Trial Statistics
IPR, PGR, CBM
Patent Trial and Appeal Board
October 2017
Petitions by Trial Type
(All Time: 9/16/12 to 10/31/17)

Trial types include Inter Partes Review (IPR), Post Grant Review (PGR), and Covered Business Method (CBM).
Petitions Filed by Technology in FY18
(FY18 to date: 10/1/17 to 10/31/17)

- **Electrical/Computer**: 70
  - 54%

- **Mechanical & Business Method**: 33
  - 26%

- **Bio/Pharma**: 19
  - 15%

- **Chemical**: 6
  - 5%

- **Design**: 0
  - 0%

128 Total
Petitions Filed by Month
(October 2017 and Previous 12 Months: 10/1/16 to 10/31/17)
Preliminary Response Filing Rates

Pre- and Post-Rule To Allow New Testimonial Evidence (NTE) (All Time: 9/16/12 to 10/31/17)

<table>
<thead>
<tr>
<th></th>
<th>Pre</th>
<th>Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bio/Pharma</td>
<td>82%</td>
<td>82%</td>
</tr>
<tr>
<td>Chemical</td>
<td>86%87%</td>
<td>55%NTE</td>
</tr>
<tr>
<td>Design</td>
<td>85%85%</td>
<td>71%NTE</td>
</tr>
<tr>
<td>Electrical/Computer</td>
<td>83%87%</td>
<td>32%NTE</td>
</tr>
<tr>
<td>Mechanical &amp; Business Method</td>
<td>83%87%</td>
<td>32%NTE</td>
</tr>
</tbody>
</table>

The rule to allow new testimonial evidence was effective May 2, 2016.
Institution rates for each fiscal year 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.
### Institution Rates by Technology
(All Time: 9/16/12 to 10/31/17)

<table>
<thead>
<tr>
<th>Technology</th>
<th>Rate</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bio/Pharma</td>
<td>61%</td>
<td>(337 of 550)</td>
</tr>
<tr>
<td>Chemical</td>
<td>66%</td>
<td>(258 of 388)</td>
</tr>
<tr>
<td>Design</td>
<td>41%</td>
<td>(17 of 41)</td>
</tr>
<tr>
<td>Electrical/Computer</td>
<td>69%</td>
<td>(2,311 of 3,364)</td>
</tr>
<tr>
<td>Mechanical &amp; Business Method</td>
<td>69%</td>
<td>(997 of 1,441)</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.

All Time: 9/16/12 to 10/31/17
Pre-Institution Settlements
(FY13 to FY18: 10/1/12 to 10/31/17)

Settlement rate for each year is calculated by dividing pre-institution settlements by the sum of proceedings instituted, denied institution, dismissed, terminated with a request for adverse judgment, and settled before decision on institution.
Post-Institution Settlements (FY13 to FY18: 10/1/12 to 10/31/17)

Settlement Rate

- FY13: 90%
- FY14: 40%
- FY15: 29%
- FY16: 22%
- FY17: 22%
- FY18: 11%

Settlements

- FY13: 18
- FY14: 110
- FY15: 212
- FY16: 194
- FY17: 187
- FY18: 6

Settlement rate for each year is calculated by dividing post-institution settlements by proceedings terminated post-institution (i.e., settled, dismissed, terminated with a request for adverse judgment, and final written decision), excluding joined cases.
Status of Petitions
(All Time: 9/16/12 to 10/31/17)

7,685

Instituted Claims Unpatentable
- No Claim: 346 (19%)
- Some Claims: 290 (16%)
- All Claims: 1,181 (65%)

These figures reflect the latest status of each petition. For example, the outcomes of decisions on institution responsive to requests for rehearing are incorporated. Once joined to a base case, a petition remains in the Joined category regardless of subsequent outcomes.