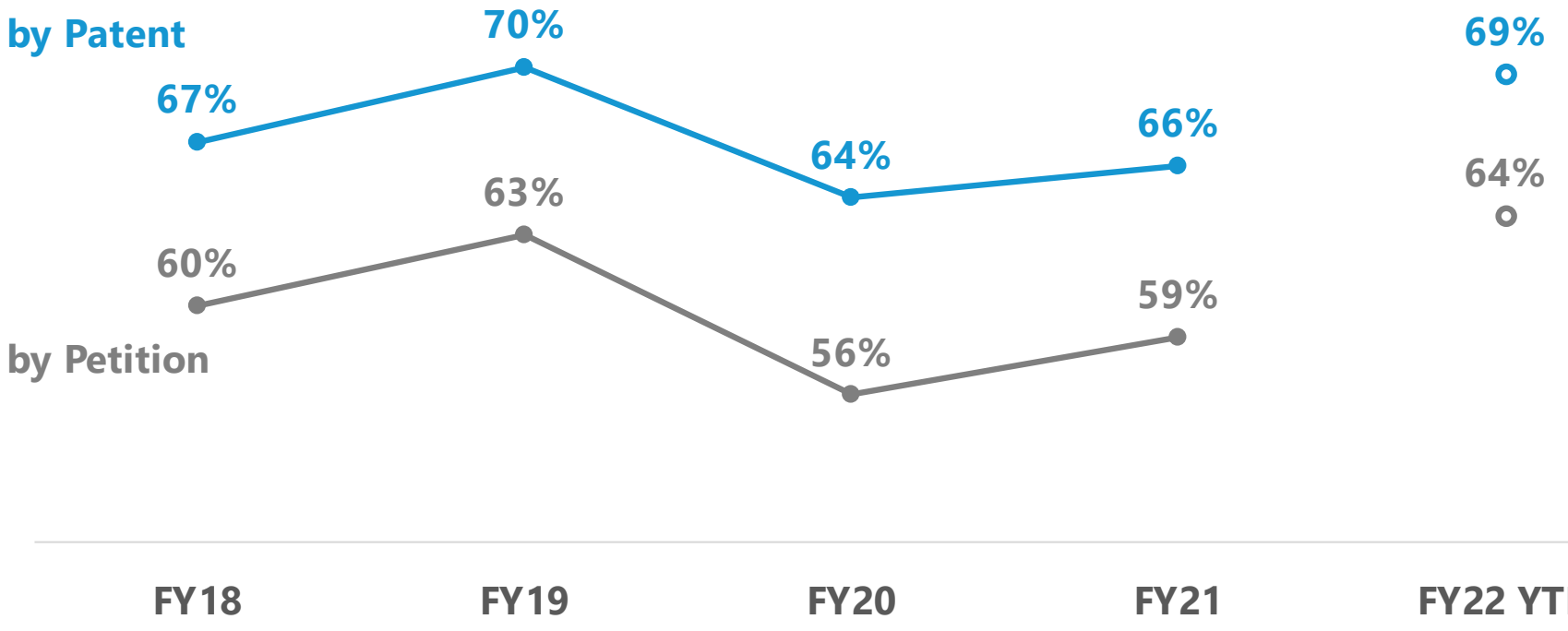
Institution rates by petition
(FY18 to FY22 through Q2: Oct. 1, 2017 to Mar. 31, 2022)



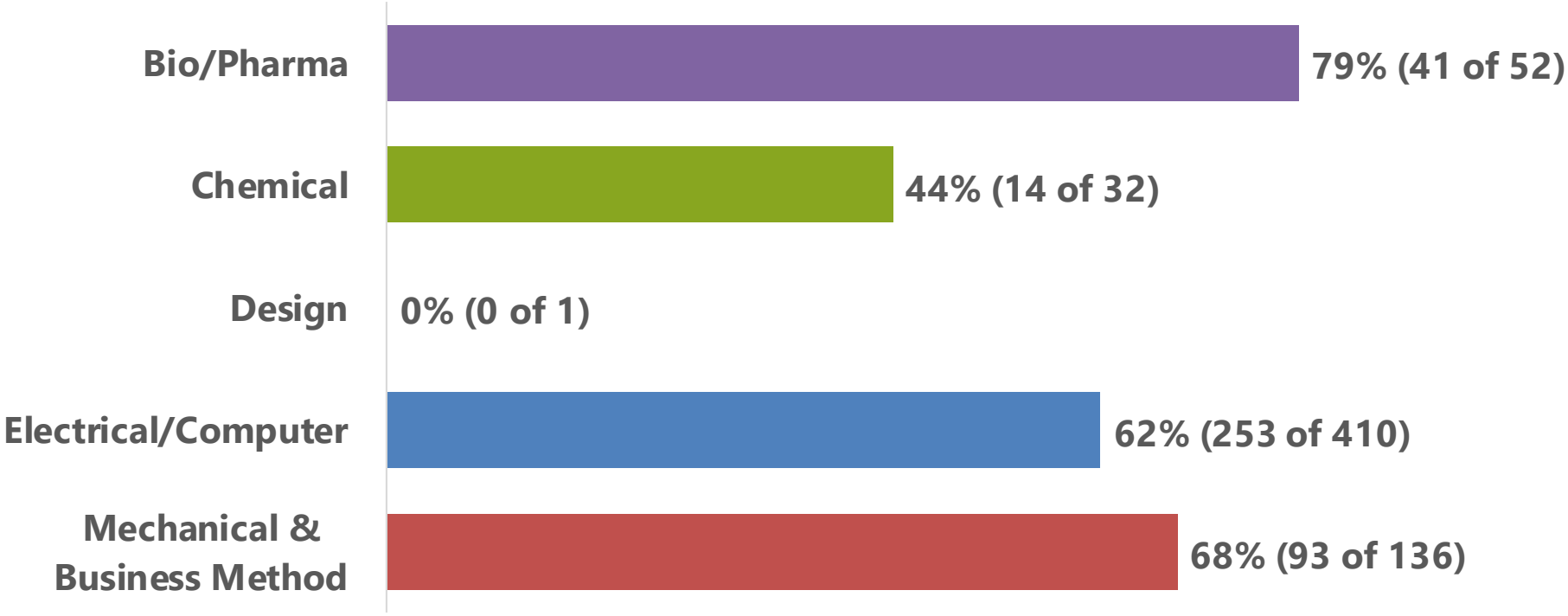
Institution rates by patent
(FY18 to FY22 through Q2: Oct. 1, 2017 to Mar. 31, 2022)



Institution rates by patent and by petition
(FY18 to FY22 through Q2: Oct. 1, 2017 to Mar. 31, 2022)

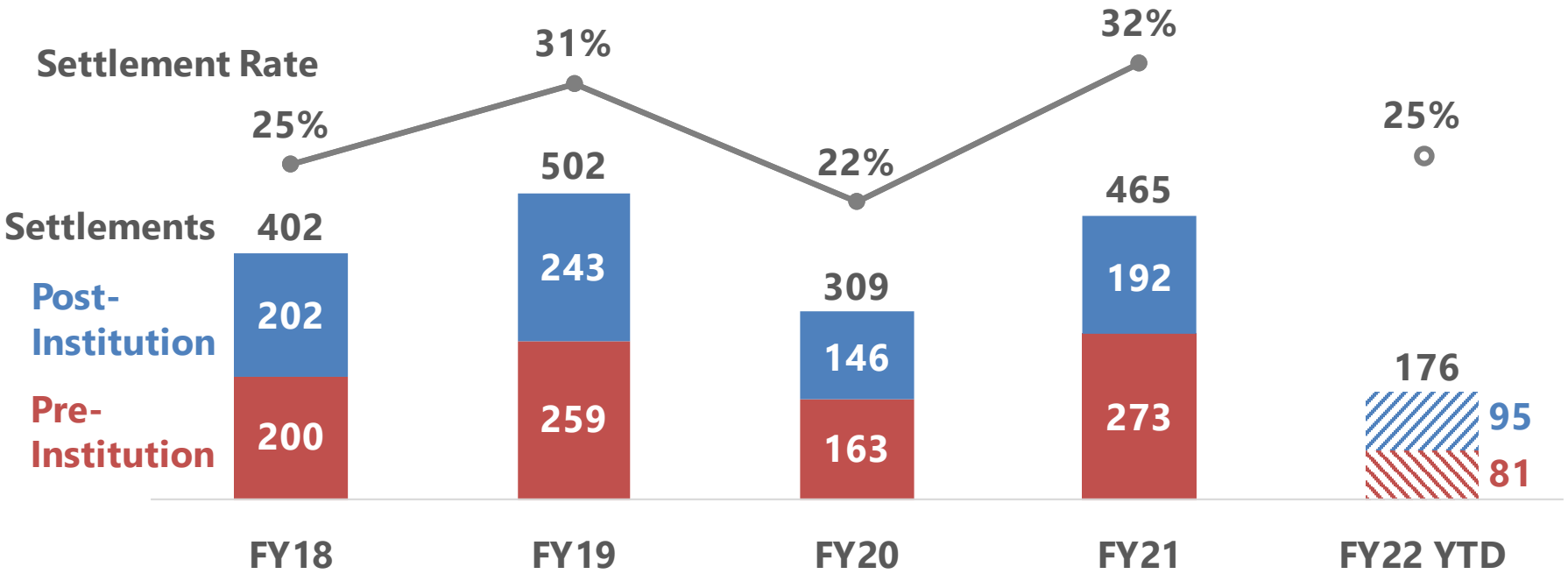


Institution rates by technology
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)



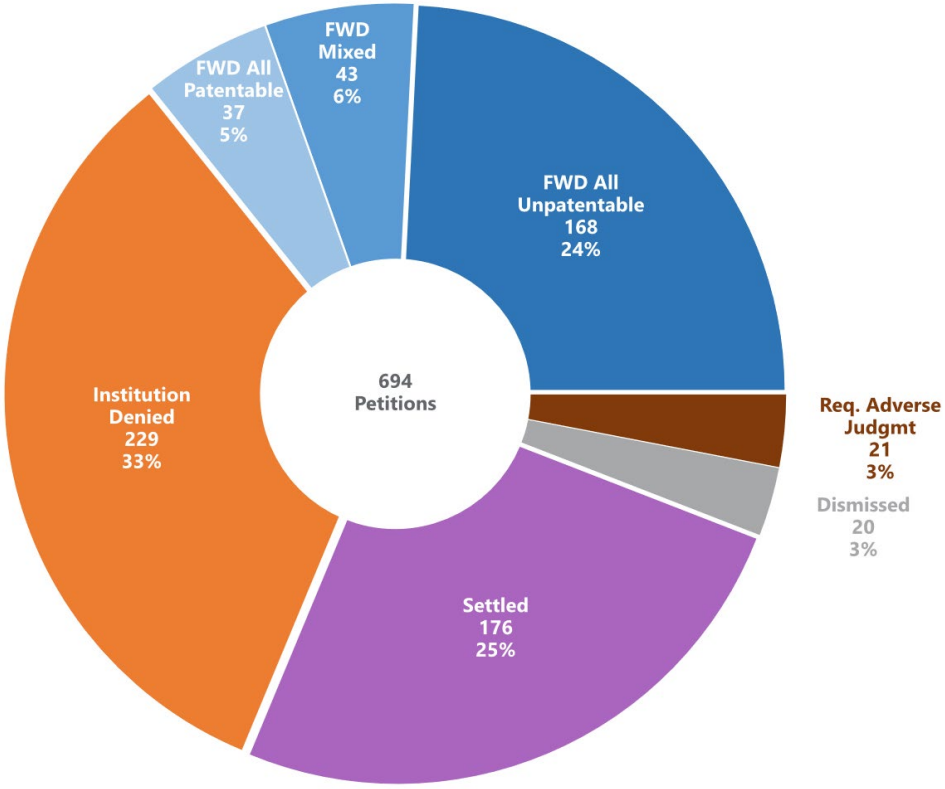
Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements
(FY18 to FY22 through Q2: Oct. 1, 2017 to Mar. 31, 2022)



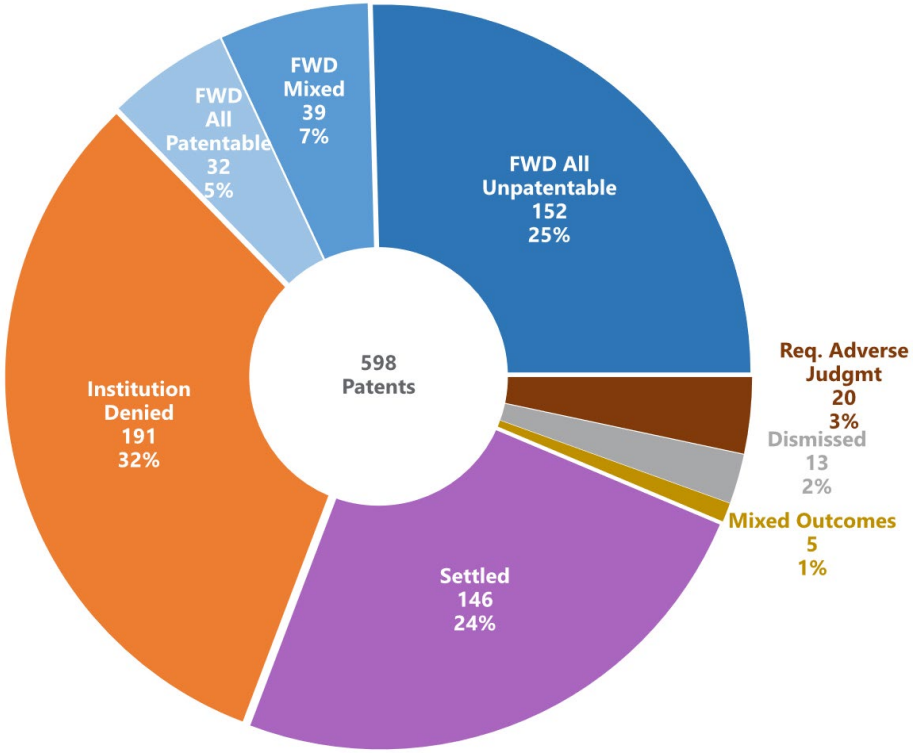
Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.

Outcomes by petition
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)



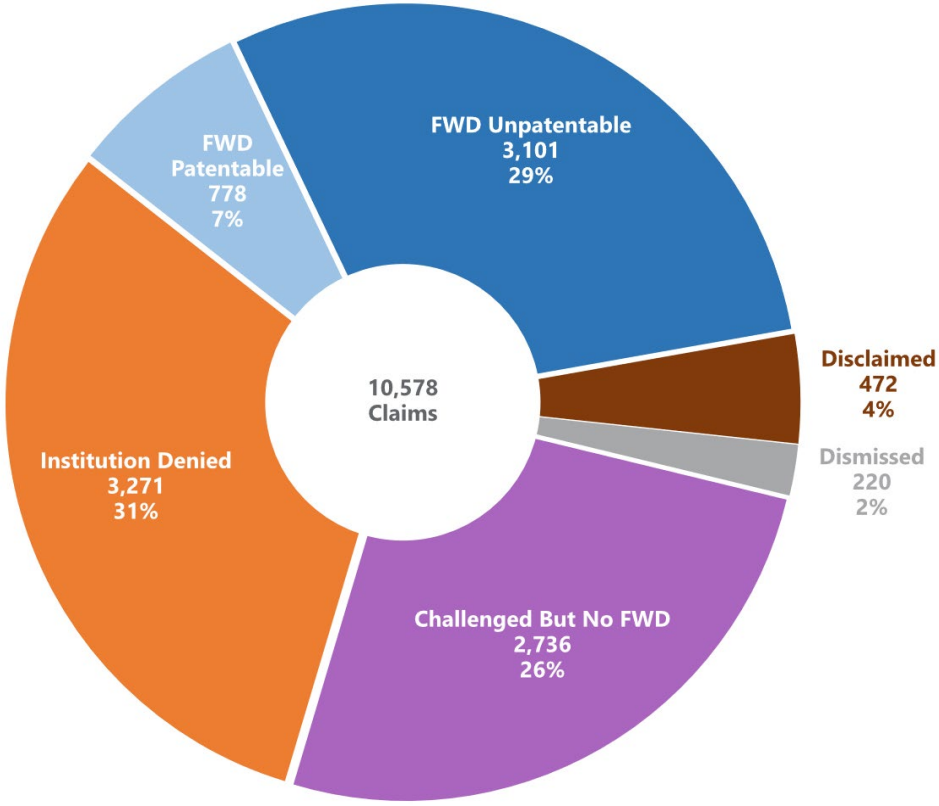
FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. Joined cases are excluded.

Outcomes by patent
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)

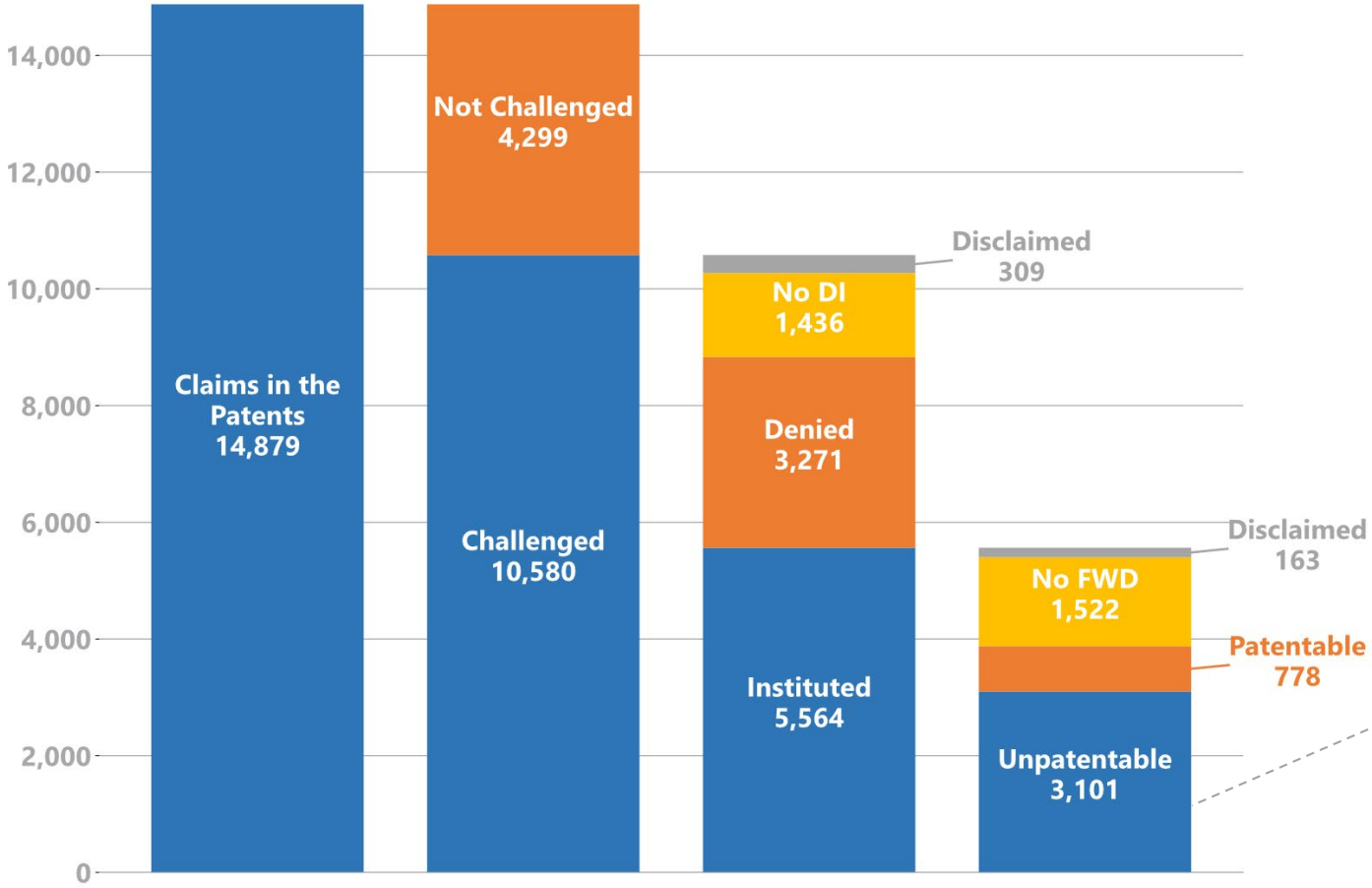


FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever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

Outcomes by claim challenged
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)



Claim outcomes
(FY22 through Q2: Oct. 1, 2021 to Mar. 31, 2022)



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

29% of challenged claims and 56% of instituted claims were found unpatentable by a preponderance of the evidence.

UNITED STATES PATENT AND TRADEMARK OFFICE

DEPARTMENT OF COMMERCE