





Background

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"Schedule A" Litigations Generally

Temporary Restraining Order

 "Schedule A" litigations are generally characterized as district court litigations that seek TROs against large numbers of hard-to-identify infringers in the same venue.



IP Infringement

"Schedule A" litigations can cover all types of IP infringement, including patent (design and utility), copyright, and trademark infringement.



Defendant Identities Hidden

"Schedule A" litigations are so named because information regarding the defendants' identities is typically filed under seal in a "Schedule A" attached to the complaint.

CHANEL, INC., a New York corporation,

Plaintiff,

v.

DOES 1-172 d/b/a the aliases identified on Schedule "A" and DOES 173-500,

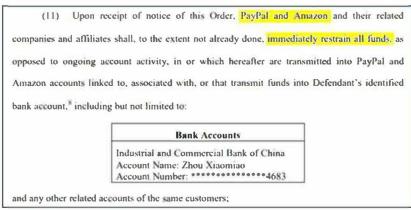
Defendants.

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Freezing Infringers' Accounts

• TROs are typically directed not only to the infringers, but also to the entities processing online payments for their products, which often results in the freezing of the infringers' accounts:



- Chanel, Inc. v. 4fashionistas.net et al., Case No. 0:15-cv-60010, ECF No. 27 at 16-17 (S.D. Fla. 2015).

 Although temporary restraining orders only last for 14 days, online marketplaces have been known to continue freezing defendants' accounts well past the expiration of TROs, even if a PRO is not issued or even sought.

- Eric Goldman, A SAD Scheme of Abusive Intellectual Property Litigation, 123 Colum. L Rev. 183 at 190-191 (Nov. 20, 2023); Marko R. Zoretic and Jack Hendershott, "Schedule A" Cases: A Powerful Tool for Enforcing Design Patents, N.Y.L.J. at 3 (May 15, 2023).

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Success Rates

Temporary Restraining Orders

Preliminary Injunctions

Permanent Injunctions

~100%

~99%

~100%

- Success rates are extremely high due to the ex parte nature of the proceedings, but they only last 14 days.
- Success rates are the lowest because of the heightened standard for what is considered to be "extraordinary relief."
- Success rates are likely here because of the high number of default and consent judgements (~75%).

- Easlick et al. v. CJ Emerald et al., Case No. 2:23-cv-02000, ECF Nos.1 & 22 (W.D. Pa. 2023).

NOTE: The above statistics are for design patent cases in the Northern District of Illinois—the busiest district for "Schedule A" litigations.

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Title search: Primer on Schedule A Litigation

Also available as part of the eCourse <u>Increasing Popularity of "Schedule A" Litigations</u>

First appeared as part of the conference materials for the 29^{th} Annual Advanced Patent Law Institute session "Increasing Popularity of "Schedule A" Litigations"