PTAB Trial Statistics
FY23 End of Year Outcome Roundup
IPR, PGR

Patent Trial and Appeal Board
Fiscal Year 2023
Petitions filed by trial type

Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).
Petitions filed by technology

- Electrical/Computer: 861 (69%)
- Mechanical & Business Method: 248 (20%)
- Chemical: 34 (3%)
- Bio/Pharma: 91 (7%)
- Design: 5 (0%)

Total: 1,239
Petitions filed by month
(September 2023 and Prior 12 Months: Sept. 1, 2022 to Sept. 30, 2023)

IPR

(1,209 IPRs in FY23)

PGR

(30 PGRs in FY23)
Institution rates by petition
(FY19 to FY23: Oct. 1, 2018 to Sept. 30, 2023)

by Petition

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19</td>
<td>859</td>
<td>510</td>
</tr>
<tr>
<td>FY20</td>
<td>648</td>
<td>512</td>
</tr>
<tr>
<td>FY21</td>
<td>702</td>
<td>504</td>
</tr>
<tr>
<td>FY22</td>
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<td>397</td>
</tr>
<tr>
<td>FY23</td>
<td>752</td>
<td>375</td>
</tr>
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</table>
Institution rates by patent
(FY19 to FY23: Oct. 1, 2018 to Sept. 30, 2023)

by Patent

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19</td>
<td>667</td>
<td>290</td>
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<tr>
<td>FY20</td>
<td>567</td>
<td>320</td>
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<tr>
<td>FY21</td>
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<td>338</td>
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<tr>
<td>FY22</td>
<td>661</td>
<td>296</td>
</tr>
<tr>
<td>FY23</td>
<td>648</td>
<td>259</td>
</tr>
</tbody>
</table>

Instituted rates range from 64% to 71%, with FY23 showing the highest rate at 71%.
Institution rates by technology

- **Bio/Pharma**: 52% (43 of 82)
- **Chemical**: 49% (23 of 47)
- **Design**: 50% (4 of 8)
- **Electrical/Computer**: 70% (492 of 701)
- **Mechanical & Business Method**: 66% (190 of 289)

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 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.

Settlement Rate
- FY19: 31%
- FY20: 22%
- FY21: 32%
- FY22: 27%
- FY23: 30%

Settlements
- FY19:
  - Post-Institution: 243
  - Pre-Institution: 259
- FY20:
  - Post-Institution: 309
  - Pre-Institution: 146
- FY21:
  - Post-Institution: 192
  - Pre-Institution: 273
- FY22:
  - Post-Institution: 339
  - Pre-Institution: 165
- FY23:
  - Post-Institution: 402
  - Pre-Institution: 213
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

- FWD Unpatentable: 1,239 (28%)
- FWD Patentable: 331 (8%)
- Institution Denied: 1,192 (27%)
- Challenged But No FWD: 1,338 (30%)
- Disclaimed: 259 (6%)
- Dismissed: 41 (<1%)
Claim outcomes  

“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.
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.

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

- 10,363 patents challenged
- 3,170 patents at least partially invalidated by PTAB
- 1,037 patents fully invalidated by PTAB

10% of challenged patents were fully invalidated by PTAB (1,037 out of 10,363).