

# **Concurrent Proceedings:** **Tension between PTAB and the District Courts**

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**Robert Greene Sterne**, Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C.

**David J. Healey**, Fish & Richardson P.C.

**Brian W. Oaks**, Baker Botts LLP

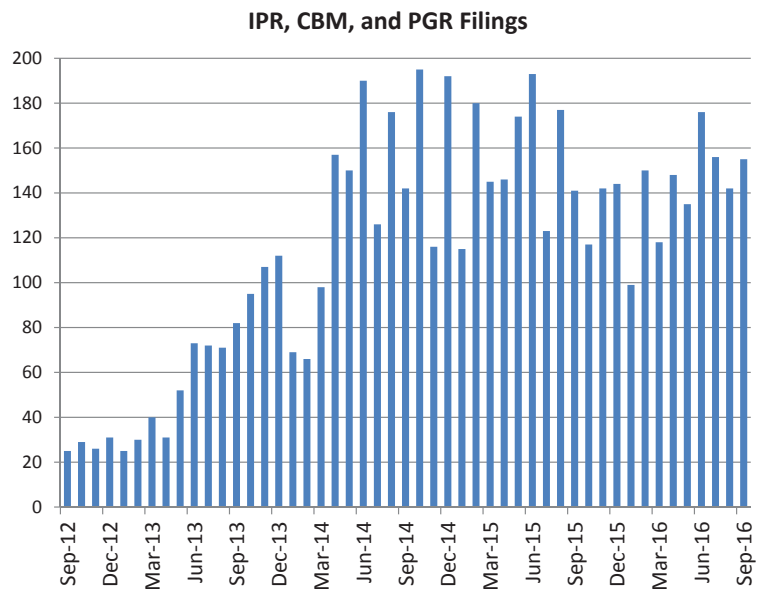
## **Agenda**

- Overview of PTAB Activity
- District Court Stays
- Timeline: District Court Litigation Stayed by a PTAB Proceeding
- Different Rules in the District Court and PTAB

# Overview of PTAB Activity

(All stats through September 2016)

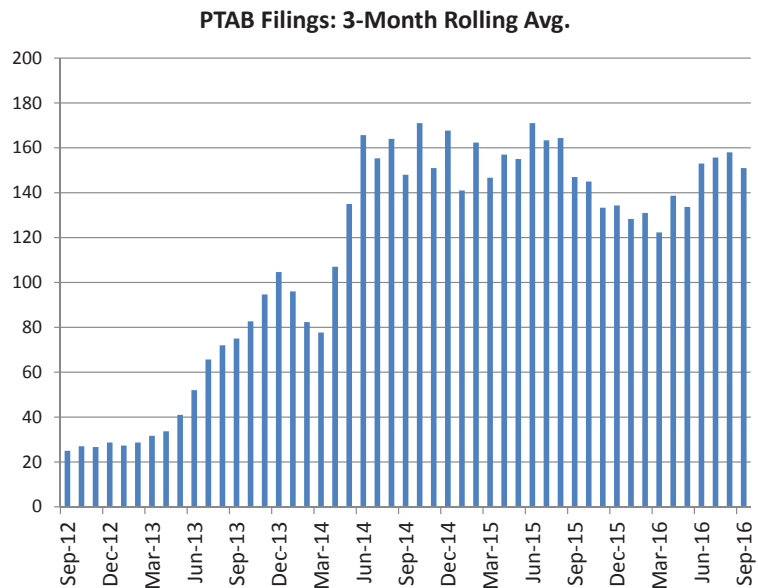
- Since September 16, 2012, **5,155** IPR petitions, **476** CBM petitions, and **37** PGR petitions have been filed.
- Averaged **150** petitions per month in 2015 – slightly up over 2014. Filings are down to around **140** per month in 2016.



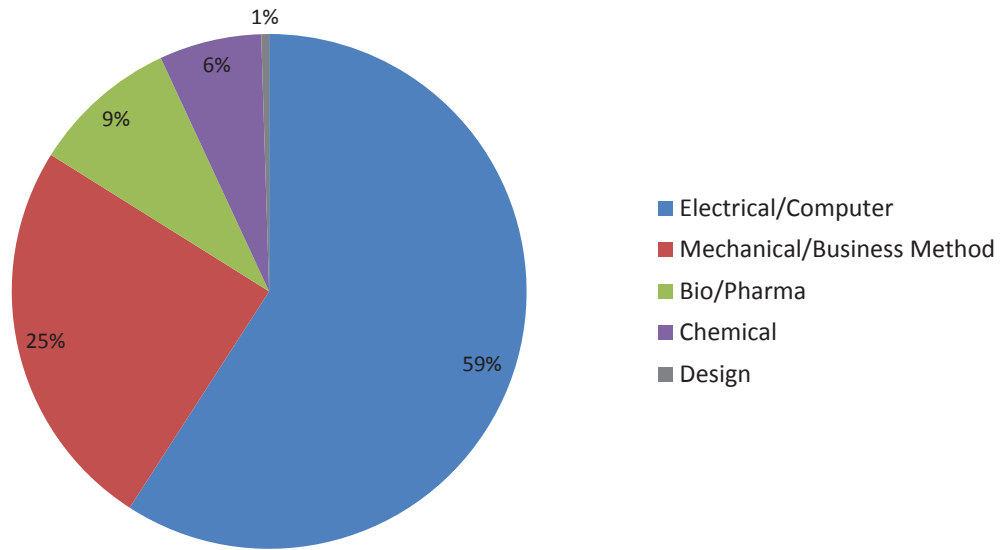
# Overview of PTAB Activity

(All stats through September 2016)

- It took nearly 18 months for the first 1,000 petitions to be filed.
- Each subsequent 7–8 month period has seen around 1,000 petitions filed.



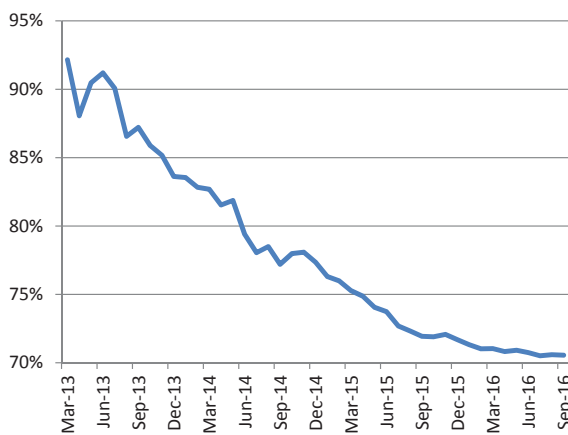
## PTAB Filings by Technology



5

## PTAB Institution Outcomes

Tracking the Cumulative Institution Rate



Period	Institution Rate
FY2013	86.8%
First Half FY2014	78.5%
Second Half FY2014	71.2%
1 <sup>st</sup> Quarter FY2015	77.7%
2 <sup>nd</sup> Quarter FY2015	68.8%
3 <sup>rd</sup> Quarter FY2015	63.6%
4 <sup>th</sup> Quarter FY2015	62.5%
1 <sup>st</sup> Quarter FY2016	69.1%
2 <sup>nd</sup> Quarter FY2016	65.5%
3 <sup>rd</sup> Quarter FY2016	66.2%
4 <sup>th</sup> Quarter FY2016	68.1%
<b>Total</b>	<b>70.6%</b>

- In **IPRs**, trial has been instituted for **71%** of proceedings and **62%** of the challenged claims.
- In **CBMs**, trial has been instituted for **68%** of proceedings and **63%** of the challenged claims.

6

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First appeared as part of the conference materials for the  
21<sup>st</sup> Annual Advanced Patent Law Institute session

"Concurrent Proceedings: Tension between PTAB and the District Courts"