

UNITED STATES
PATENT AND TRADEMARK OFFICE



PTAB Trial Statistics

FY23 End of Year Outcome Roundup

IPR, PGR

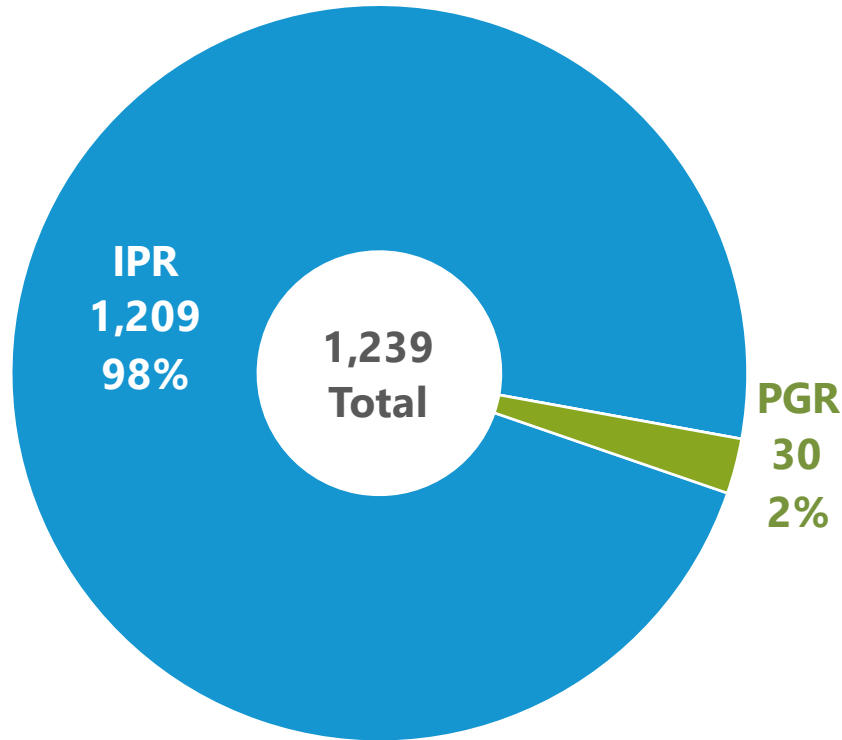
Patent Trial and Appeal Board
Fiscal Year 2023



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Petitions filed by trial type

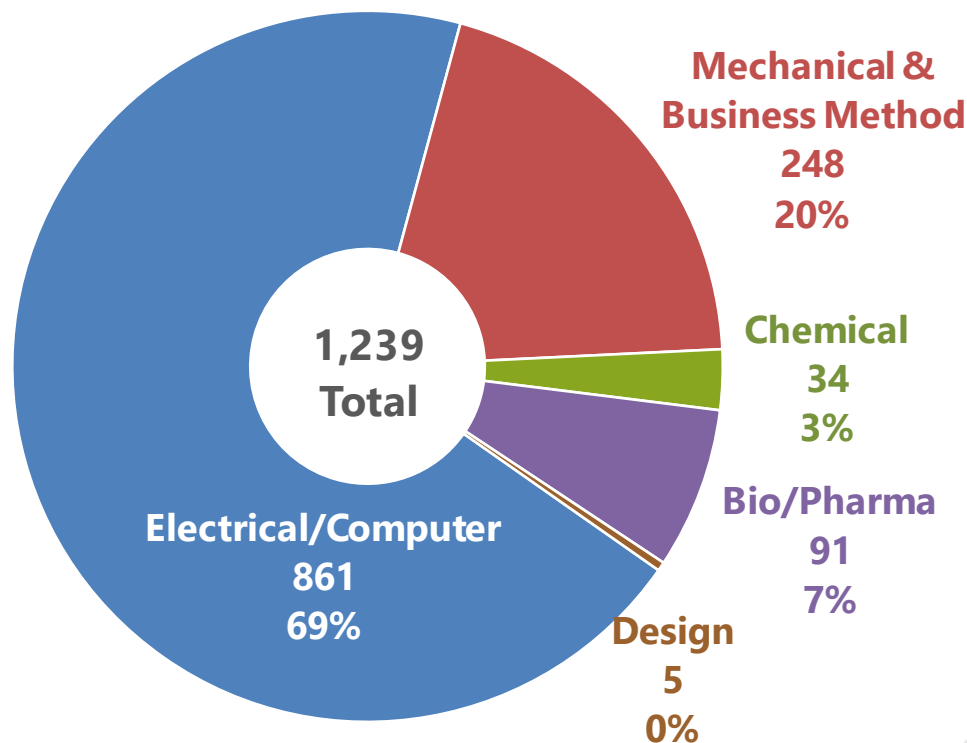
(FY23: Oct. 1, 2022 to Sept. 30, 2023)



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

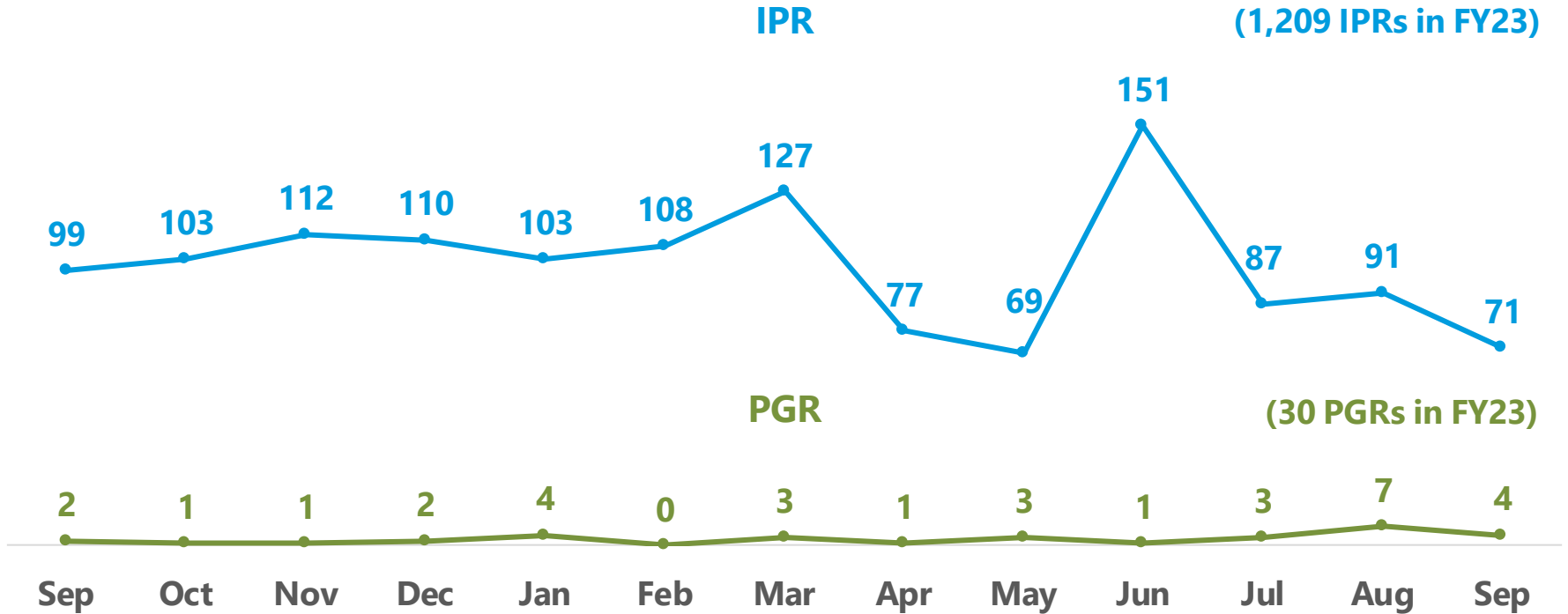
Petitions filed by technology

(FY23: Oct. 1, 2022 to Sept. 30, 2023)



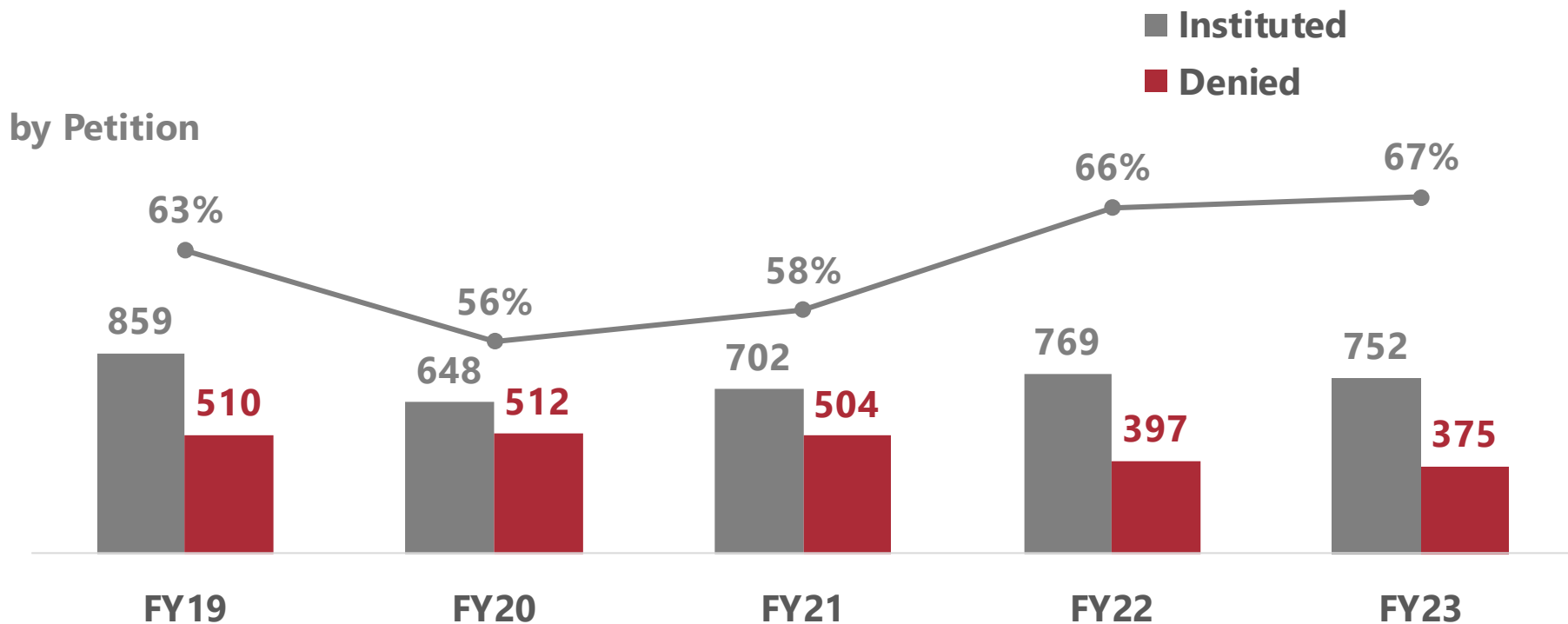
Petitions filed by month

(September 2023 and Prior 12 Months: Sept. 1, 2022 to Sept. 30, 2023)



Institution rates by petition

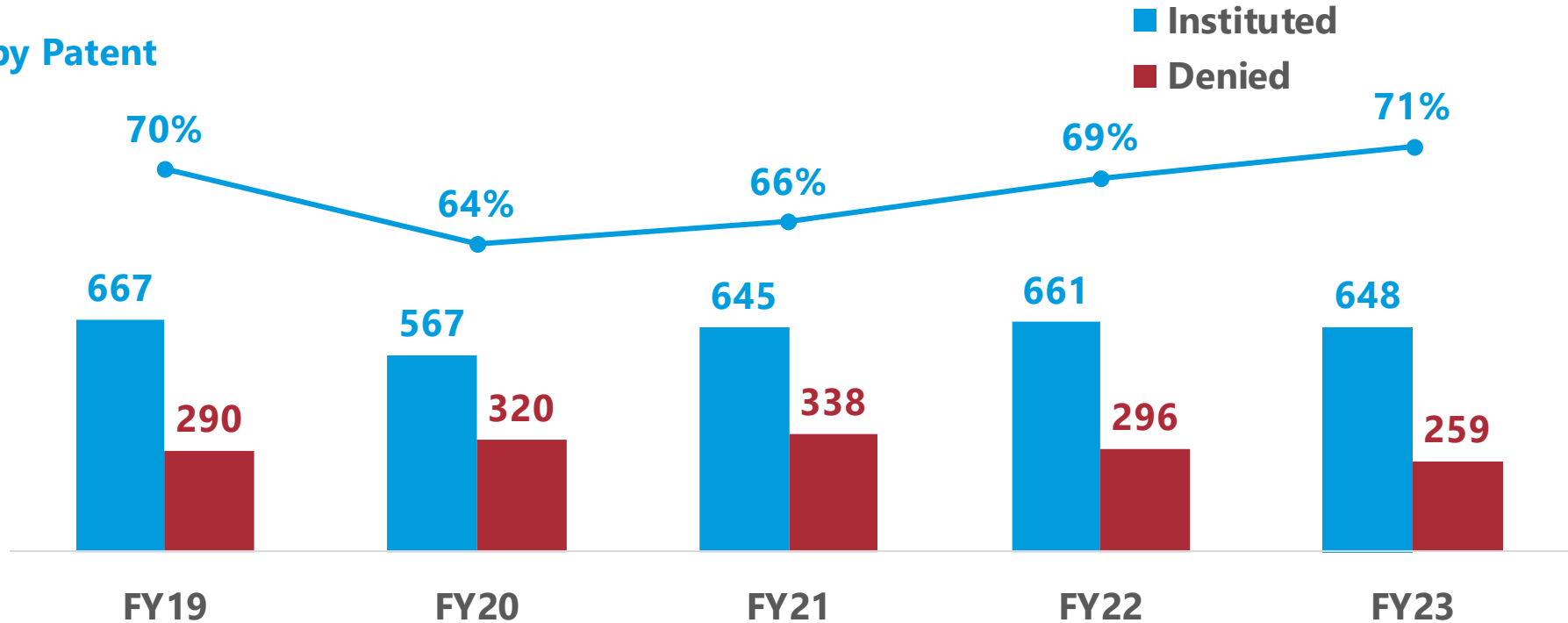
(FY19 to FY23: Oct. 1, 2018 to Sept. 30, 2023)



Institution rates by patent

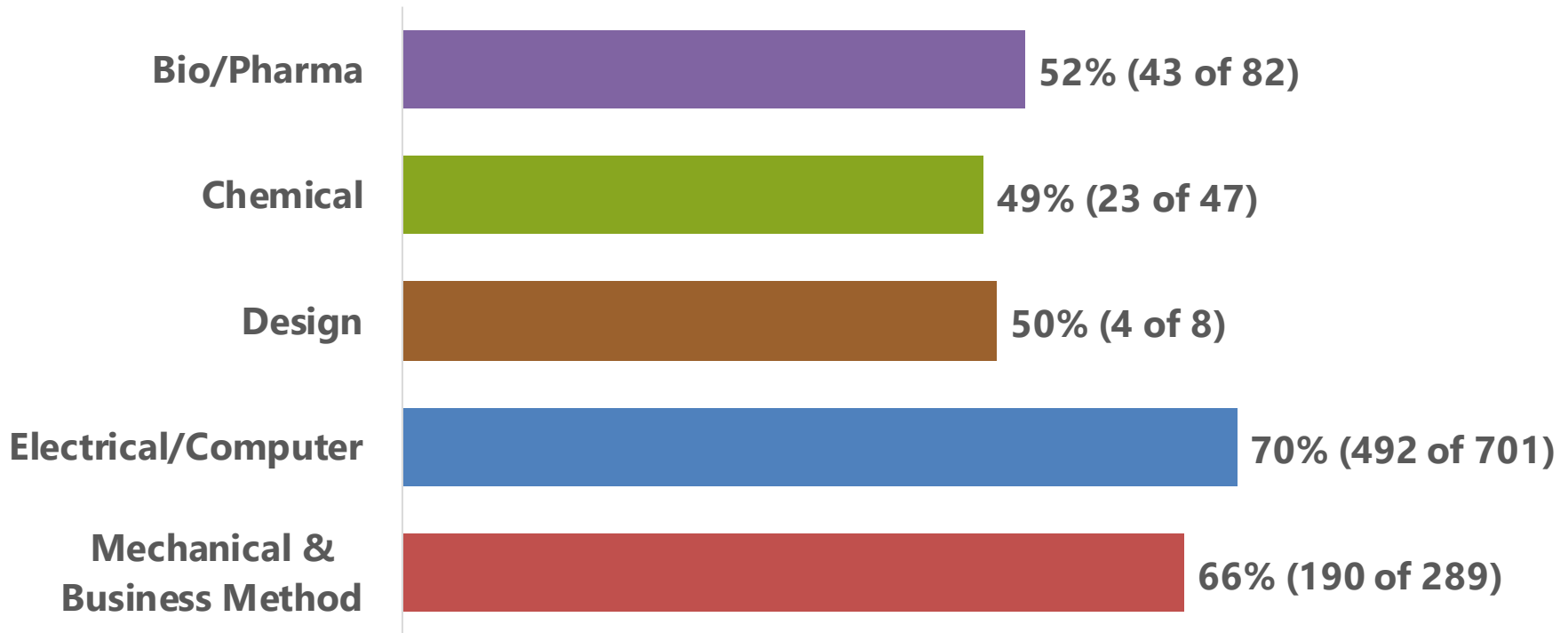
(FY19 to FY23: Oct. 1, 2018 to Sept. 30, 2023)

by Patent



Institution rates by technology

(FY23: Oct. 1, 2022 to Sept. 30, 2023)

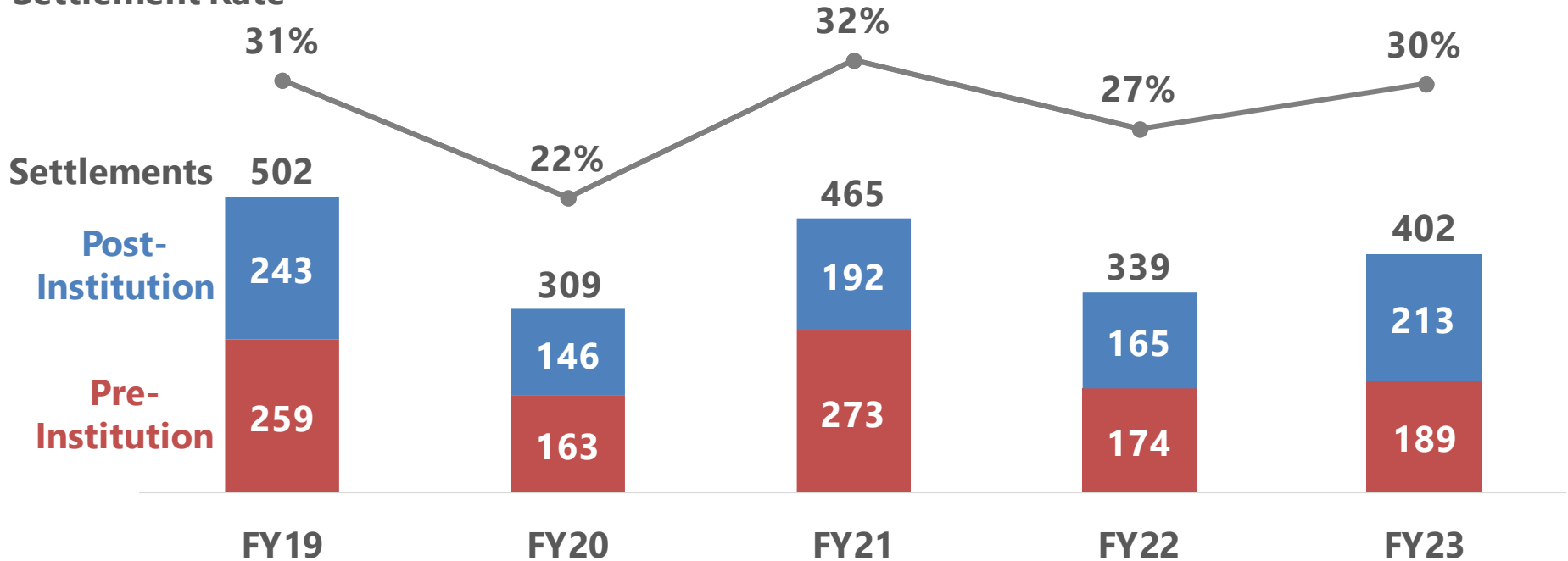


Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements

(FY19 to FY23: Oct. 1, 2018 to Sept. 30, 2023)

Settlement Rate

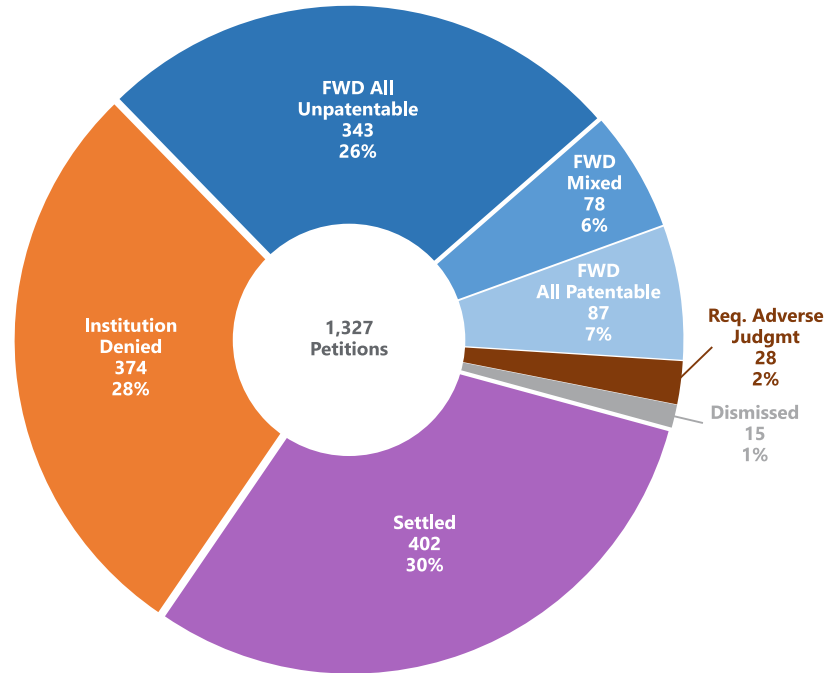


Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.



Outcomes by petition

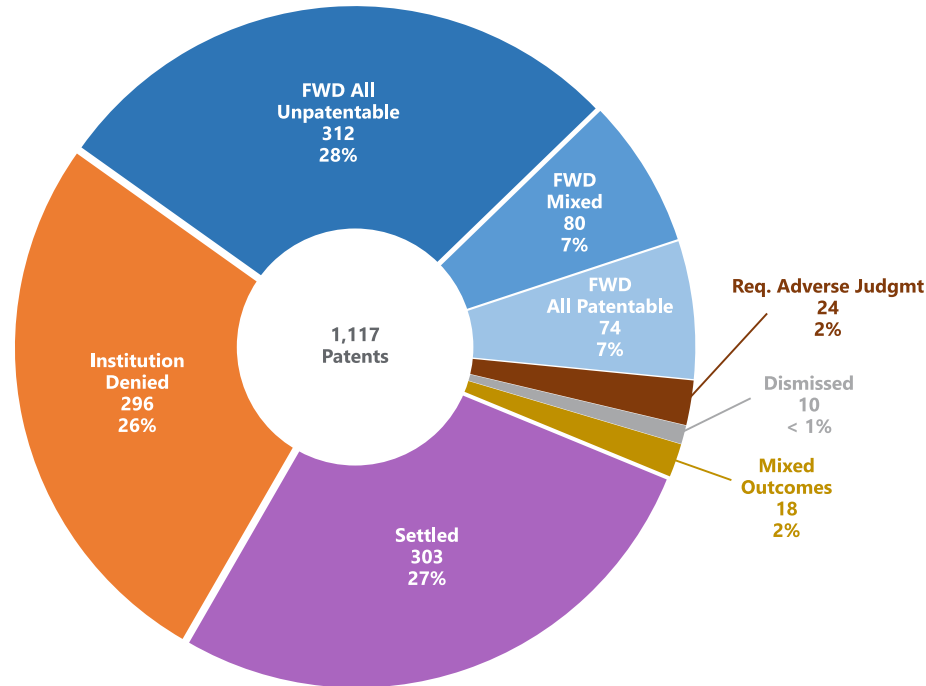
(FY23: Oct. 1, 2022 to Sept. 30, 2023)



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

Outcomes by patent

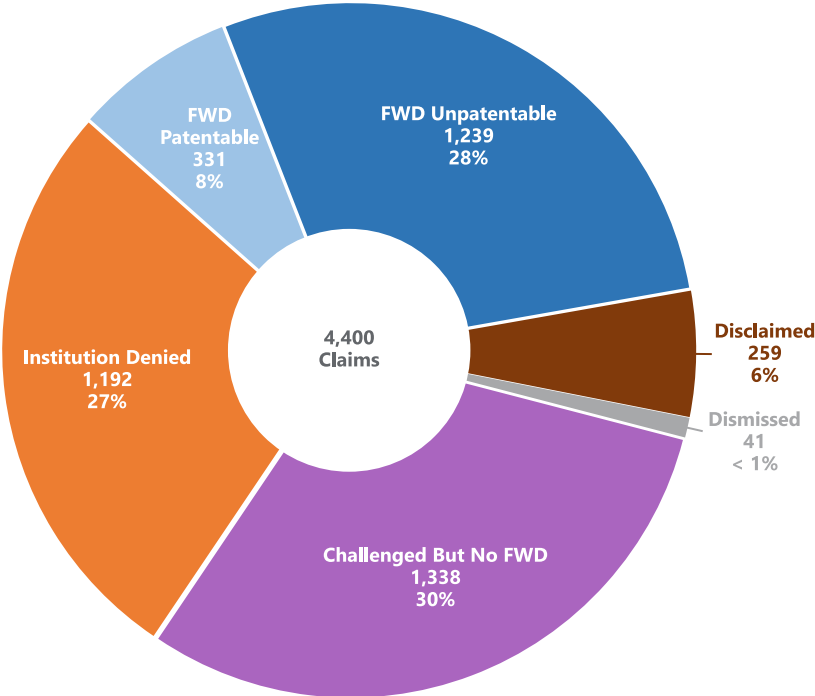
(FY23: Oct. 1, 2022 to Sept. 30, 2023)



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.

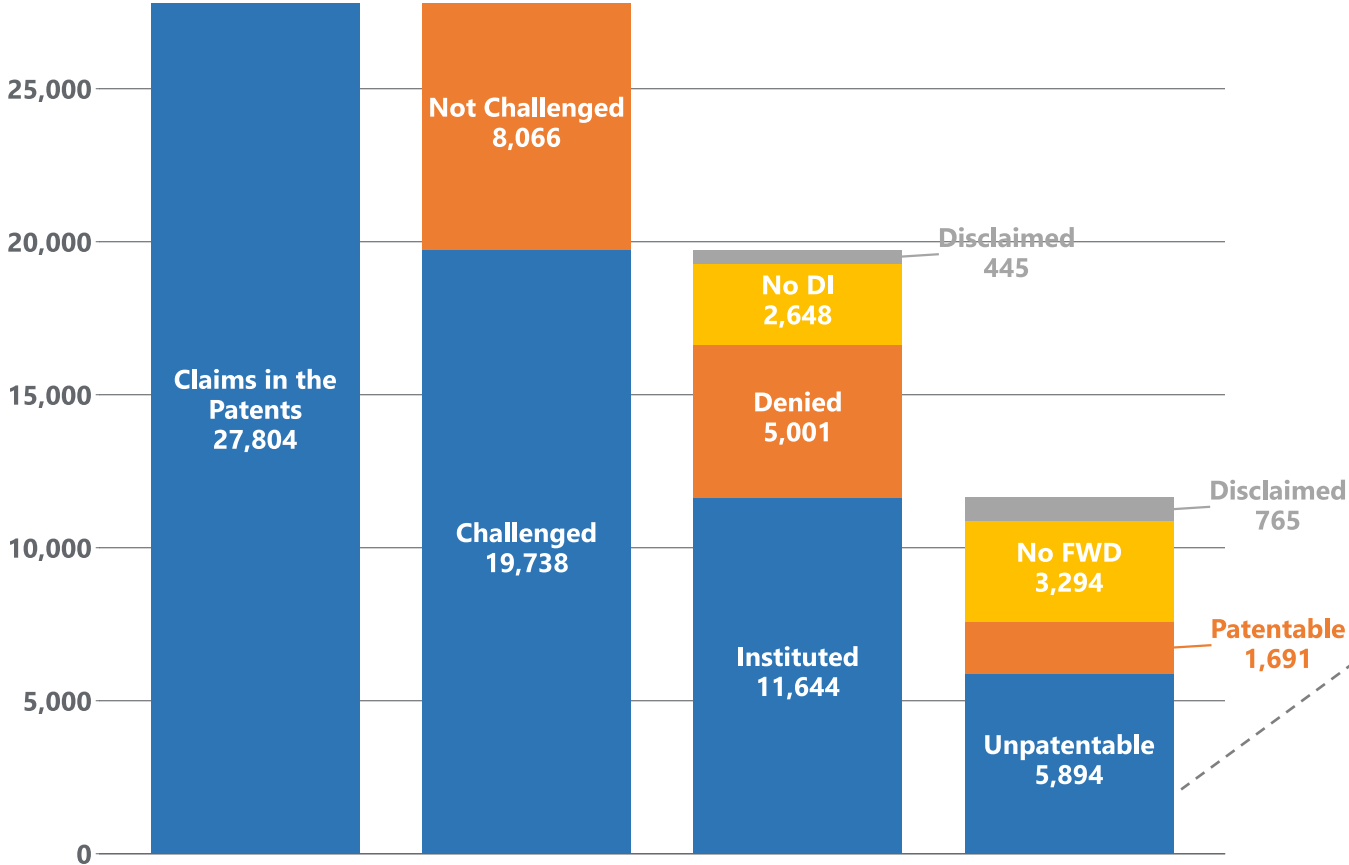
Outcomes by claim challenged

(FY23: Oct. 1, 2022 to Sept. 30, 2023)



Claim outcomes

(FY23: Oct. 1, 2022 to Sept. 30, 2023)



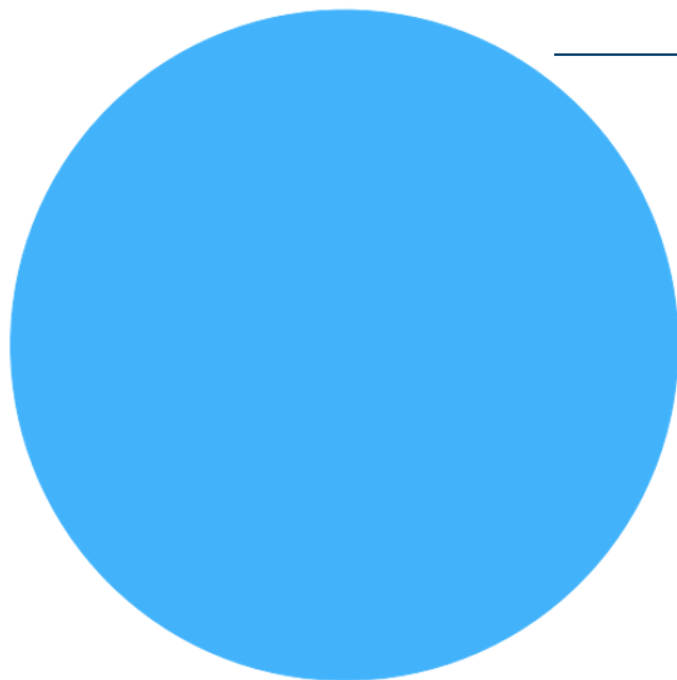
“No DI” and “No FWD” mean the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

30% of challenged claims and 51% of instituted claims were found unpatentable by a preponderance of the evidence.



All patents: Fiscal Year 2023

(FY23: Oct. 1, 2022 to Sept. 30, 2023)



~3,800,000 live patents

1,117 patents with AIA proceedings that ended in FY23

392 patents at least partially invalidated by PTAB

133 patents fully invalidated by PTAB

- 12% of patents with proceedings ending in FY23 were fully invalidated by PTAB (133 out of 1,117).
- Less than 0.004% of all live patents in FY23 were fully invalidated (133 out of ~3,800,000).

Events that end an AIA proceeding include final written decisions (FWD), settlements, dismissals, requests for adverse judgment, and denials of institution. A patent is listed in an FWD category if it ever received an FWD.

All patents: All time

(All time: Sept. 16, 2012 to Sept. 30, 2023)

