



LegalMetric Top 5 Report Sample 2012 to 2016

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Overview: This report is designed to answer the three essential questions in federal litigation for the type of case covered by the report: 1. What are the odds of winning, 2. How long will this case take, and 3. How much will it cost?

1. The odds of winning are usually expressed in terms of plaintiff win rates, although the defendant win rates are easily calculated (subtract the plaintiff win rate from 100). The report includes three types of win rates: contested, overall, and trial (explained below).

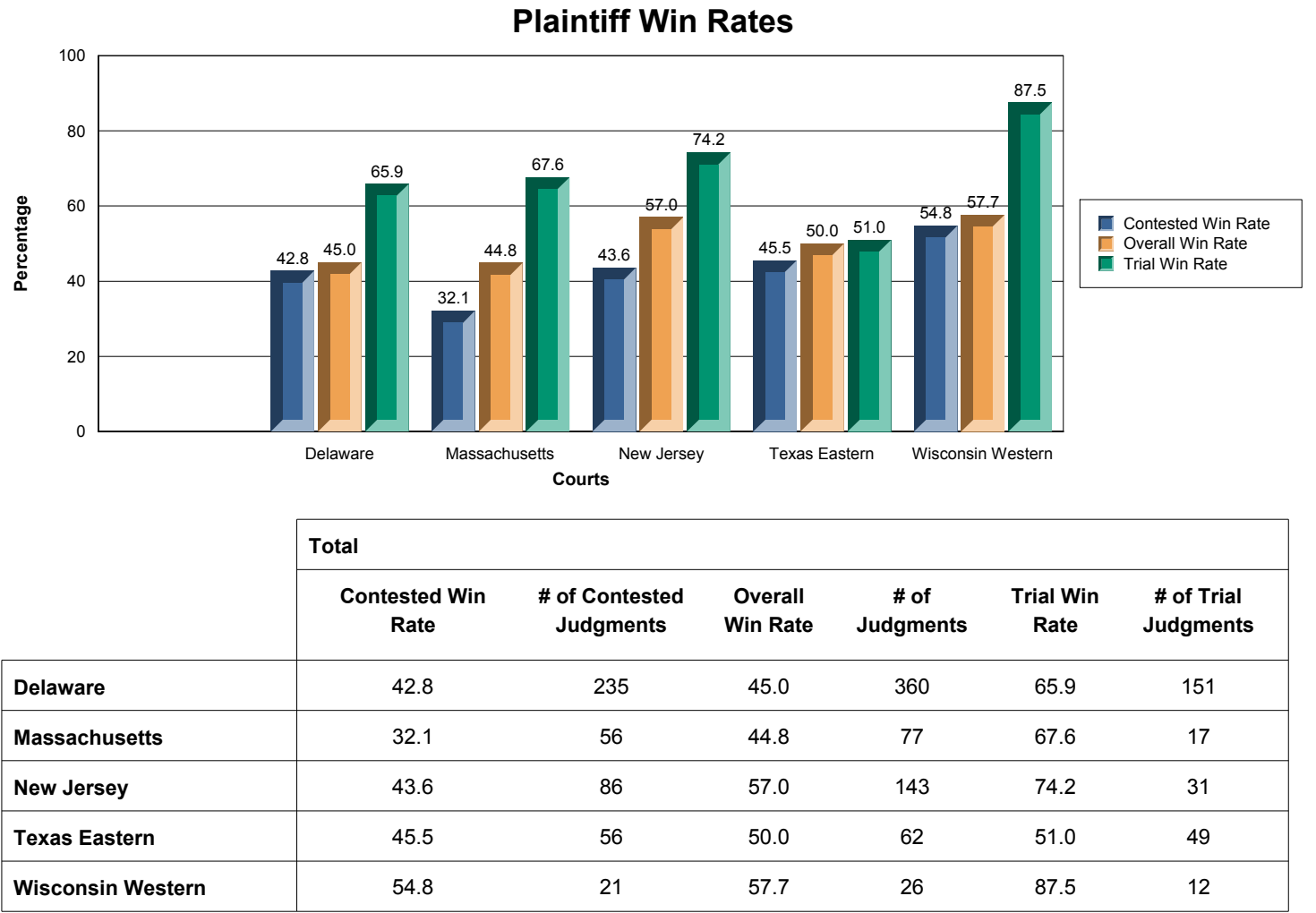
2. The "how long" question is answered in months from case filing to case closure, a period called pendency. Separate pendency figures are provided for all cases, cases terminated by judgment, cases terminated by contested judgment, and cases terminated by trial.

3. The "cost" question includes two parts: the damage awards typical for cases of this type, and the attorney fees and expenses routinely incurred.

Plaintiff Win Rates: The nationwide probability of plaintiff prevailing in cases of this type since January 2012 is 29.0% for cases terminated by contested judgments (the contested win rate), 42.9% for cases terminated by all judgments (the overall win rate), and 58.4% for cases terminated by trial (the trial win rate). These figures should be compared to the corresponding figures for the districts identified below.

Contested win rates include all judgments in favor of the plaintiff, except for consent and default judgments. Overall win rates include consent and default judgments, and as a result are usually somewhat higher than contested win rates. Trial win rates include only judgments resulting from trials, and therefore include only those cases that survive the pre-trial motion process. Outcomes in which no enforceable judgment in favor of a party is entered, such as voluntary dismissals and dismissals for lack of jurisdiction, are not included in any win rates.

Additional information about win rates is found in the body of the report under the heading "Plaintiff and Defendant Win Rate Detail".

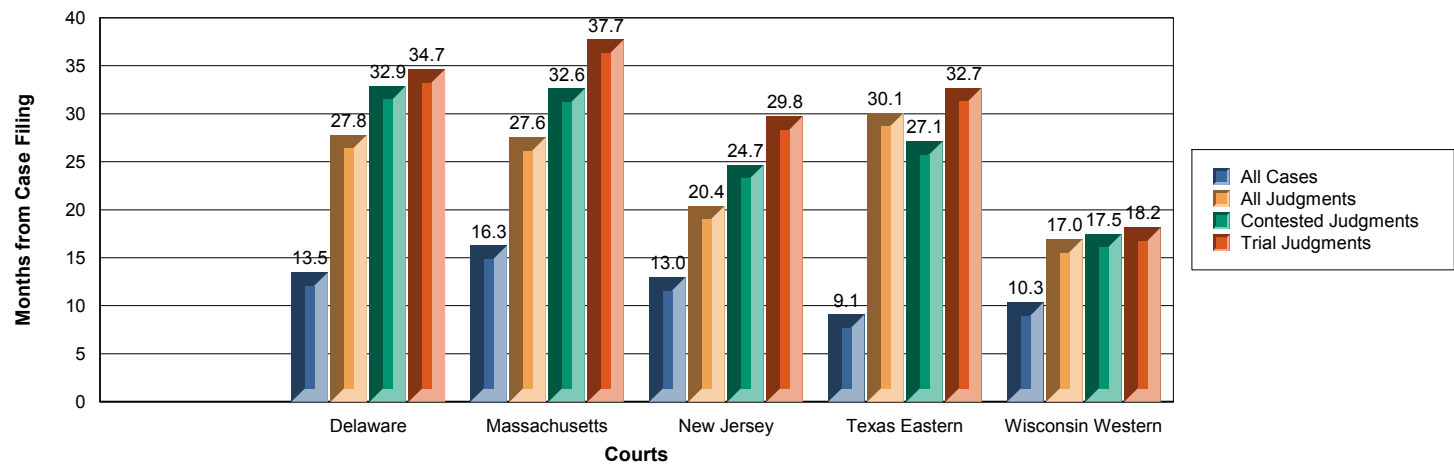


How Long Will it Take: The nationwide pendency in cases of this type since January 2012 for all closed cases is 11.6 months. The pendency for cases terminated by judgment is 21.9 months, the pendency for cases terminated by contested judgment is 24.7 months, and the pendency for cases terminated by trial is 34.3 months. These figures should be compared to the corresponding figures for the districts identified below.

Additional information about pendency is found in the body of the report under the heading "Pendency Detail".

Case Pendency

in Months



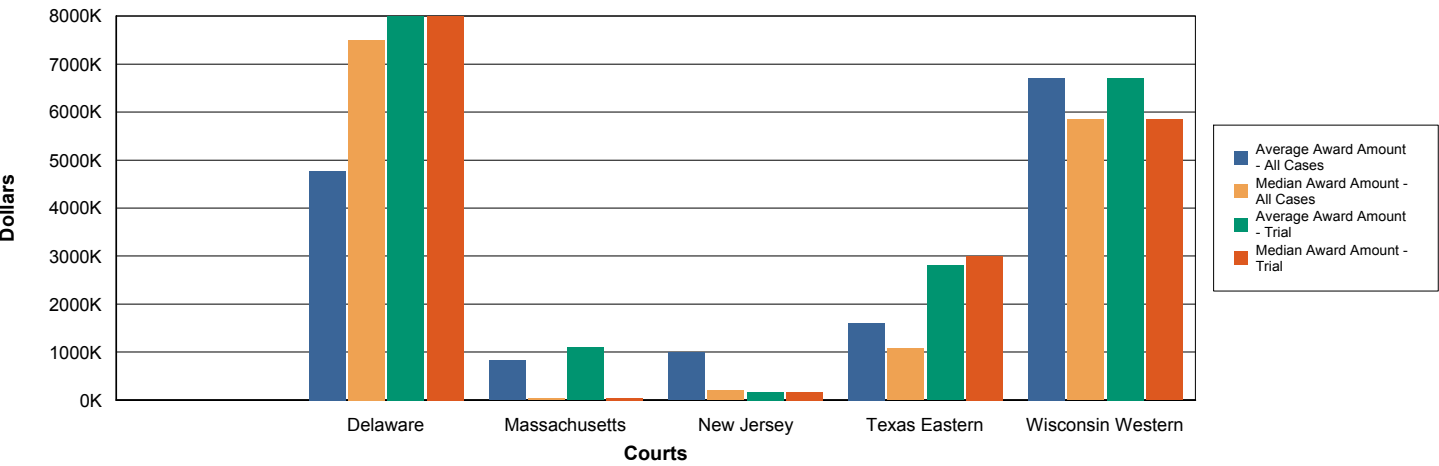
| | Total | | | |
|-------------------|-----------------------------------|---------------------------------------|---|--------------------------------|
| | Months to Termination - All Cases | Months to Termination - All Judgments | Months to Termination - Contested Judgments | Months to Termination - Trials |
| Delaware | 13.5 | 27.8 | 32.9 | 34.7 |
| Massachusetts | 16.3 | 27.6 | 32.6 | 37.7 |
| New Jersey | 13.0 | 20.4 | 24.7 | 29.8 |
| Texas Eastern | 9.1 | 30.1 | 27.1 | 32.7 |
| Wisconsin Western | 10.3 | 17.0 | 17.5 | 18.2 |

What Will it Cost: The damages portion of litigation expense is heavily fact dependent, but there are nationwide norms one can use to ensure the reasonableness of predicted damage awards in a particular case. For example, the nationwide average award in cases of the type covered by this report (where at least some amount was awarded) is \$1,397,155, and the average amount where judgment was entered as the result of trial is \$2,476,743. The chart and table below show the average and median amounts for both situations for the selected courts. In addition, the table shows the standard deviation. Award amounts not entered into the records of the federal courts or otherwise not brought to the attention of LegalMetric are not included in this report.

Studies have shown that attorney fees and related expenses can run from 33% to 100% of the damage awards. The figures in this report should be multiplied by 1.33 to 2.00 to obtain a range of total cost for this type of litigation.

Additional information about damages and litigation expenses is found in the body of the report under the heading "Damages and Other Litigation Expenses".

Average Litigation Awards
in Dollars

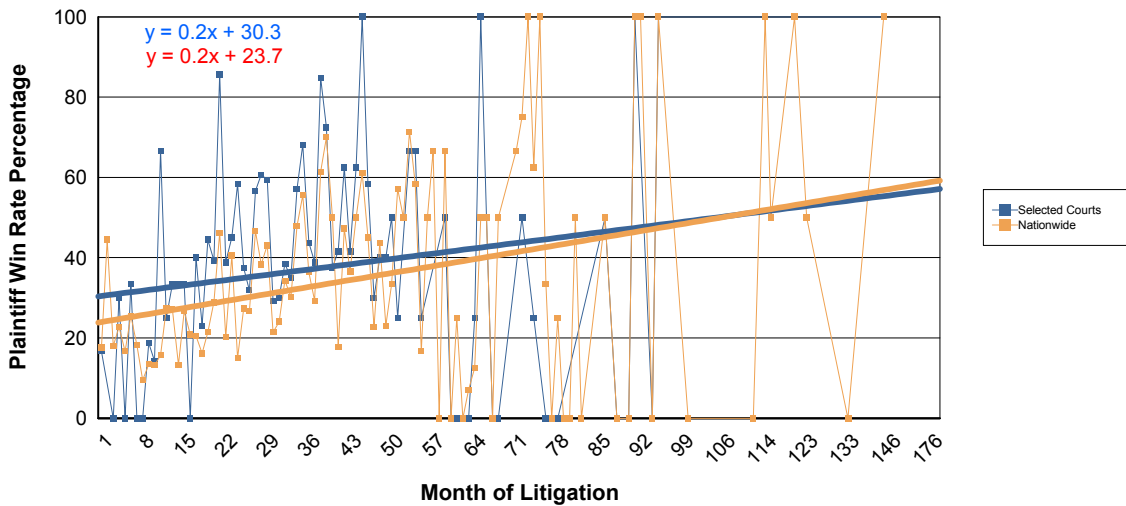


| | Total | | | | | |
|-------------------|-----------------------------|----------------------------|---------------------------------|-------------------------------|------------------------------|------------------------------------|
| | Average Amount - All Awards | Median Amount - All Awards | Standard Deviation - All Awards | Average Award - Trial Outcome | Median Award - Trial Outcome | Standard Deviation - Trial Outcome |
| Delaware | 4772714 | 7500000 | 3667655 | 8000000 | 8000000 | 0 |
| Massachusetts | 829000 | 40500 | 1597402 | 1093333 | 45000 | 1846160 |
| New Jersey | 996400 | 208000 | 1691452 | 174000 | 174000 | 0 |
| Texas Eastern | 1605500 | 1077000 | 1748728 | 2802333 | 3000000 | 1712080 |
| Wisconsin Western | 6712400 | 5842000 | 2499445 | 6712400 | 5842000 | 2499445 |

Patent and Defendant Win Rate Detail: The chart immediately below shows the contested win rate for plaintiffs for these selected districts in this type of case and for the nation as a whole. The data is organized by month of litigation. The chart also includes trend lines for both sets of data (selected districts in blue, nationwide in orange).

Similar month of litigation information is shown in the table following the chart, broken out by district. The table includes plaintiff and defendant data for contested win rates, overall win rates, and trial win rates for each district for the entire period, and broken out by month of litigation.

Contested Win Rates by Month of Litigation
Selected Courts v. Nationwide



| | | Total | | | | | |
|----------|-------|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Delaware | Total | 42.8 | 57.2 | 45.0 | 55.0 | 65.9 | 34.1 |
| | 1 | 25.0 | 75.0 | 45.8 | 54.2 | 50.0 | 50.0 |
| | 2 | | | 0.0 | 100.0 | | |
| | 3 | | | 28.6 | 71.4 | | |
| | 4 | 0.0 | 100.0 | 60.0 | 40.0 | | |
| | 5 | | | 80.0 | 20.0 | | |
| | 6 | 50.0 | 50.0 | 66.7 | 33.3 | 100.0 | 0.0 |
| | 7 | | | 80.0 | 20.0 | | |
| | 8 | 0.0 | 100.0 | 33.3 | 66.7 | | |
| | 9 | | | 50.0 | 50.0 | | |
| | 10 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 11 | | | 50.0 | 50.0 | | |
| | 12 | 0.0 | 100.0 | 31.3 | 68.8 | | |
| | 13 | 0.0 | 100.0 | 33.3 | 66.7 | 0.0 | 100.0 |

| | | Total | | | | | |
|----------|----|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Delaware | 14 | | | 25.0 | 75.0 | | |
| | 15 | 0.0 | 100.0 | 12.5 | 87.5 | 0.0 | 100.0 |
| | 16 | 0.0 | 100.0 | 9.1 | 90.9 | 0.0 | 100.0 |
| | 17 | 66.7 | 33.3 | 26.9 | 73.1 | 100.0 | 0.0 |
| | 18 | 12.5 | 87.5 | 12.5 | 87.5 | 33.3 | 66.7 |
| | 19 | 25.0 | 75.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 20 | 22.2 | 77.8 | 26.9 | 73.1 | 50.0 | 50.0 |
| | 21 | 100.0 | 0.0 | 66.7 | 33.3 | 100.0 | 0.0 |
| | 22 | 30.0 | 70.0 | 25.0 | 75.0 | 30.0 | 70.0 |
| | 23 | 60.0 | 40.0 | 42.9 | 57.1 | 100.0 | 0.0 |
| | 24 | 50.0 | 50.0 | 31.3 | 68.8 | 75.0 | 25.0 |
| | 25 | 50.0 | 50.0 | 55.6 | 44.4 | 75.0 | 25.0 |
| | 26 | 50.0 | 50.0 | 58.3 | 41.7 | 66.7 | 33.3 |
| | 27 | 50.0 | 50.0 | 50.0 | 50.0 | 58.3 | 41.7 |
| | 28 | 55.0 | 45.0 | 45.8 | 54.2 | 71.4 | 28.6 |
| | 29 | 57.1 | 42.9 | 62.5 | 37.5 | 57.1 | 42.9 |
| | 30 | 25.0 | 75.0 | 33.3 | 66.7 | 40.0 | 60.0 |
| | 31 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 32 | 50.0 | 50.0 | 57.1 | 42.9 | 100.0 | 0.0 |
| | 33 | 42.9 | 57.1 | 40.0 | 60.0 | 54.5 | 45.5 |
| | 34 | 54.5 | 45.5 | 53.8 | 46.2 | 75.0 | 25.0 |
| | 35 | 50.0 | 50.0 | 50.0 | 50.0 | 58.3 | 41.7 |
| | 36 | 30.0 | 70.0 | 25.0 | 75.0 | 75.0 | 25.0 |
| | 37 | 41.7 | 58.3 | 41.7 | 58.3 | 62.5 | 37.5 |
| | 38 | 91.2 | 8.8 | 86.4 | 13.6 | 96.9 | 3.1 |
| | 39 | 75.0 | 25.0 | 80.6 | 19.4 | 80.8 | 19.2 |
| | 40 | 33.3 | 66.7 | 33.3 | 66.7 | 66.7 | 33.3 |
| | 41 | 0.0 | 100.0 | 50.0 | 50.0 | | |
| | 42 | 0.0 | 100.0 | 25.0 | 75.0 | | |
| | 43 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 44 | 25.0 | 75.0 | 25.0 | 75.0 | 25.0 | 75.0 |
| | 45 | | | 100.0 | 0.0 | | |

| | | Total | | | | | |
|---------------|-------|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Delaware | 46 | 33.3 | 66.7 | 33.3 | 66.7 | 100.0 | 0.0 |
| | 47 | 25.0 | 75.0 | 25.0 | 75.0 | 50.0 | 50.0 |
| | 48 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 49 | 50.0 | 50.0 | 50.0 | 50.0 | 66.7 | 33.3 |
| | 51 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 53 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 54 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 55 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 59 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 60 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 61 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 63 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 64 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 65 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 67 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 72 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 74 | 25.0 | 75.0 | 25.0 | 75.0 | 25.0 | 75.0 |
| | 76 | 0.0 | 100.0 | 25.0 | 75.0 | | |
| | 77 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 78 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 86 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 88 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 90 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 95 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 121 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| Massachusetts | Total | 32.1 | 67.9 | 44.8 | 55.2 | 67.6 | 32.4 |
| | 1 | | | 100.0 | 0.0 | | |
| | 2 | | | 50.0 | 50.0 | | |
| | 3 | | | 100.0 | 0.0 | | |
| | 4 | 25.0 | 75.0 | 33.3 | 66.7 | | |
| | 5 | | | 100.0 | 0.0 | | |
| | 6 | 0.0 | 100.0 | 0.0 | 100.0 | | |

| | | Total | | | | | |
|---------------|----|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Massachusetts | 7 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 8 | 0.0 | 100.0 | 16.7 | 83.3 | | |
| | 11 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 12 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 13 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 14 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 15 | 0.0 | 100.0 | 66.7 | 33.3 | | |
| | 16 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 17 | 0.0 | 100.0 | 50.0 | 50.0 | 0.0 | 100.0 |
| | 18 | | | 50.0 | 50.0 | | |
| | 19 | 0.0 | 100.0 | 75.0 | 25.0 | | |
| | 21 | | | 50.0 | 50.0 | | |
| | 22 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| | 23 | 0.0 | 100.0 | 50.0 | 50.0 | | |
| | 26 | 0.0 | 100.0 | 25.0 | 75.0 | | |
| | 27 | 33.3 | 66.7 | 40.0 | 60.0 | 100.0 | 0.0 |
| | 28 | 0.0 | 100.0 | 25.0 | 75.0 | | |
| | 30 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 33 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 34 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 35 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 39 | 66.7 | 33.3 | 66.7 | 33.3 | 66.7 | 33.3 |
| | 40 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| | 42 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 43 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 44 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 46 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 47 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 48 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 50 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 51 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 53 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |

| | | Total | | | | | |
|---------------|-------|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Massachusetts | 54 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 55 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 64 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 98 | | | 100.0 | 0.0 | | |
| | 145 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| New Jersey | Total | 43.6 | 56.4 | 57.0 | 43.0 | 74.2 | 25.8 |
| | 1 | 10.0 | 90.0 | 8.3 | 91.7 | | |
| | 3 | 0.0 | 100.0 | 66.7 | 33.3 | | |
| | 4 | 100.0 | 0.0 | 81.3 | 18.8 | | |
| | 5 | 0.0 | 100.0 | 60.0 | 40.0 | 0.0 | 100.0 |
| | 6 | 0.0 | 100.0 | 37.5 | 62.5 | | |
| | 7 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 8 | | | 83.3 | 16.7 | | |
| | 9 | 8.3 | 91.7 | 30.0 | 70.0 | 50.0 | 50.0 |
| | 10 | 20.0 | 80.0 | 54.5 | 45.5 | | |
| | 11 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| | 12 | 66.7 | 33.3 | 75.0 | 25.0 | 100.0 | 0.0 |
| | 13 | | | 100.0 | 0.0 | | |
| | 15 | 100.0 | 0.0 | 83.3 | 16.7 | | |
| | 16 | 0.0 | 100.0 | 50.0 | 50.0 | | |
| | 17 | 33.3 | 66.7 | 33.3 | 66.7 | | |
| | 18 | 50.0 | 50.0 | 83.3 | 16.7 | 100.0 | 0.0 |
| | 19 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 20 | 83.3 | 16.7 | 70.0 | 30.0 | 83.3 | 16.7 |
| | 21 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 23 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 24 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 25 | 0.0 | 100.0 | 62.5 | 37.5 | | |
| | 26 | | | 100.0 | 0.0 | | |
| | 27 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 28 | 100.0 | 0.0 | 50.0 | 50.0 | | |
| | 29 | 58.3 | 41.7 | 57.1 | 42.9 | 83.3 | 16.7 |

| | | Total | | | | | |
|---------------|-------|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| New Jersey | 30 | 50.0 | 50.0 | 62.5 | 37.5 | 50.0 | 50.0 |
| | 31 | | | 33.3 | 66.7 | | |
| | 32 | 33.3 | 66.7 | 33.3 | 66.7 | 100.0 | 0.0 |
| | 34 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| | 35 | 100.0 | 0.0 | 100.0 | 0.0 | | |
| | 37 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 38 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 39 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 40 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 41 | 25.0 | 75.0 | 25.0 | 75.0 | 25.0 | 75.0 |
| | 42 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 45 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 46 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 47 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 48 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 49 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 50 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 52 | | | 100.0 | 0.0 | | |
| | 53 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 62 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 63 | 0.0 | 100.0 | 25.0 | 75.0 | | |
| | 66 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 94 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| Texas Eastern | Total | 45.5 | 54.5 | 50.0 | 50.0 | 51.0 | 49.0 |
| | 7 | | | 100.0 | 0.0 | | |
| | 8 | 0.0 | 100.0 | 25.0 | 75.0 | 0.0 | 100.0 |
| | 9 | 50.0 | 50.0 | 50.0 | 50.0 | | |
| | 11 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 13 | | | 100.0 | 0.0 | | |
| | 14 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 17 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 18 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |

| | | Total | | | | | |
|----------------------|-------|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Texas Eastern | 22 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 23 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 24 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 26 | 20.0 | 80.0 | 20.0 | 80.0 | 25.0 | 75.0 |
| | 27 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 28 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 29 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 31 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 32 | 25.0 | 75.0 | 25.0 | 75.0 | 25.0 | 75.0 |
| | 33 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 35 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 36 | 66.7 | 33.3 | 66.7 | 33.3 | 100.0 | 0.0 |
| | 37 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 38 | 60.0 | 40.0 | 60.0 | 40.0 | 60.0 | 40.0 |
| | 39 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 41 | 66.7 | 33.3 | 66.7 | 33.3 | 66.7 | 33.3 |
| | 42 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 43 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 44 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 48 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 51 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 68 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 |
| | 91 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| Wisconsin Western | Total | 54.8 | 45.2 | 57.7 | 42.3 | 87.5 | 12.5 |
| | 6 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 9 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 10 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 11 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |
| | 13 | | | 100.0 | 0.0 | | |
| | 16 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 17 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 18 | 50.0 | 50.0 | 33.3 | 66.7 | 100.0 | 0.0 |

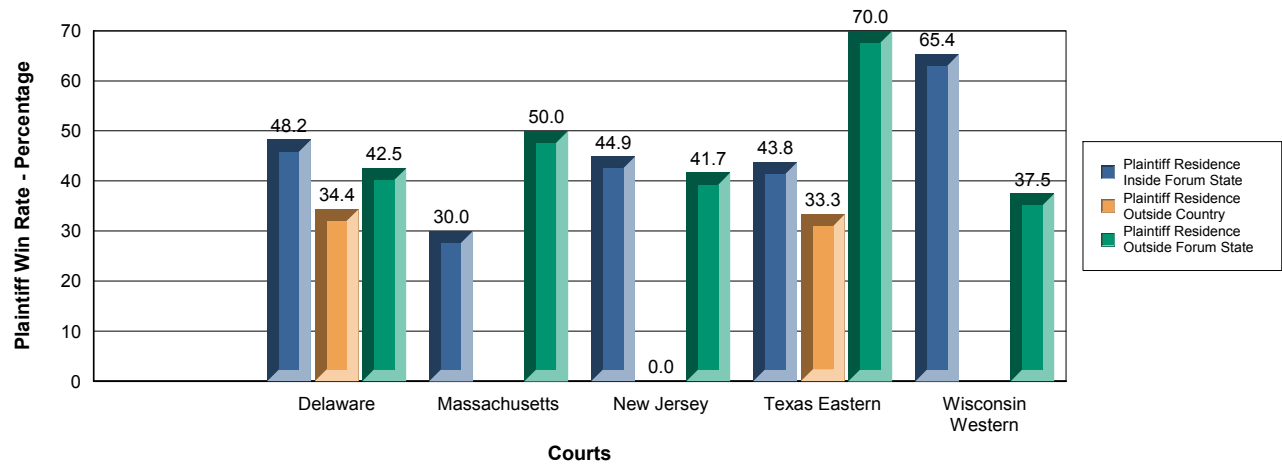
| | | Total | | | | | |
|----------------------|----|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Wisconsin Western | 19 | 0.0 | 100.0 | 0.0 | 100.0 | | |
| | 20 | 50.0 | 50.0 | 50.0 | 50.0 | 100.0 | 0.0 |
| | 21 | 75.0 | 25.0 | 75.0 | 25.0 | 100.0 | 0.0 |
| | 22 | 0.0 | 100.0 | 50.0 | 50.0 | | |
| | 23 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 26 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| | 29 | 100.0 | 0.0 | 100.0 | 0.0 | 100.0 | 0.0 |

Patent and Defendant Win Rates - Local v. Foreign Plaintiffs: The chart immediately below shows the contested win rate for plaintiffs for these selected districts, broken out by the residence of the plaintiff. Specifically, the chart includes plaintiff contested win rates (by district) where 1. the plaintiff is a resident of the forum state, 2. the plaintiff is a resident of a foreign country, and 3. the plaintiff is a resident outside the forum state.

Similar local v. foreign plaintiff win rate information is shown in the table following the chart, broken out by district. The table includes plaintiff and defendant data for contested win rates, overall win rates, and trial win rates for each district for the entire period, broken out by plaintiff residence.

Contested Win Rates

Local v. Foreign Plaintiffs

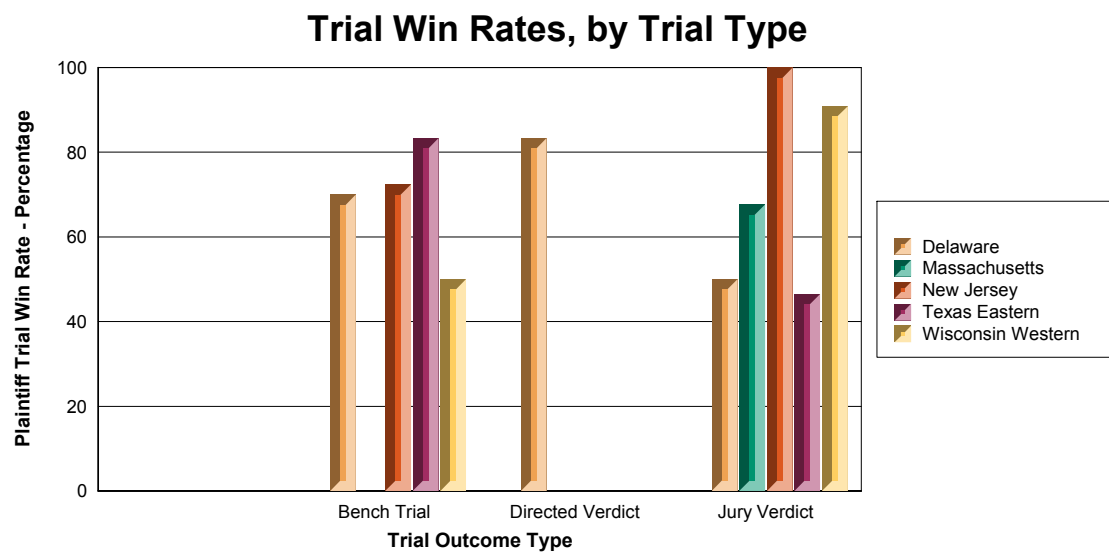


| | | Total | | | | | |
|----------|---|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Delaware | Total | 42.8 | 57.2 | 45.0 | 55.0 | 65.9 | 34.1 |
| | Plaintiff Residence Inside Forum State | 48.2 | 51.8 | 55.4 | 44.6 | 71.1 | 28.9 |
| | Plaintiff Residence Outside Country | 34.4 | 65.6 | 40.2 | 59.8 | 57.9 | 42.1 |
| | Plaintiff Residence Outside Forum State | 42.5 | 57.5 | 41.0 | 59.0 | 65.4 | 34.6 |

| | | Total | | | | | |
|----------------------|---|------------------------------|-------------------------------|-----------------------|-----------------------------|-----------------------|------------------------|
| | | Pl. Contested Win Rate | Def. Contested Win Rate | Pl. Overall Win | Def. Overall Win Rate | Pl. Trial Win Rate | Def. Trial Win Rate |
| Massachusetts | Total | 32.1 | 67.9 | 44.8 | 55.2 | 67.6 | 32.4 |
| | Plaintiff Residence Inside Forum State | 30.0 | 70.0 | 42.5 | 57.5 | 65.4 | 34.6 |
| | Plaintiff Residence Outside Forum State | 50.0 | 50.0 | 60.0 | 40.0 | 75.0 | 25.0 |
| New Jersey | Total | 43.6 | 56.4 | 57.0 | 43.0 | 74.2 | 25.8 |
| | Plaintiff Residence Inside Forum State | 44.9 | 55.1 | 58.6 | 41.4 | 75.0 | 25.0 |
| | Plaintiff Residence Outside Country | 0.0 | 100.0 | 33.3 | 66.7 | | |
| | Plaintiff Residence Outside Forum State | 41.7 | 58.3 | 45.8 | 54.2 | 50.0 | 50.0 |
| Texas Eastern | Total | 45.5 | 54.5 | 50.0 | 50.0 | 51.0 | 49.0 |
| | Plaintiff Residence Inside Forum State | 43.8 | 56.3 | 47.1 | 52.9 | 50.0 | 50.0 |
| | Plaintiff Residence Outside Country | 33.3 | 66.7 | 33.3 | 66.7 | 33.3 | 66.7 |
| | Plaintiff Residence Outside Forum State | 70.0 | 30.0 | 75.0 | 25.0 | 75.0 | 25.0 |
| Wisconsin Western | Total | 54.8 | 45.2 | 57.7 | 42.3 | 87.5 | 12.5 |
| | Plaintiff Residence Inside Forum State | 65.4 | 34.6 | 70.6 | 29.4 | 93.8 | 6.3 |
| | Plaintiff Residence Outside Forum State | 37.5 | 62.5 | 33.3 | 66.7 | 75.0 | 25.0 |

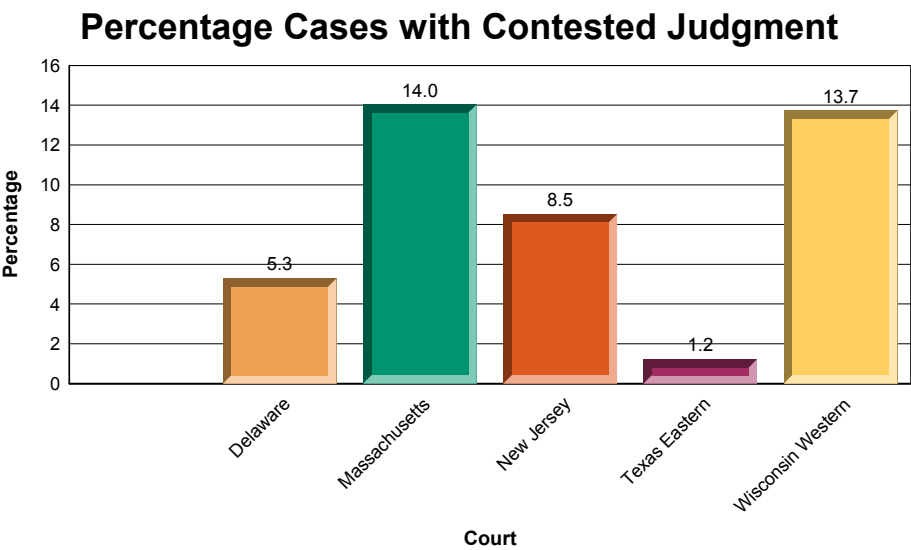
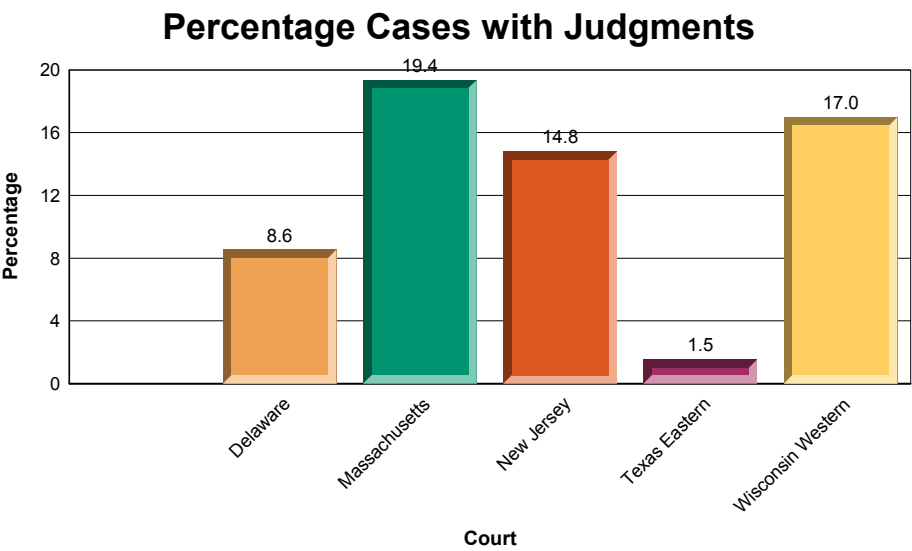
Patent and Defendant Win Rates - Bench and Jury Trial Win Rates: The chart immediately below shows the contested win rate for plaintiffs for these selected districts, broken out by the residence of the plaintiff. Specifically, the chart includes plaintiff contested win rates (by district) where 1. the plaintiff is a resident of the forum state, 2. the plaintiff is a resident of a foreign country, and 3. the plaintiff is a resident outside the forum state.

Similar local v. foreign plaintiff win rate information is shown in the table following the chart, broken out by district. The table includes plaintiff and defendant data for contested win rates, overall win rates, and trial win rates for each district for the entire period, broken out by plaintiff residence.



| | Total | | Bench Trial | | Directed Verdict | | Jury Verdict | |
|---------------|----------------|-------------|----------------|-------------|------------------|-------------|----------------|-------------|
| | Trial Win Rate | # of Trials | Trial Win Rate | # of Trials | Trial Win Rate | # of Trials | Trial Win Rate | # of Trials |
| Delaware | 65.9 | 151 | 70.0 | 110 | 83.3 | 6 | 50.0 | 35 |
| Massachusetts | 67.6 | 17 | 0.0 | 0 | 0.0 | 0 | 67.6 | 17 |
| New Jersey | 74.2 | 31 | 72.4 | 29 | 0.0 | 0 | 100.0 | 2 |
| Texas Eastern | 51.0 | 49 | 83.3 | 6 | 0.0 | 0 | 46.5 | 43 |
| Wisconsin Wes | 87.5 | 12 | 50.0 | 1 | 0.0 | 0 | 90.9 | 11 |

Percentage of Cases Terminated by Judgment and by Contested Judgment: The win rates discussed above involve only those cases terminated by a judgment. In most courts, only a relatively small fraction of cases are terminated by a judgment, and an even smaller fraction are terminated by a contested judgment. The percentages of cases in the selected courts terminated by a judgment or a contested judgment are shown in the charts and table below.



| | Total | |
|---------------|---------------------------------|---|
| | Percentage Cases with Judgments | Percentage Cases with Contested Judgments |
| Delaware | 8.6 | 5.3 |
| Massachusetts | 19.4 | 14.0 |
| New Jersey | 14.8 | 8.5 |
| Texas Eastern | 1.5 | 1.2 |
| Wisconsin Wes | 17.0 | 13.7 |

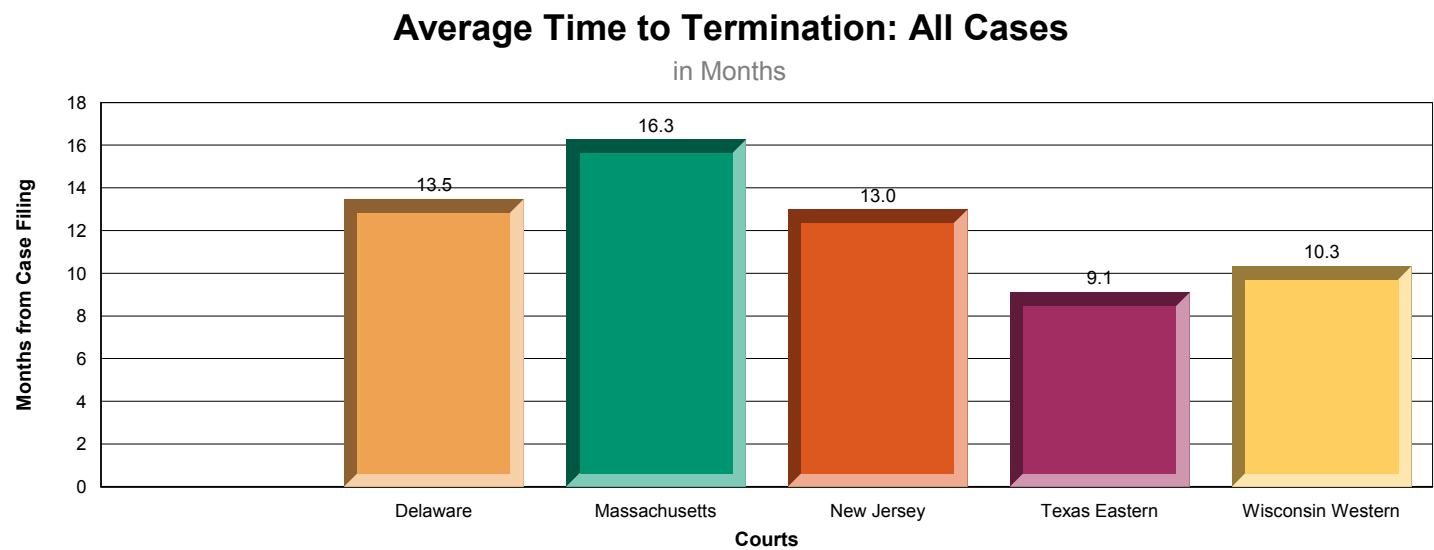
Percentage of Cases Terminated by Case Outcome: The percentage of cases of the type covered by this report terminated by the various case outcome types over the time period covered by this report is shown below. Note that the percentage can vary significantly from court to court.

| | | Total |
|---------------|-----------------------|------------------|
| | | Percentage Cases |
| Delaware | Total | 100.0% |
| | Bankruptcy Stay | 0.1% |
| | Bench Trial | 2.5% |
| | Consent Judgment | 3.1% |
| | Default Judgment | 0.1% |
| | Directed Verdict | 0.1% |
| | Jury Verdict | 0.8% |
| | Lack of Jurisdiction | 0.2% |
| | MDL Transfer | 0.4% |
| | Motion Before Trial | 1.9% |
| | Other Dismissal | 13.2% |
| | Other Judgment | 0.7% |
| | Remand to State Court | 0.0% |
| | Settlement | 40.9% |
| | Stay | 6.6% |
| | Transfer | 4.1% |
| | Voluntary Dismissal | 24.6% |
| | Want of Prosecution | 0.7% |
| Massachusetts | Total | 100.0% |
| | Consent Judgment | 4.6% |
| | Default Judgment | 0.7% |
| | Jury Verdict | 4.1% |
| | Lack of Jurisdiction | 0.5% |
| | MDL Transfer | 1.0% |
| | Motion Before Trial | 9.9% |
| | Other Dismissal | 1.0% |
| | Other Judgment | 0.2% |
| | Remand to State Court | 0.7% |

| | | Total |
|---------------|-----------------------|------------------|
| | | Percentage Cases |
| Massachusetts | Remand to U.S. Agency | 0.2% |
| | Settlement | 28.3% |
| | Stay | 12.1% |
| | Transfer | 1.7% |
| | Voluntary Dismissal | 32.2% |
| | Want of Prosecution | 2.7% |
| New Jersey | Total | 100.0% |
| | Bankruptcy Stay | 0.1% |
| | Bench Trial | 2.8% |
| | Consent Judgment | 5.8% |
| | Default Judgment | 0.5% |
| | Jury Verdict | 0.3% |
| | Lack of Jurisdiction | 0.6% |
| | MDL Transfer | 0.7% |
| | Motion Before Trial | 5.4% |
| | Other | 0.1% |
| | Other Dismissal | 5.7% |
| | Other Judgment | 0.8% |
| | Remand to State Court | 0.3% |
| | Settlement | 35.1% |
| | Stay | 21.1% |
| | Transfer | 1.9% |
| | Voluntary Dismissal | 17.3% |
| | Want of Prosecution | 1.5% |
| Texas Eastern | Total | 100.0% |
| | Bench Trial | 0.1% |
| | Consent Judgment | 0.2% |
| | Default Judgment | 0.1% |
| | Jury Verdict | 0.8% |
| | MDL Transfer | 0.2% |
| | Motion Before Trial | 0.3% |
| | Other Dismissal | 39.3% |
| | Other Judgment | 1.1% |

| | | Total |
|----------------------|-----------------------|------------------|
| | | Percentage Cases |
| Texas Eastern | Remand to State Court | 0.0% |
| | Remand to U.S. Agency | 0.0% |
| | Settlement | 15.6% |
| | Stay | 19.1% |
| | Transfer | 4.4% |
| | Voluntary Dismissal | 18.7% |
| | Want of Prosecution | 0.0% |
| Wisconsin Western | Total | 100.0% |
| | Bench Trial | 0.7% |
| | Consent Judgment | 3.3% |
| | Jury Verdict | 7.2% |
| | Lack of Jurisdiction | 0.7% |
| | MDL Transfer | 2.6% |
| | Motion Before Trial | 5.9% |
| | Other Dismissal | 4.6% |
| | Other Judgment | 2.0% |
| | Remand to State Court | 0.7% |
| | Settlement | 29.4% |
| | Stay | 3.9% |
| | Transfer | 10.5% |
| | Voluntary Dismissal | 28.8% |

Pendency Detail - Time to Termination - All Cases and By Case Outcome Type: The chart immediately below shows the pendency (in months) for closed cases in these selected districts. The chart is followed by a first table, which shows both the average and median times to termination, and a second table which further shows the average and median times to termination broken out by case outcome type.



| | Total | | |
|-------------------|---|--|-------------------|
| | Average Time to Termination - All Cases | Median Time to Termination - All Cases | # of Closed Cases |
| Delaware | 13.5 | 9.3 | 4455 |
| Massachusetts | 16.3 | 9.7 | 413 |
| New Jersey | 13.0 | 8.9 | 1033 |
| Texas Eastern | 9.1 | 6.2 | 7911 |
| Wisconsin Western | 10.3 | 9.0 | 153 |

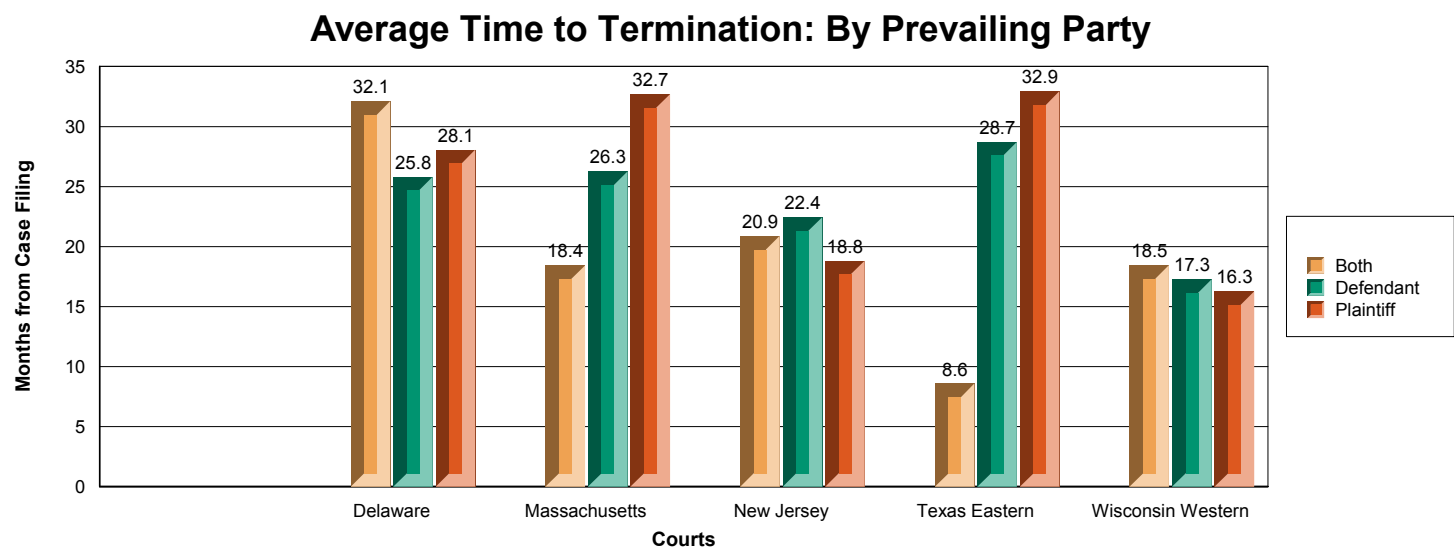
| | | Total | | |
|-----------------|------------|---|--|-------------------|
| | | Average Time to Termination - All Cases | Median Time to Termination - All Cases | # of Closed Cases |
| Bankruptcy Stay | Total | 24.7 | 13.1 | 5 |
| | Delaware | 11.7 | 13.1 | 4 |
| | New Jersey | 76.8 | 76.8 | 1 |
| Bench Trial | Total | 30.5 | 30.9 | 146 |
| | Delaware | 31.4 | 32.8 | 110 |

| | | Total | | |
|----------------------|-------------------|---|--|-------------------|
| | | Average Time to Termination - All Cases | Median Time to Termination - All Cases | # of Closed Cases |
| Bench Trial | New Jersey | 28.7 | 28.6 | 29 |
| | Texas Eastern | 25.3 | 25.8 | 6 |
| | Wisconsin Western | 22.8 | 22.8 | 1 |
| Consent Judgment | Total | 17.4 | 15.5 | 239 |
| | Delaware | 19.1 | 18.0 | 140 |
| | Massachusetts | 22.0 | 17.6 | 19 |
| | New Jersey | 14.3 | 9.9 | 60 |
| | Texas Eastern | 8.9 | 4.9 | 15 |
| | Wisconsin Western | 14.7 | 17.0 | 5 |
| Default Judgment | Total | 17.5 | 12.8 | 23 |
| | Delaware | 15.9 | 11.0 | 5 |
| | Massachusetts | 16.8 | 18.1 | 3 |
| | New Jersey | 12.7 | 10.2 | 5 |
| | Texas Eastern | 21.0 | 21.8 | 10 |
| Directed Verdict | Total | 28.7 | 29.1 | 6 |
| | Delaware | 28.7 | 29.1 | 6 |
| Jury Verdict | Total | 36.2 | 35.3 | 130 |
| | Delaware | 46.0 | 38.8 | 35 |
| | Massachusetts | 37.7 | 41.4 | 17 |
| | New Jersey | 40.0 | 44.1 | 3 |
| | Texas Eastern | 33.4 | 32.6 | 64 |
| | Wisconsin Western | 17.7 | 19.7 | 11 |
| Lack of Jurisdiction | Total | 12.4 | 10.5 | 19 |
| | Delaware | 10.3 | 9.1 | 10 |
| | Massachusetts | 23.2 | 23.2 | 2 |
| | New Jersey | 12.2 | 10.0 | 6 |
| | Wisconsin Western | 11.9 | 11.9 | 1 |
| MDL Transfer | Total | 4.3 | 3.2 | 50 |
| | Delaware | 3.1 | 3.0 | 17 |
| | Massachusetts | 4.3 | 4.1 | 4 |
| | New Jersey | 1.7 | 1.9 | 7 |

| | | Total | | |
|-----------------------|-------------------|---|--|-------------------|
| | | Average Time to Termination - All Cases | Median Time to Termination - All Cases | # of Closed Cases |
| MDL Transfer | Texas Eastern | 7.0 | 5.4 | 18 |
| | Wisconsin Western | 2.4 | 2.1 | 4 |
| Motion Before Trial | Total | 25.2 | 19.3 | 218 |
| | Delaware | 29.8 | 27.1 | 85 |
| | Massachusetts | 30.5 | 26.2 | 41 |
| | New Jersey | 21.8 | 15.6 | 56 |
| | Texas Eastern | 12.7 | 10.2 | 27 |
| | Wisconsin Western | 16.6 | 17.5 | 9 |
| Other | Total | 0.7 | 0.7 | 1 |
| | New Jersey | 0.7 | 0.7 | 1 |
| Other Dismissal | Total | 9.9 | 7.1 | 3767 |
| | Delaware | 14.8 | 11.4 | 589 |
| | Massachusetts | 27.9 | 27.4 | 4 |
| | New Jersey | 11.7 | 7.7 | 59 |
| | Texas Eastern | 8.9 | 6.6 | 3108 |
| | Wisconsin Western | 10.3 | 5.1 | 7 |
| Other Judgment | Total | 18.6 | 14.4 | 126 |
| | Delaware | 20.4 | 25.5 | 29 |
| | Massachusetts | 24.4 | 24.4 | 1 |
| | New Jersey | 23.7 | 29.9 | 8 |
| | Texas Eastern | 17.3 | 11.4 | 85 |
| | Wisconsin Western | 23.8 | 17.4 | 3 |
| Remand to State Court | Total | 8.2 | 5.7 | 11 |
| | Delaware | 6.0 | 6.0 | 2 |
| | Massachusetts | 5.0 | 5.6 | 3 |
| | New Jersey | 5.7 | 7.2 | 3 |
| | Texas Eastern | 21.4 | 21.4 | 2 |
| | Wisconsin Western | 3.7 | 3.7 | 1 |
| Remand to U.S. Agency | Total | 22.9 | 22.9 | 2 |
| | Massachusetts | 37.2 | 37.2 | 1 |
| | Texas Eastern | 8.5 | 8.5 | 1 |

| | | Total | | |
|---------------------|-------------------|---|--|-------------------|
| | | Average Time to Termination - All Cases | Median Time to Termination - All Cases | # of Closed Cases |
| Settlement | Total | 13.5 | 10.0 | 3583 |
| | Delaware | 14.5 | 11.5 | 1821 |
| | Massachusetts | 17.3 | 10.3 | 117 |
| | New Jersey | 15.4 | 11.4 | 363 |
| | Texas Eastern | 11.2 | 8.5 | 1237 |
| | Wisconsin Western | 9.6 | 9.2 | 45 |
| Stay | Total | 10.4 | 7.3 | 2074 |
| | Delaware | 12.8 | 10.9 | 292 |
| | Massachusetts | 14.2 | 10.9 | 50 |
| | New Jersey | 12.0 | 11.1 | 218 |
| | Texas Eastern | 9.6 | 6.6 | 1508 |
| | Wisconsin Western | 9.9 | 8.9 | 6 |
| Transfer | Total | 10.7 | 9.9 | 573 |
| | Delaware | 11.3 | 10.0 | 182 |
| | Massachusetts | 6.4 | 6.9 | 7 |
| | New Jersey | 7.7 | 8.8 | 20 |
| | Texas Eastern | 10.9 | 10.1 | 348 |
| | Wisconsin Western | 4.4 | 4.4 | 16 |
| Voluntary Dismissal | Total | 5.7 | 3.6 | 2931 |
| | Delaware | 6.2 | 3.6 | 1095 |
| | Massachusetts | 9.1 | 5.0 | 133 |
| | New Jersey | 4.5 | 3.6 | 179 |
| | Texas Eastern | 5.1 | 3.4 | 1480 |
| | Wisconsin Western | 9.3 | 8.6 | 44 |
| Want of Prosecution | Total | 19.8 | 24.8 | 61 |
| | Delaware | 28.8 | 26.9 | 33 |
| | Massachusetts | 9.3 | 7.0 | 11 |
| | New Jersey | 7.9 | 6.5 | 15 |
| | Texas Eastern | 19.6 | 19.6 | 2 |

Pendency Detail - Time to Termination By Prevailing Party: The chart immediately below shows the pendency (in months) for closed cases in these selected districts. The chart is followed by a first table, which shows both the average and median times to termination, and a second table which further shows the average and median times to termination broken out by case outcome type.



| | | Total | Both | Defendant | Plaintiff |
|---------------|---------------------|-------|------|-----------|-----------|
| Delaware | Total | 27.8 | 32.1 | 25.8 | 28.1 |
| | Bench Trial | 31.4 | 32.2 | 26.5 | 32.8 |
| | Consent Judgment | 18.1 | 24.4 | 15.6 | 17.3 |
| | Default Judgment | 15.9 | 0.0 | 0.0 | 15.9 |
| | Directed Verdict | 28.7 | 29.7 | 0.0 | 28.2 |
| | Jury Verdict | 46.0 | 43.3 | 43.5 | 55.0 |
| | Motion Before Trial | 30.1 | 23.7 | 30.3 | 0.0 |
| Massachusetts | Total | 27.6 | 18.4 | 26.3 | 32.7 |
| | Consent Judgment | 18.5 | 17.4 | 0.0 | 19.7 |
| | Default Judgment | 16.8 | 0.0 | 0.0 | 16.8 |
| | Jury Verdict | 37.7 | 42.5 | 34.3 | 38.9 |
| | Motion Before Trial | 28.1 | 3.8 | 25.0 | 48.8 |
| New Jersey | Total | 20.4 | 20.9 | 22.4 | 18.8 |
| | Bench Trial | 28.7 | 28.6 | 30.6 | 28.2 |
| | Consent Judgment | 13.9 | 15.0 | 16.9 | 12.8 |
| | Default Judgment | 12.7 | 30.2 | 0.0 | 8.3 |
| | Jury Verdict | 46.7 | 0.0 | 0.0 | 46.7 |
| | Motion Before Trial | 22.0 | 35.7 | 22.0 | 19.1 |
| Texas Eastern | Total | 30.1 | 8.6 | 28.7 | 32.9 |

| | | Total | Both | Defendant | Plaintiff |
|-------------------|---------------------|-------|------|-----------|-----------|
| Texas Eastern | Bench Trial | 25.3 | 0.0 | 25.5 | 25.2 |
| | Consent Judgment | 18.3 | 8.6 | 0.0 | 23.1 |
| | Default Judgment | 20.4 | 0.0 | 0.0 | 20.4 |
| | Jury Verdict | 34.1 | 0.0 | 31.0 | 37.7 |
| | Motion Before Trial | 18.8 | 8.6 | 20.6 | 0.0 |
| Wisconsin Western | Total | 17.0 | 18.5 | 17.3 | 16.3 |
| | Bench Trial | 22.8 | 22.8 | 0.0 | 0.0 |
| | Consent Judgment | 14.7 | 17.0 | 17.0 | 13.2 |
| | Jury Verdict | 17.7 | 17.0 | 0.0 | 17.9 |
| | Motion Before Trial | 16.6 | 0.0 | 17.3 | 10.9 |

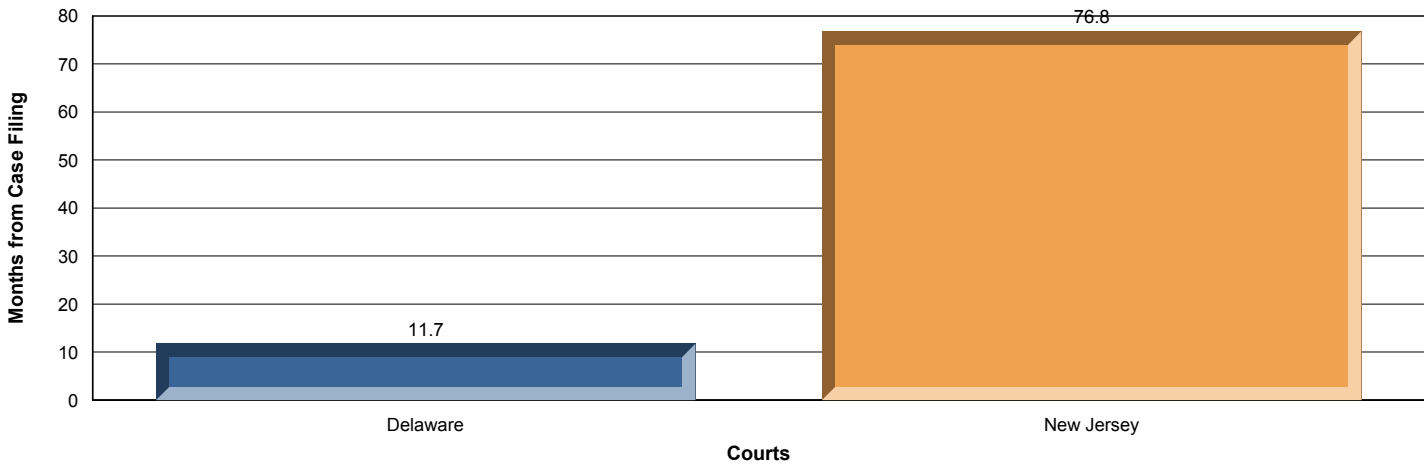
Time to Termination by Case Outcome: The following sections show the average time to termination (in months) and the distribution of those terminations.

Bankruptcy Stay

Time to Termination for Bankruptcy Stay Case Terminations: The average time to termination (in months) for cases terminated by Bankruptcy Stay is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

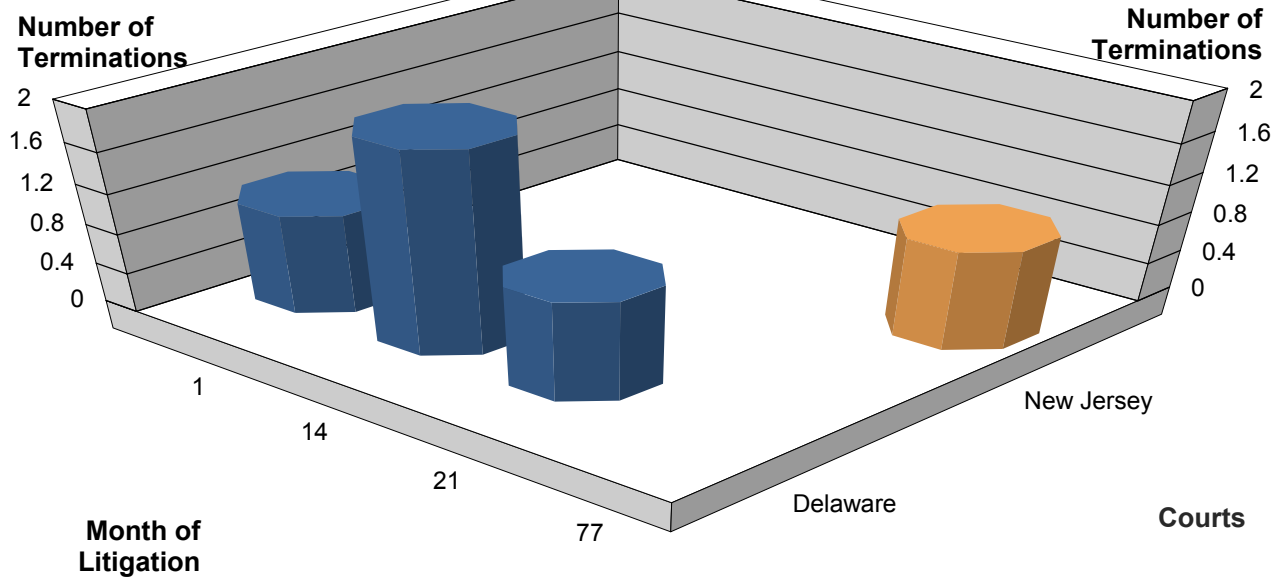
Average Time to Termination

in Months



Distribution of Terminations by Month of Litigation

in Months

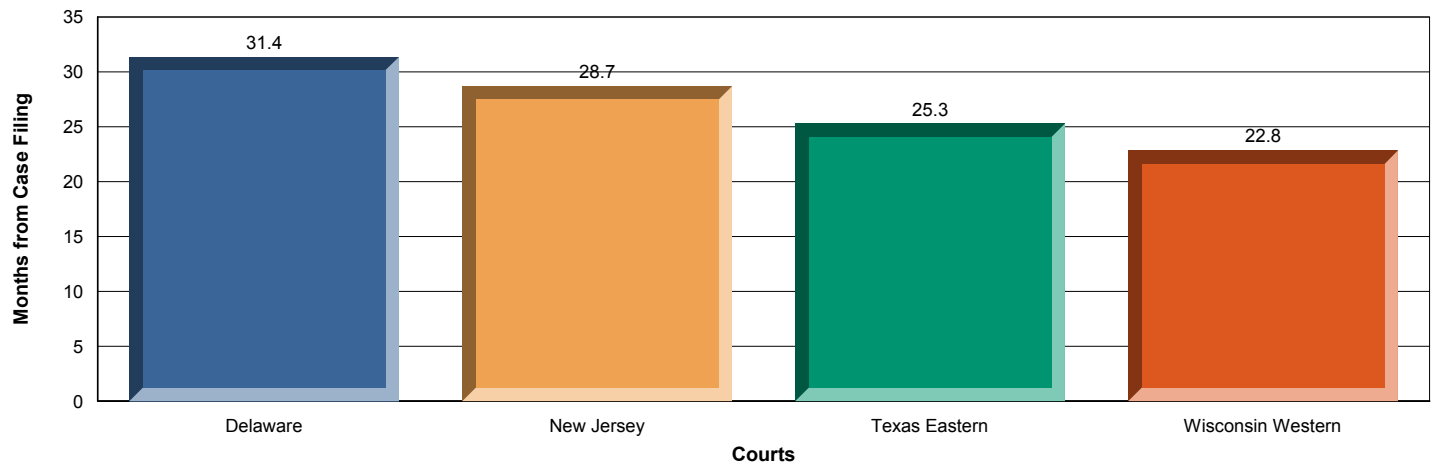


Bench Trial

Time to Termination for Bench Trial Case Terminations: The average time to termination (in months) for cases terminated by Bench Trial is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

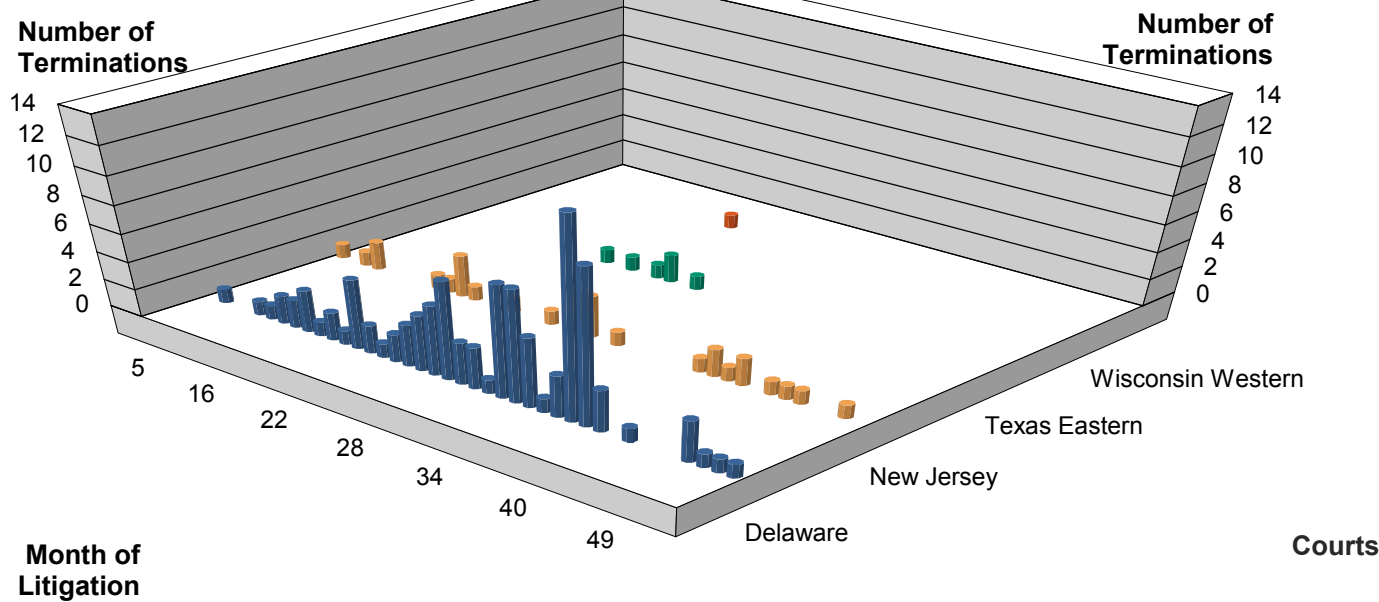
Average Time to Termination

in Months



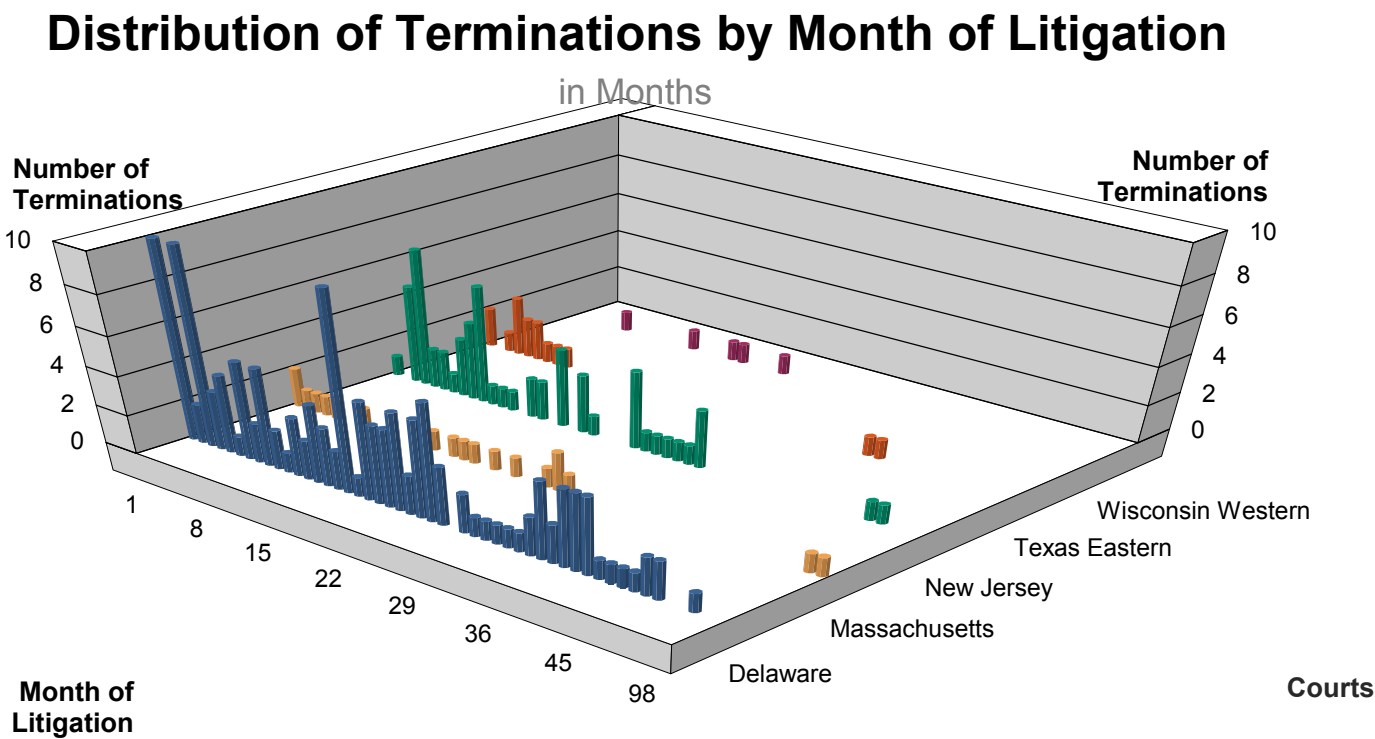
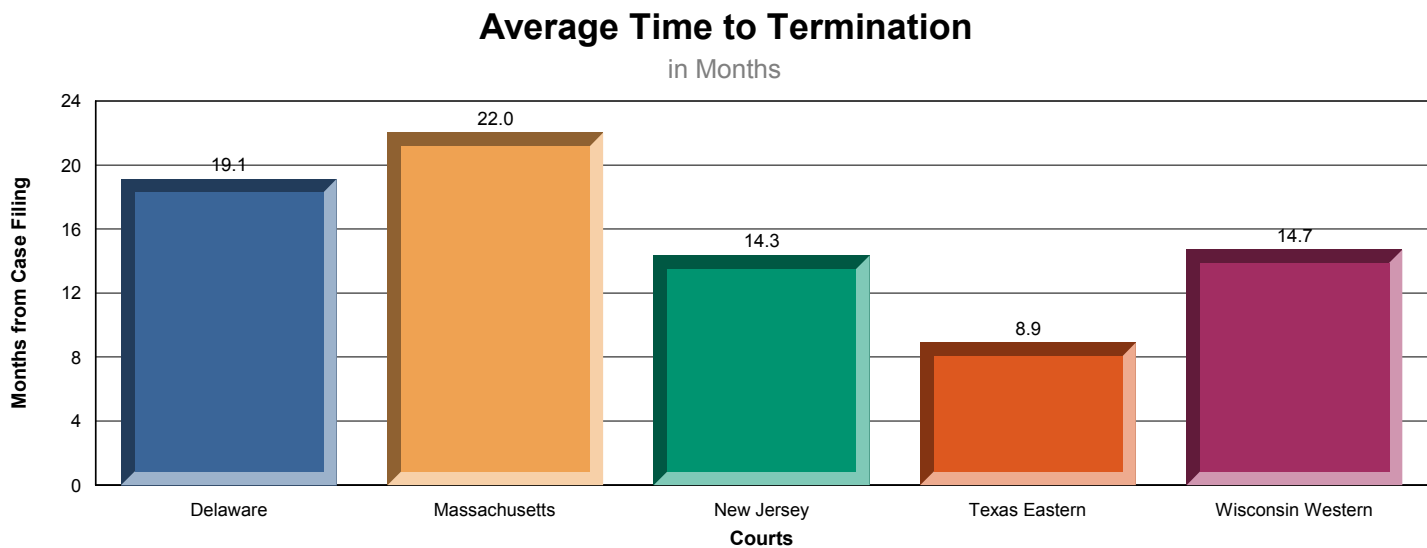
Distribution of Terminations by Month of Litigation

in Months



Consent Judgment

Time to Termination for Consent Judgment Case Terminations: The average time to termination (in months) for cases terminated by Consent Judgment is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

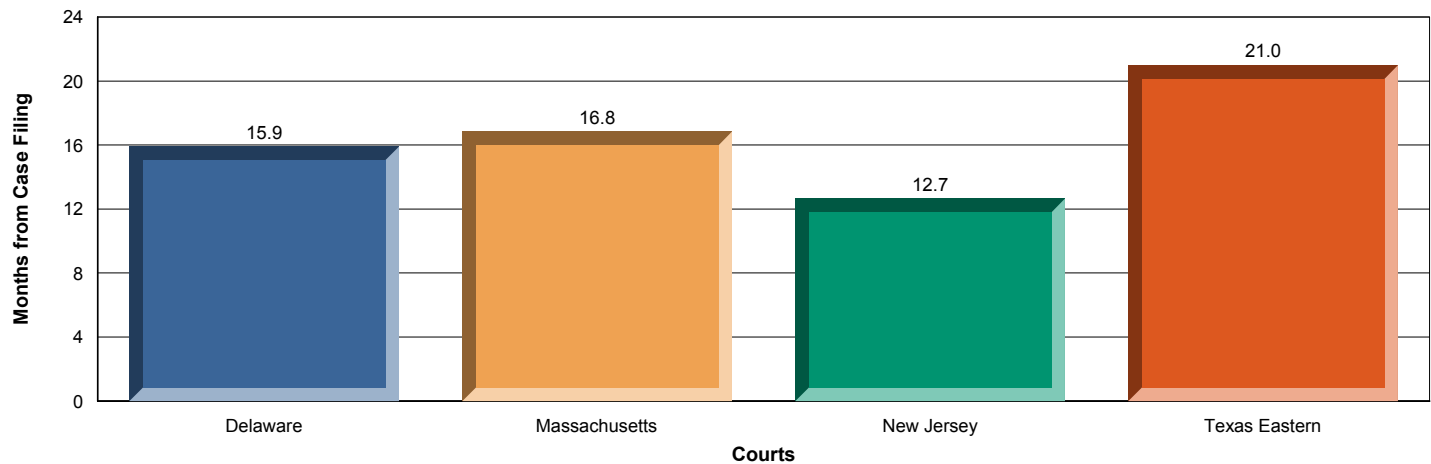


Default Judgment

Time to Termination for Default Judgment Case Terminations: The average time to termination (in months) for cases terminated by Default Judgment is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

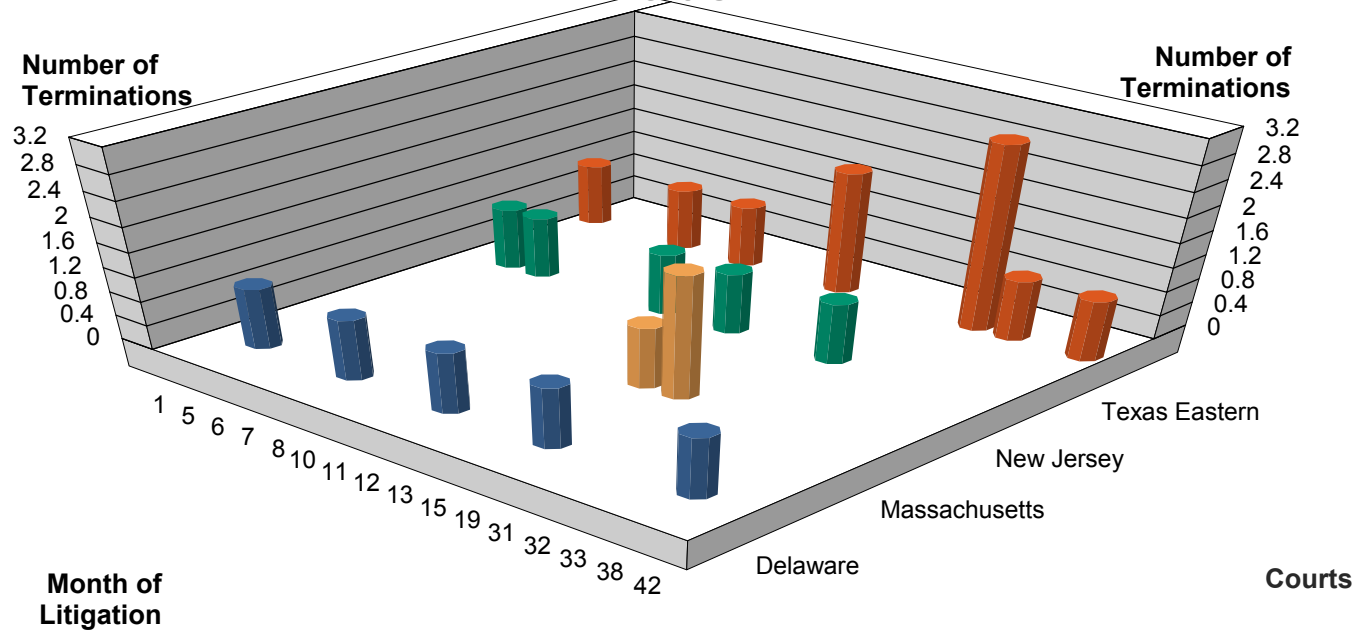
Average Time to Termination

in Months



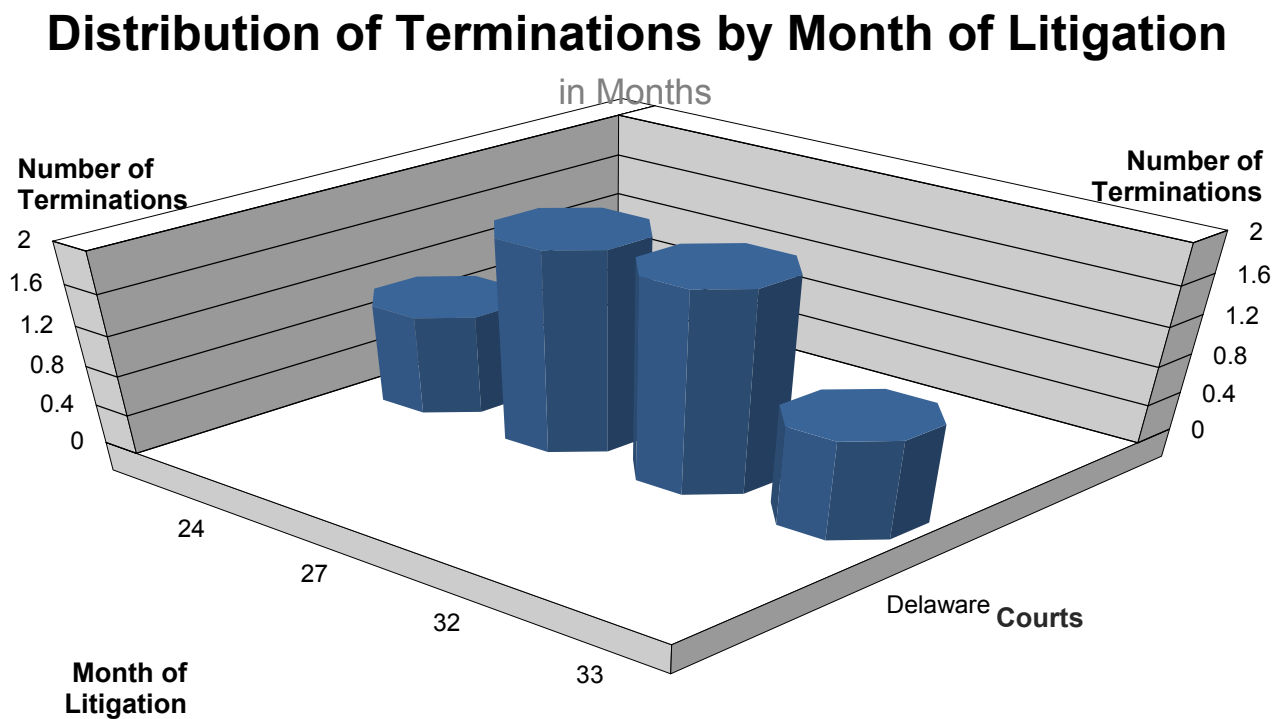
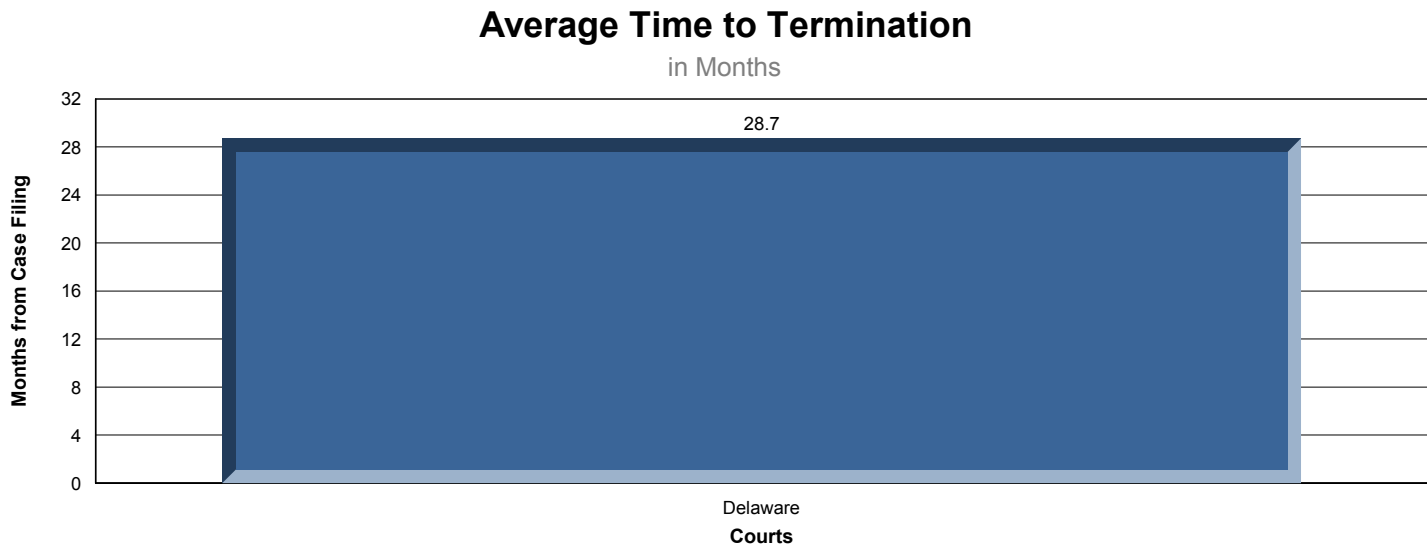
Distribution of Terminations by Month of Litigation

in Months



Directed Verdict

Time to Termination for Directed Verdict Case Terminations: The average time to termination (in months) for cases terminated by Directed Verdict is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

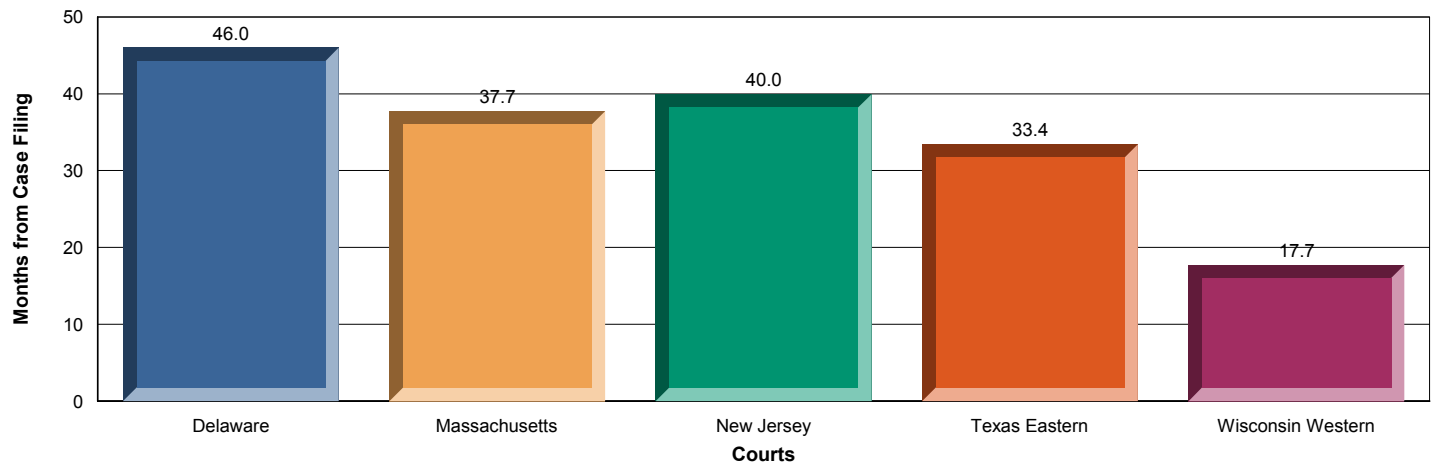


Jury Verdict

Time to Termination for Jury Verdict Case Terminations: The average time to termination (in months) for cases terminated by Jury Verdict is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

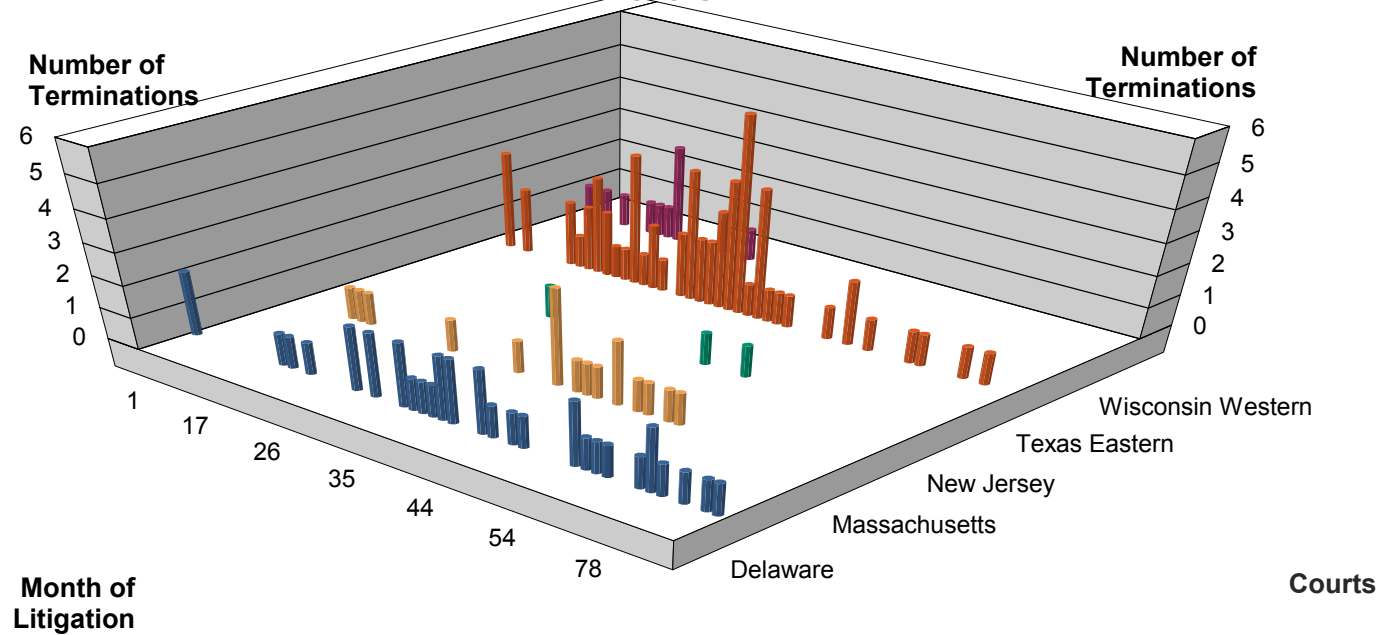
Average Time to Termination

in Months



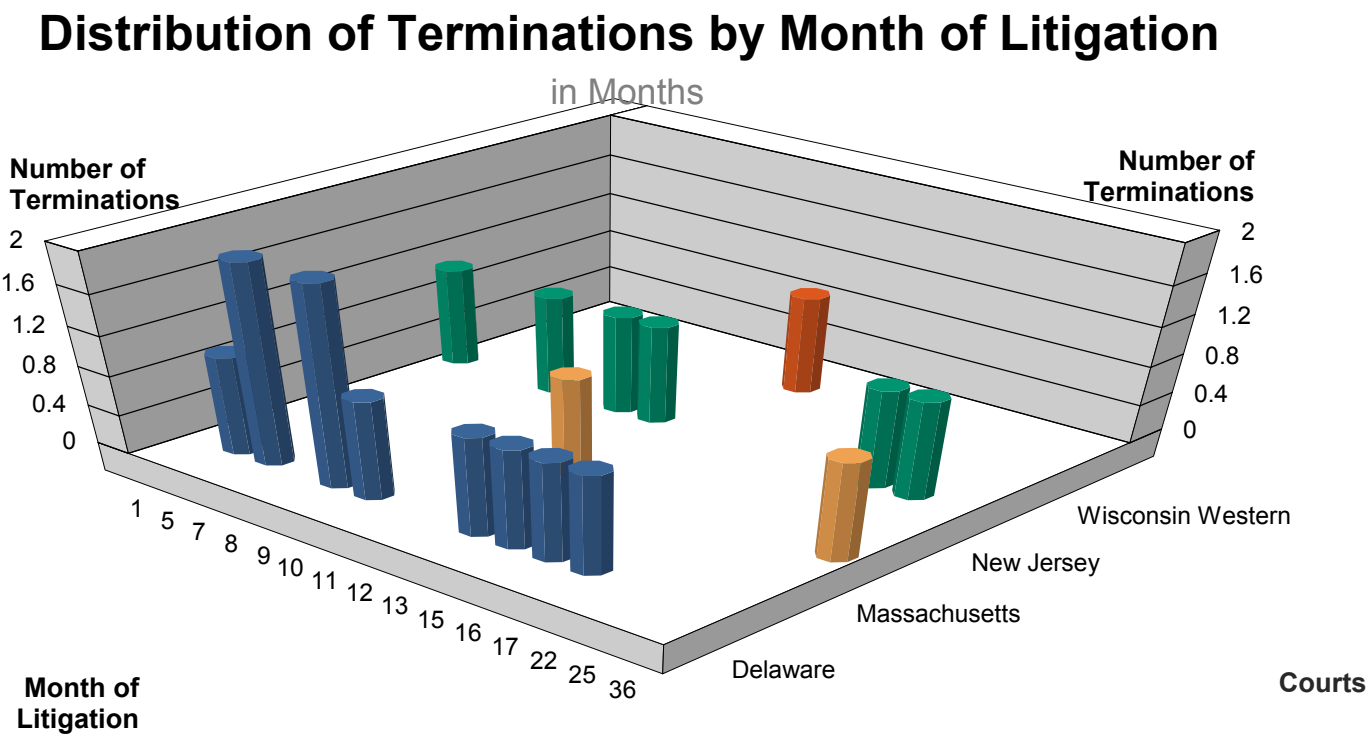
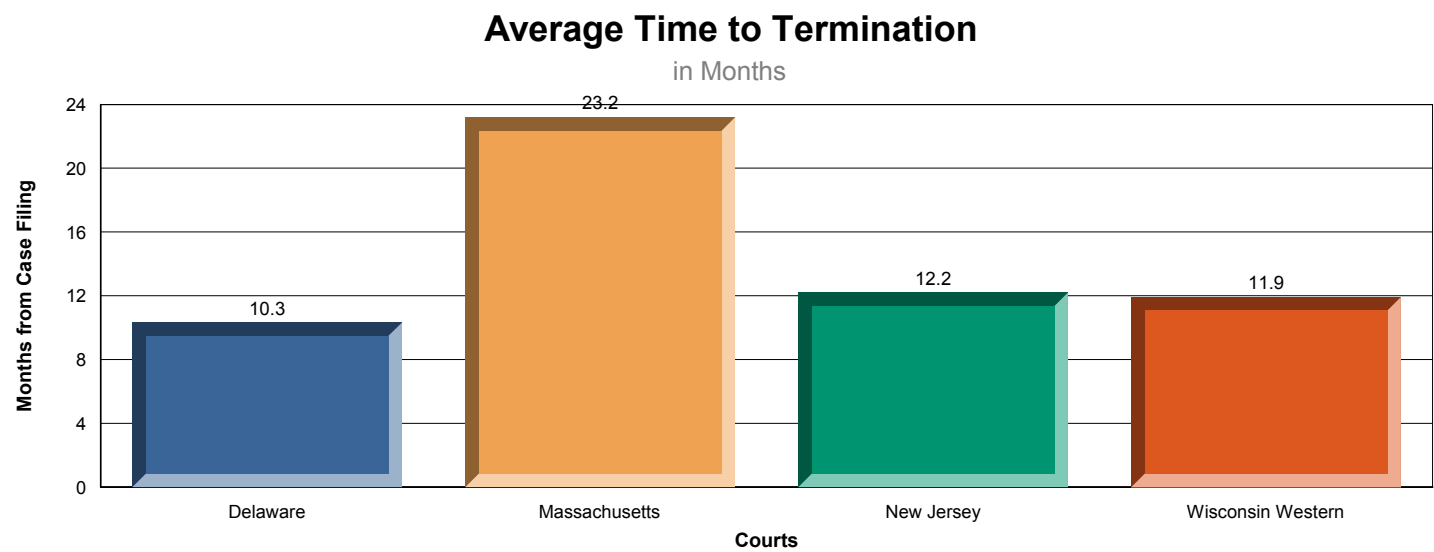
Distribution of Terminations by Month of Litigation

in Months



Lack of Jurisdiction

Time to Termination for Lack of Jurisdiction Case Terminations: The average time to termination (in months) for cases terminated by Lack of Jurisdiction is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

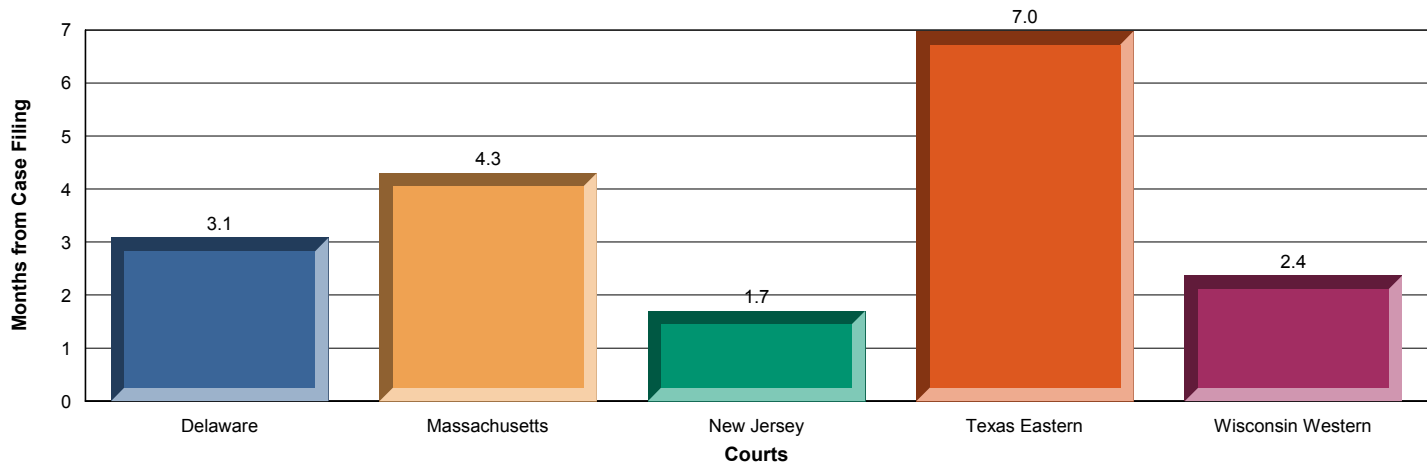


MDL Transfer

Time to Termination for MDL Transfer Case Terminations: The average time to termination (in months) for cases terminated by MDL Transfer is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

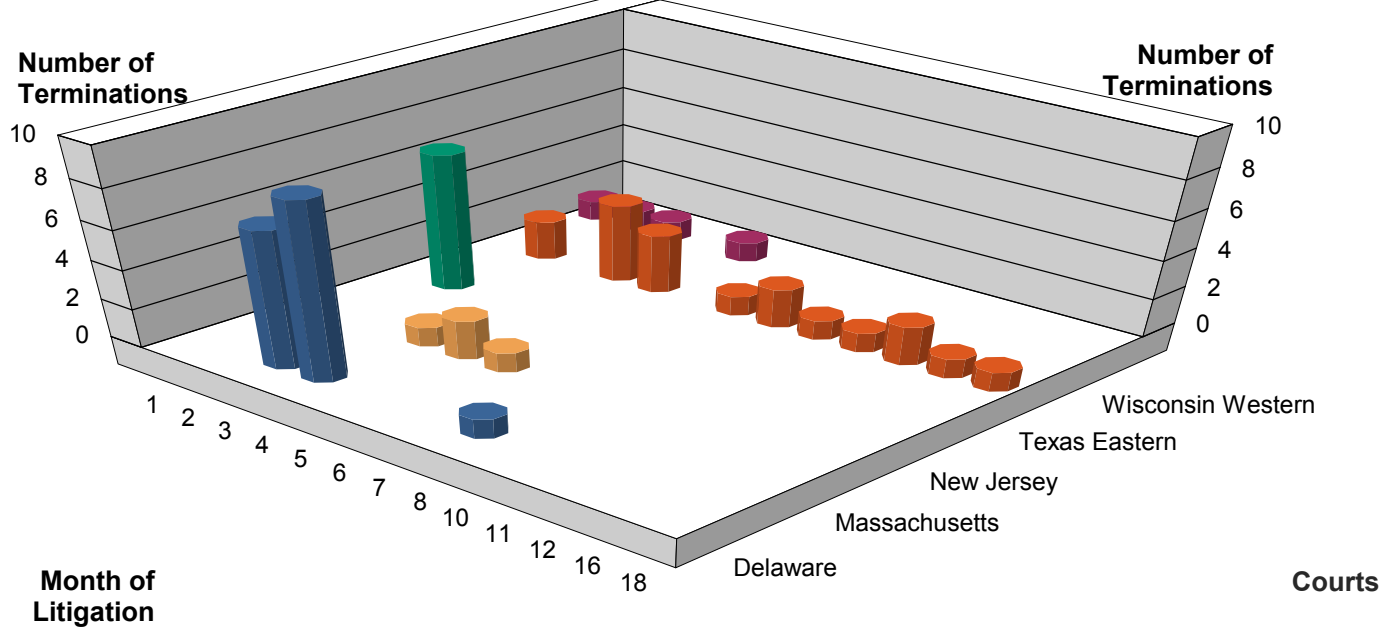
Average Time to Termination

in Months



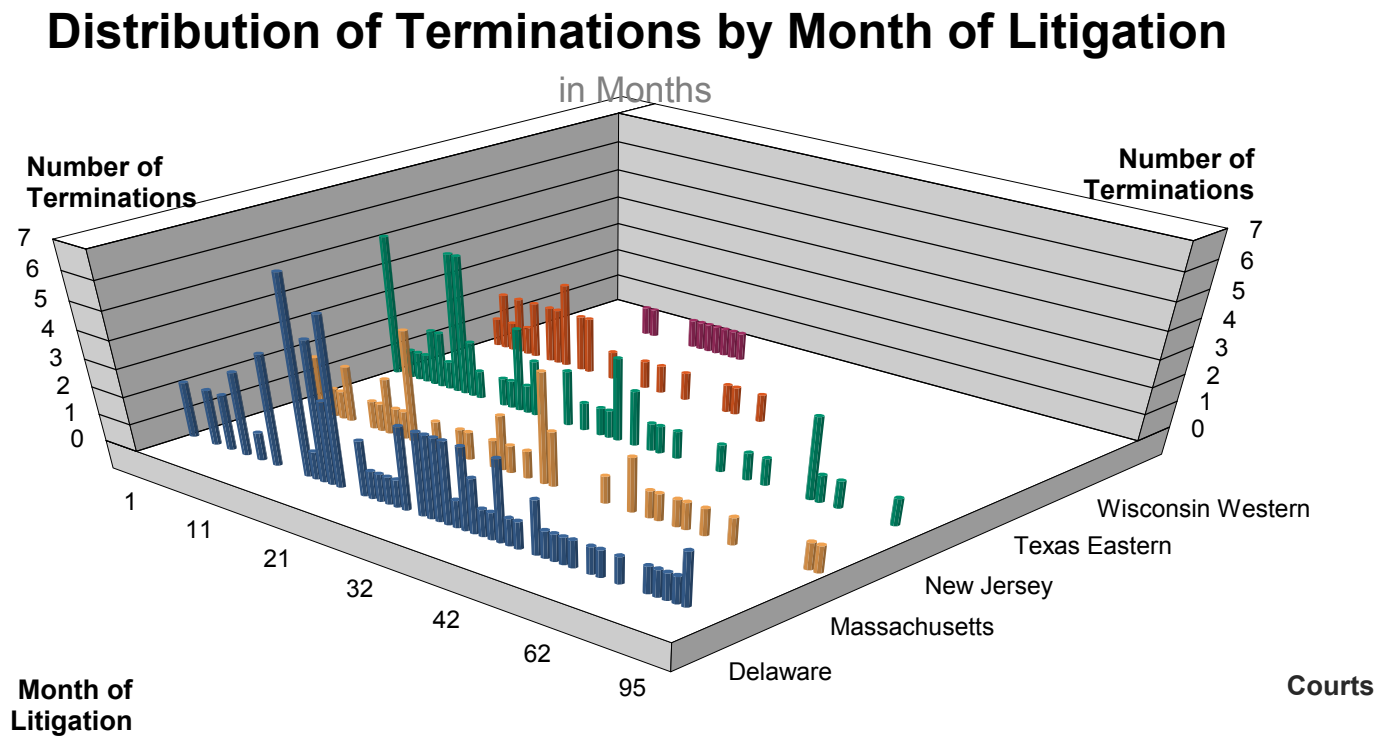
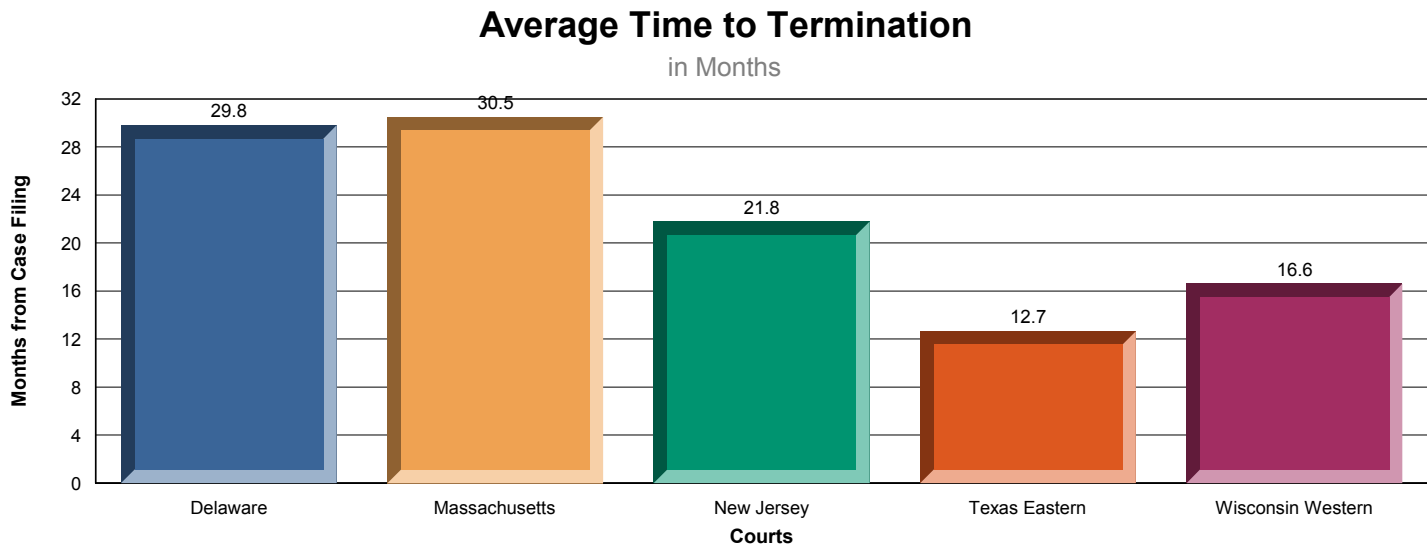
Distribution of Terminations by Month of Litigation

in Months



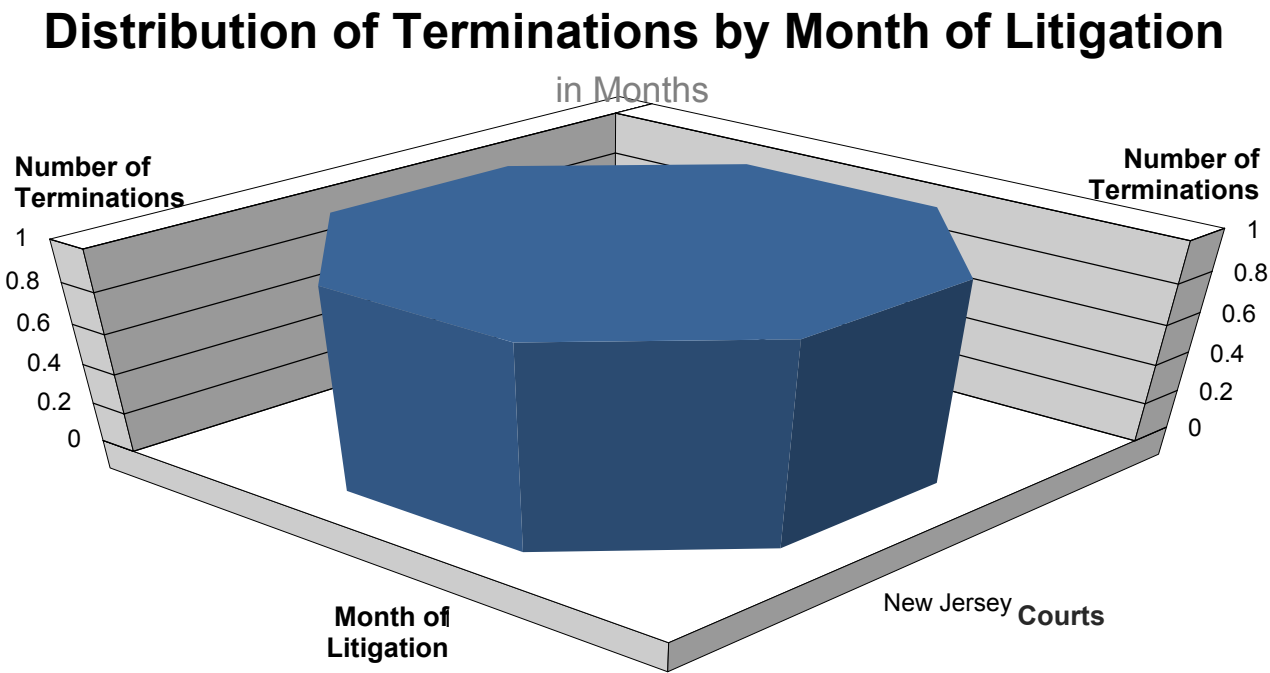
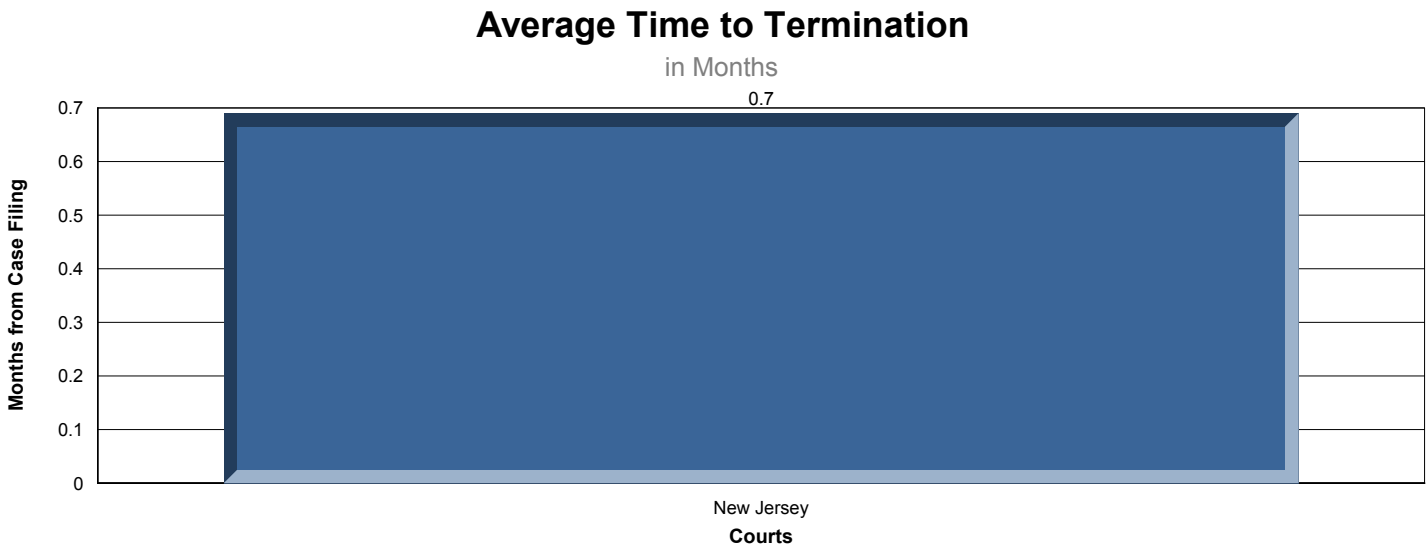
Motion Before Trial

Time to Termination for Motion Before Trial Case Terminations: The average time to termination (in months) for cases terminated by Motion Before Trial is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.



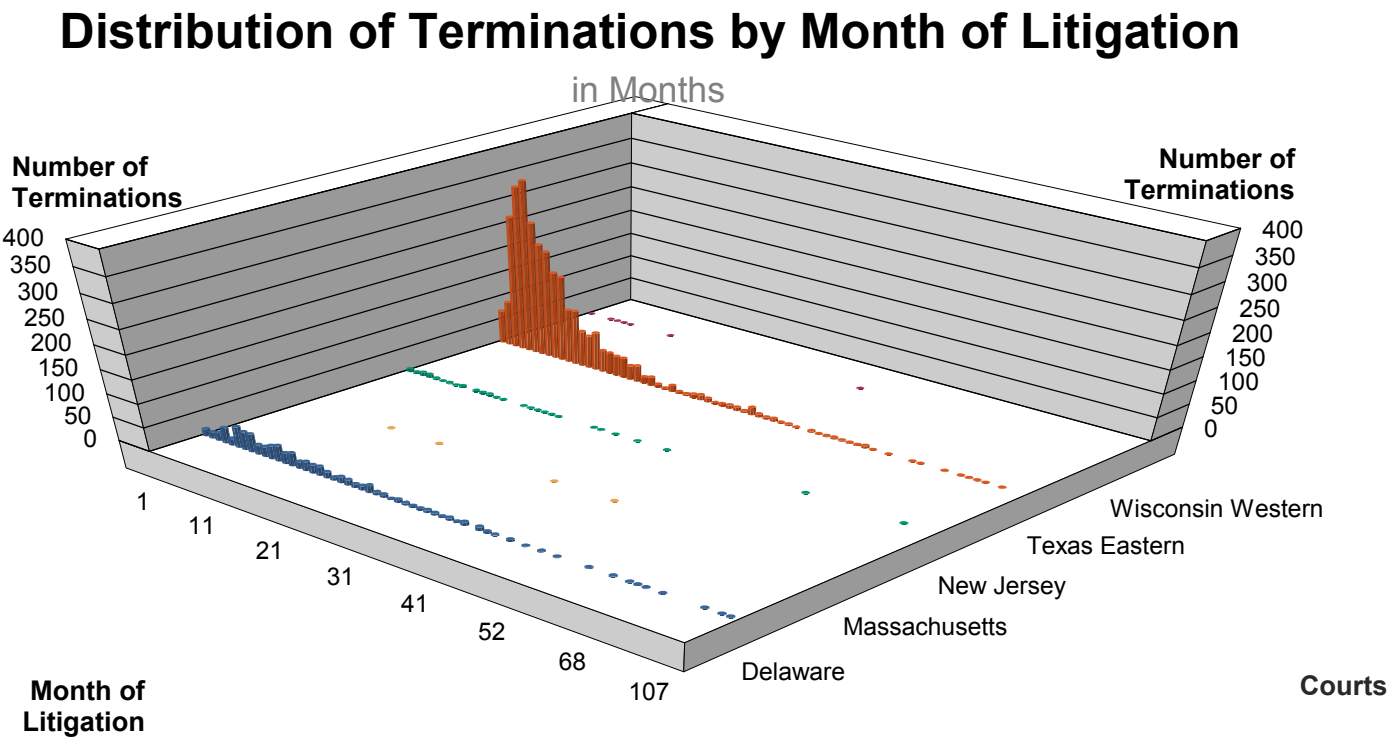
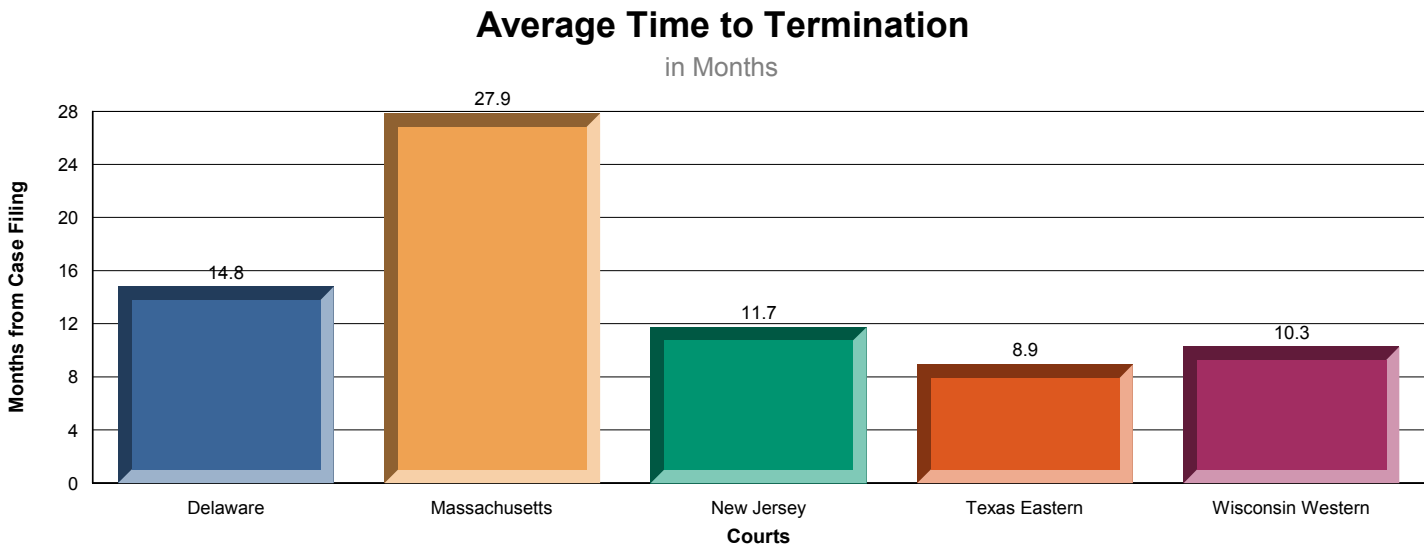
Other

Time to Termination for Other Case Terminations: The average time to termination (in months) for cases terminated by Other is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.



Other Dismissal

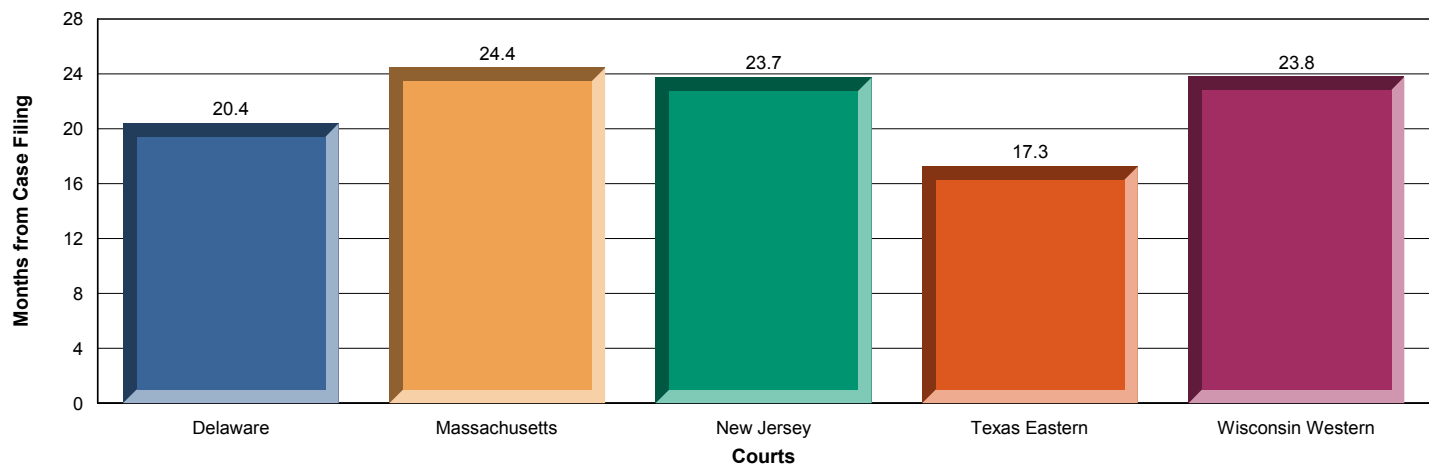
Time to Termination for Other Dismissal Case Terminations: The average time to termination (in months) for cases terminated by Other Dismissal is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.



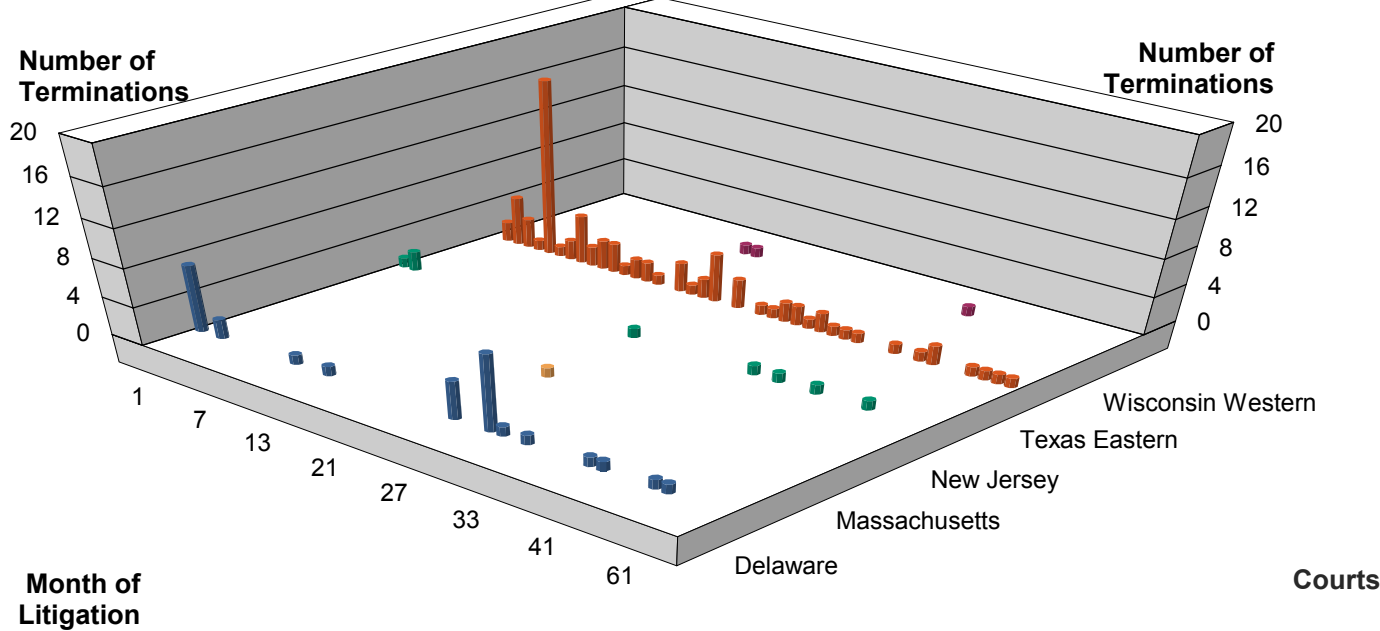
Other Judgment

Time to Termination for Other Judgment Case Terminations: The average time to termination (in months) for cases terminated by Other Judgment is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

Average Time to Termination
in Months

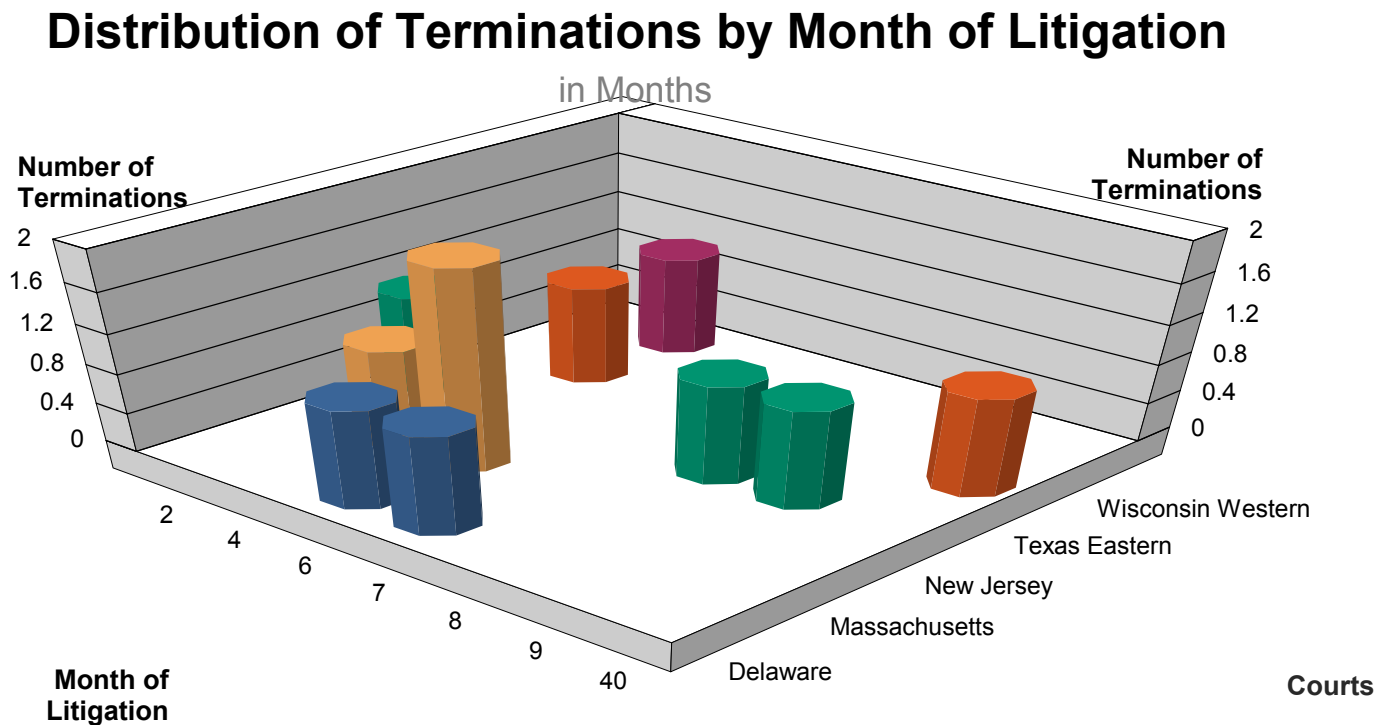
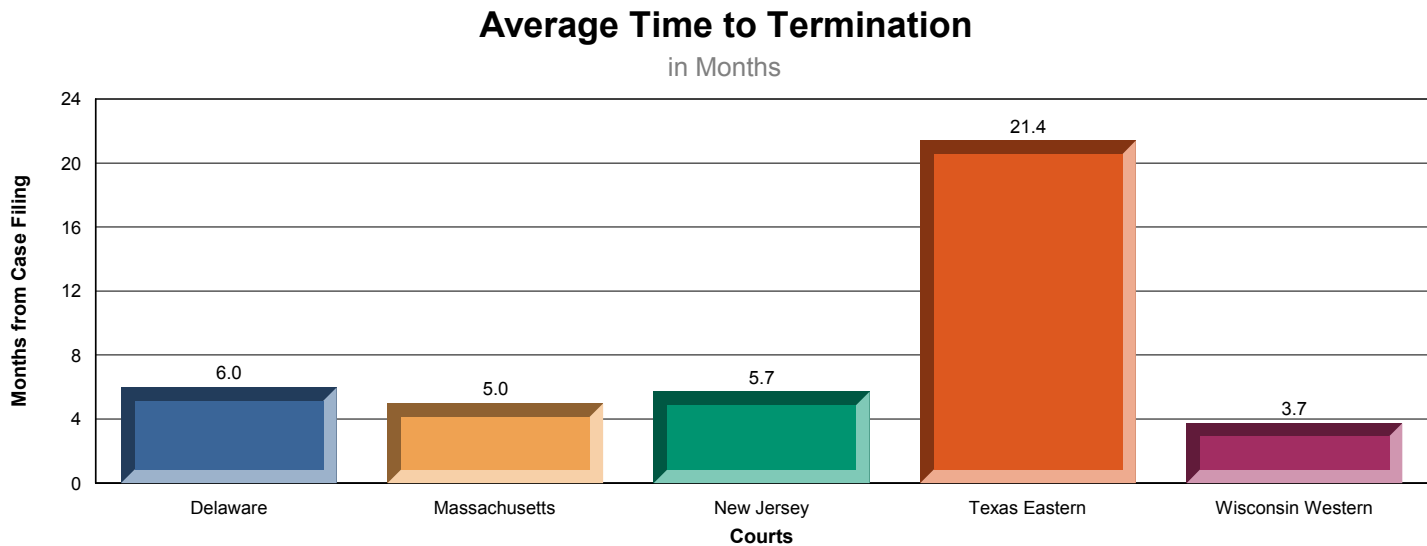


Distribution of Terminations by Month of Litigation
in Months



Remand to State Court

Time to Termination for Remand to State Court Case Terminations: The average time to termination (in months) for cases terminated by Remand to State Court is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

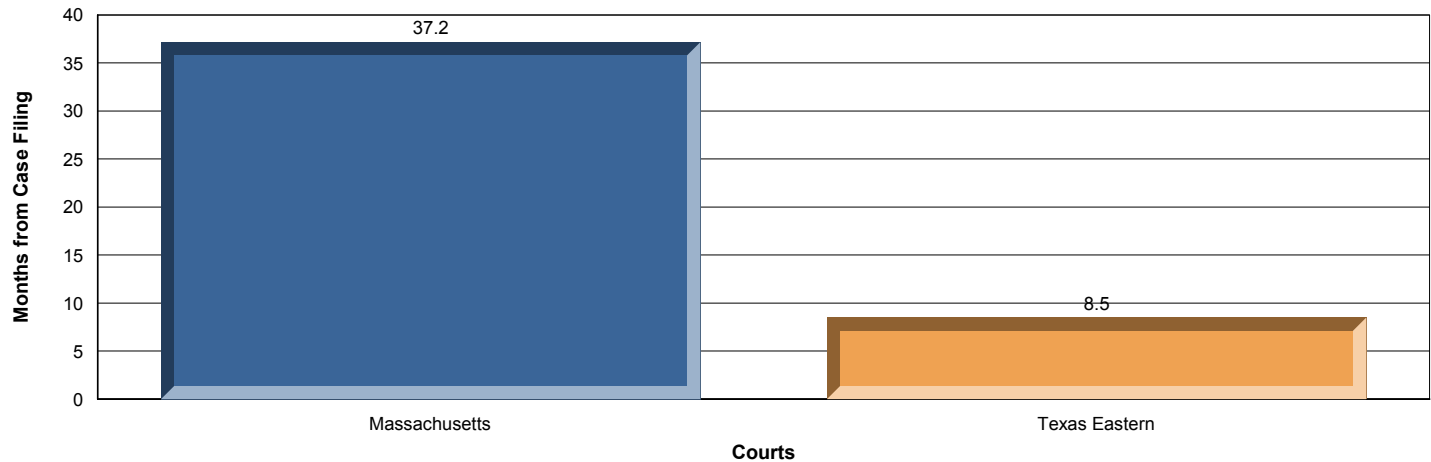


Remand to U.S. Agency

Time to Termination for Remand to U.S. Agency Case Terminations: The average time to termination (in months) for cases terminated by Remand to U.S. Agency is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

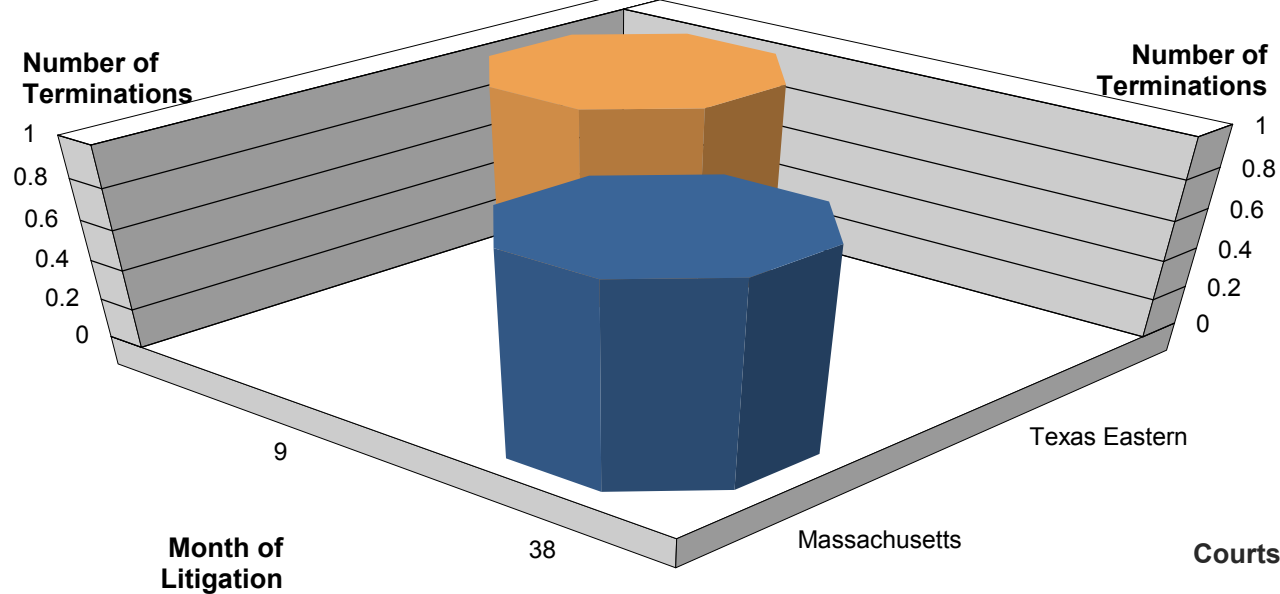
Average Time to Termination

in Months



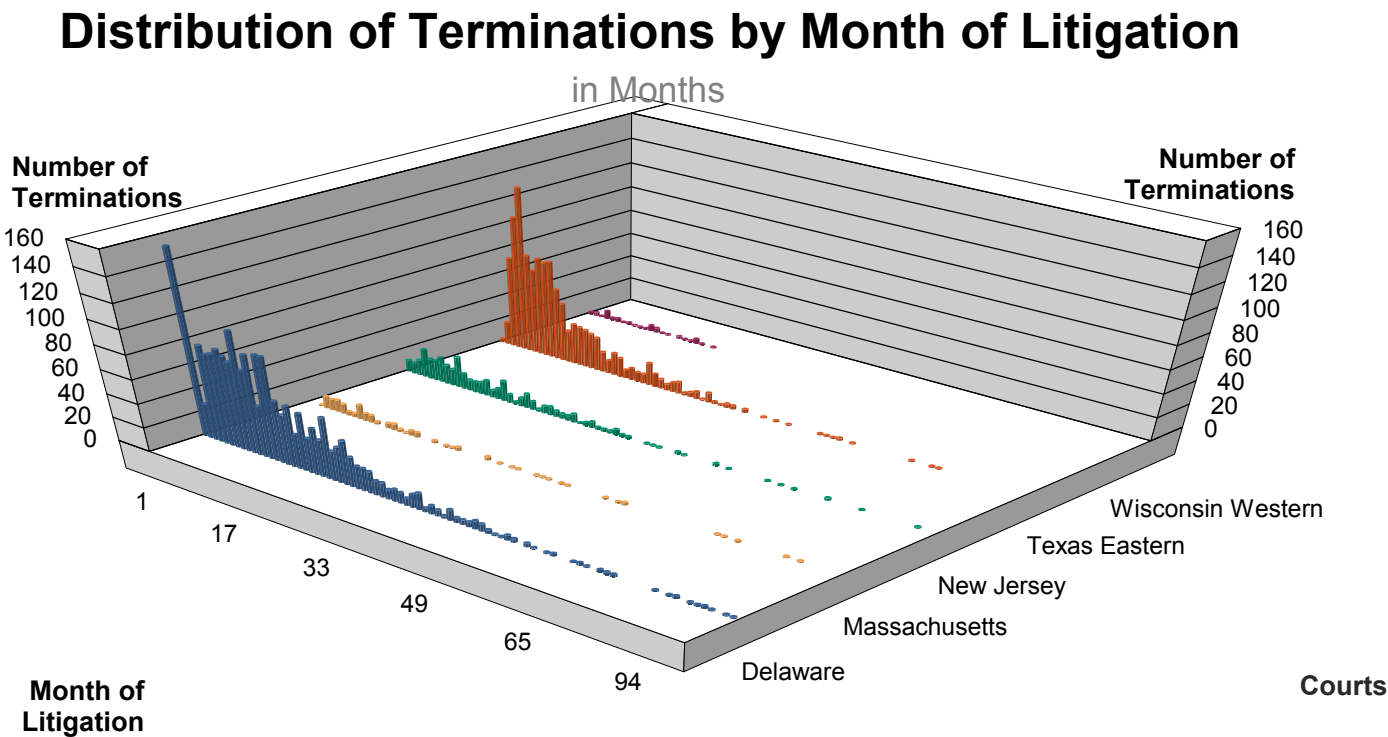
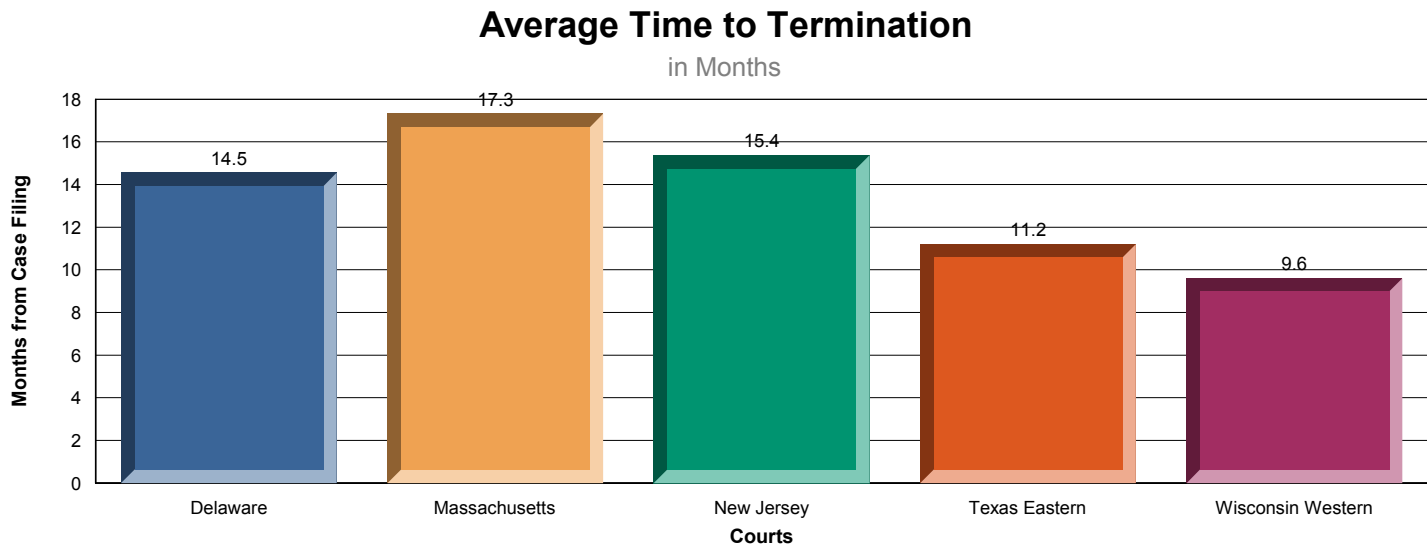
Distribution of Terminations by Month of Litigation

in Months



Settlement

Time to Termination for Settlement Case Terminations: The average time to termination (in months) for cases terminated by Settlement is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

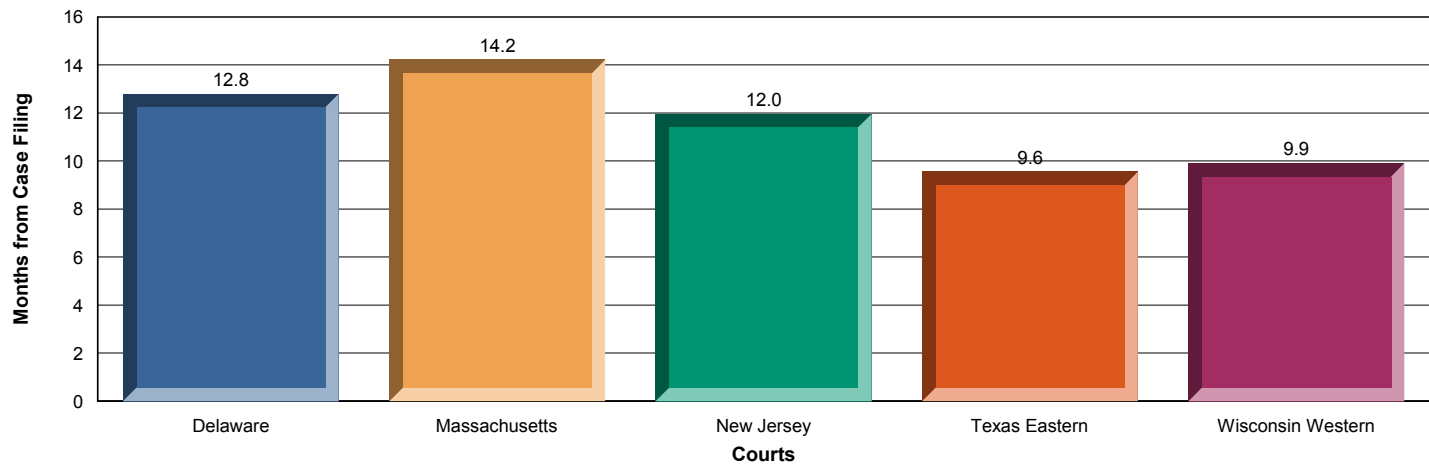


Stay

Time to Termination for Stay Case Terminations: The average time to termination (in months) for cases terminated by Stay is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

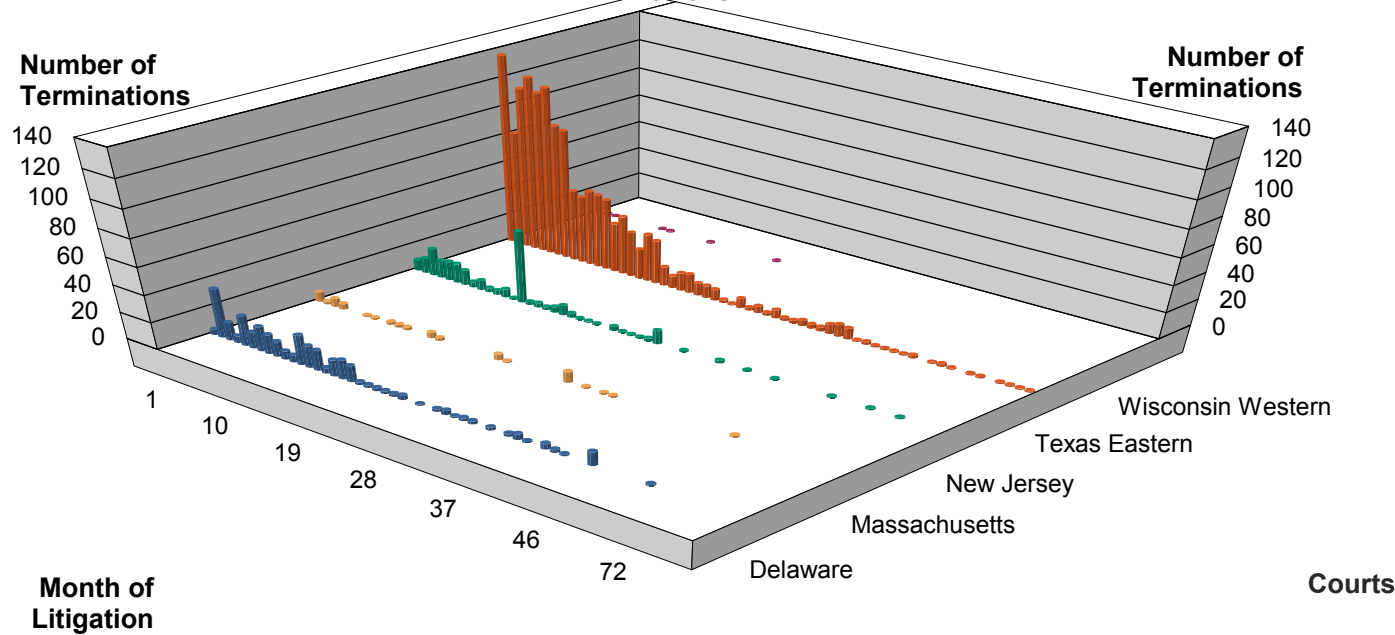
Average Time to Termination

in Months



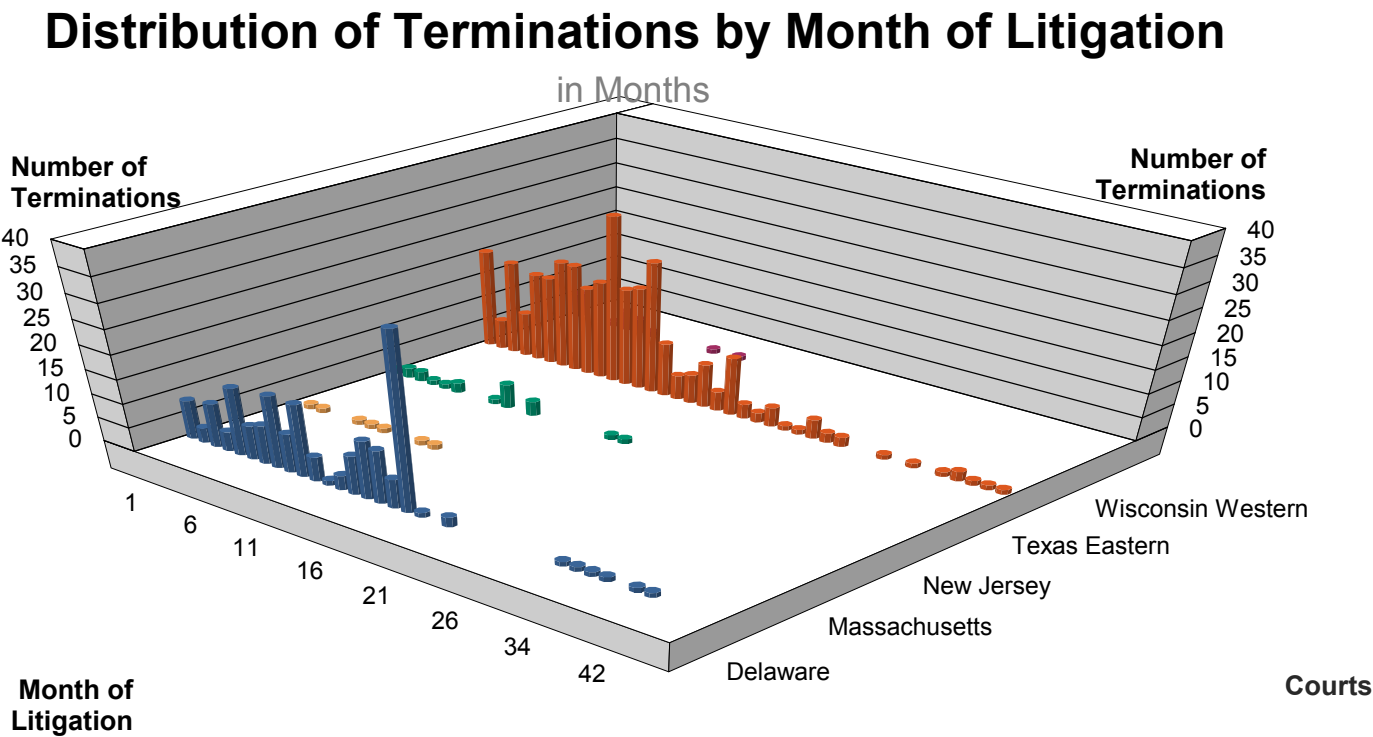
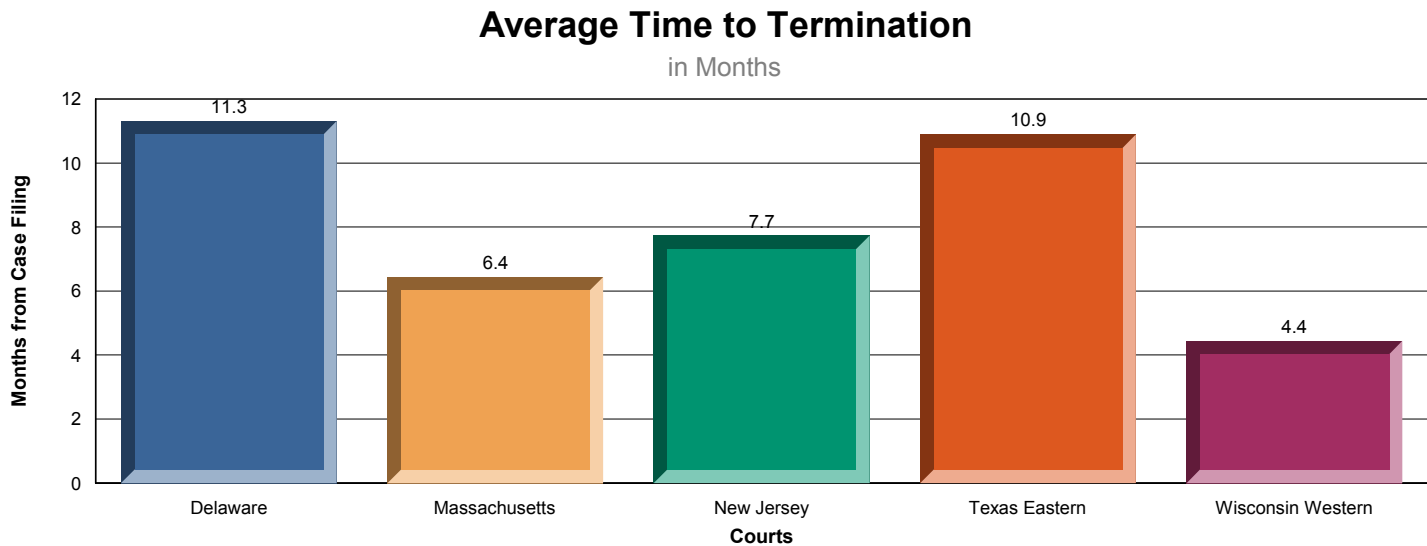
Distribution of Terminations by Month of Litigation

in Months



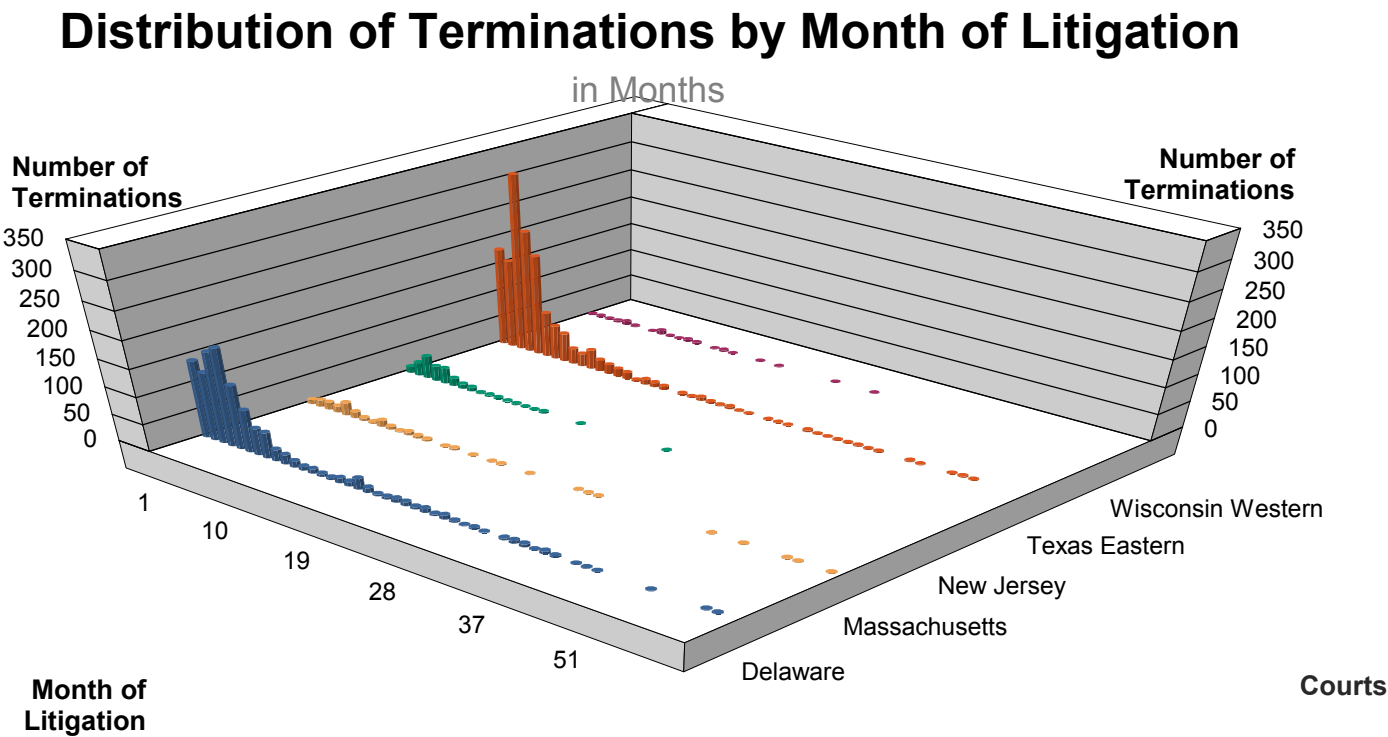
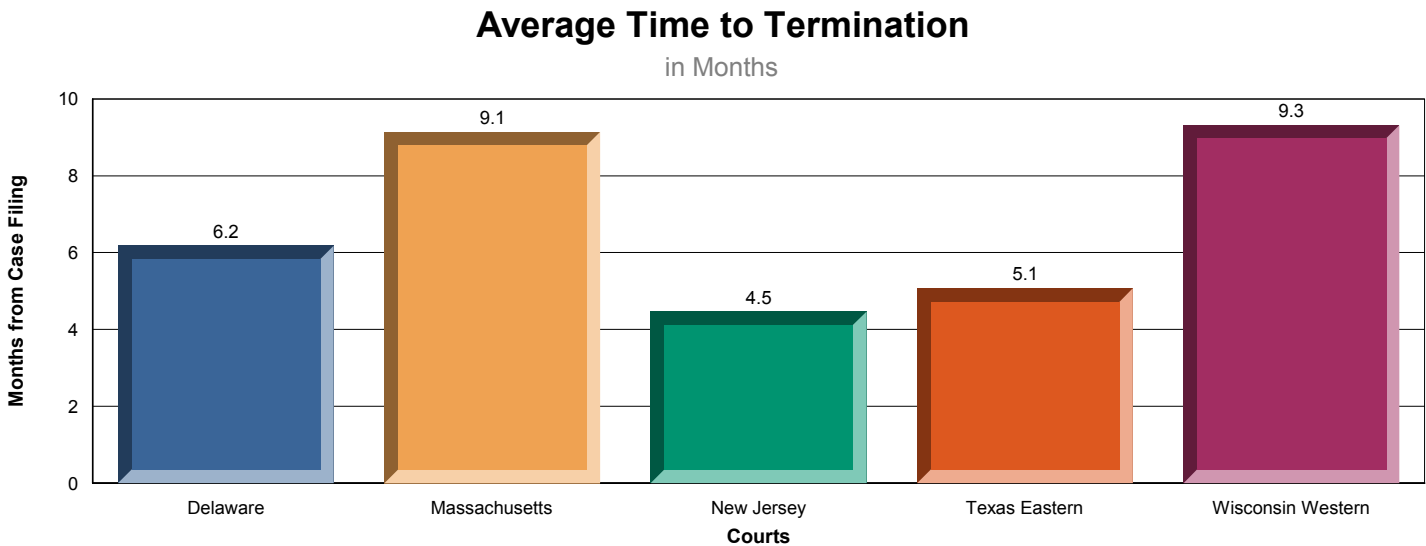
Transfer

Time to Termination for Transfer Case Terminations: The average time to termination (in months) for cases terminated by Transfer is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.



Voluntary Dismissal

Time to Termination for Voluntary Dismissal Case Terminations: The average time to termination (in months) for cases terminated by Voluntary Dismissal is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

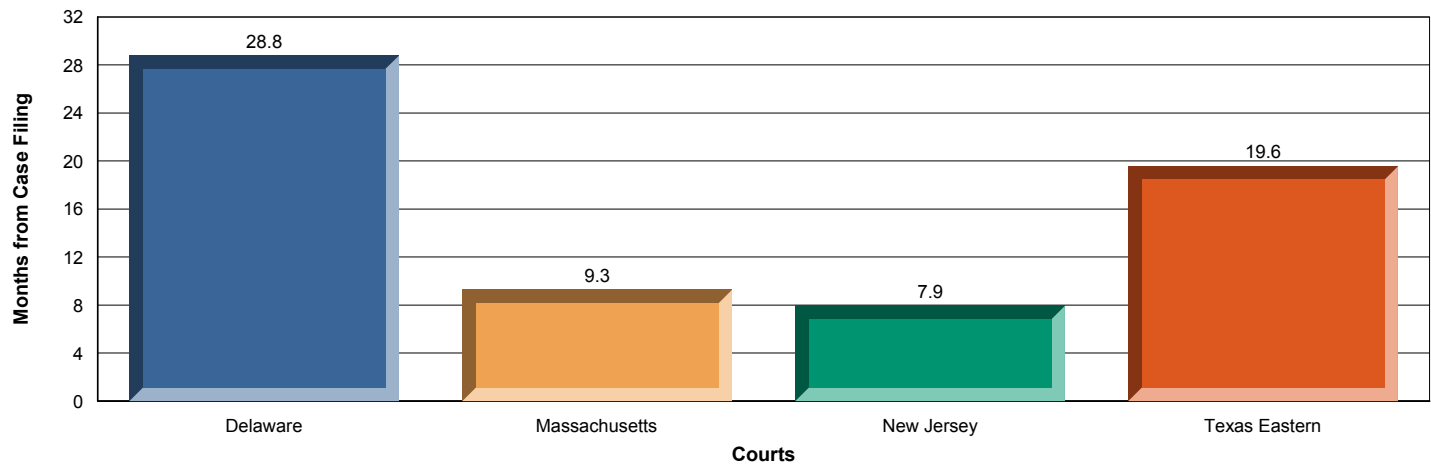


Want of Prosecution

Time to Termination for Want of Prosecution Case Terminations: The average time to termination (in months) for cases terminated by Want of Prosecution is shown in the chart immediately below. The distribution of these terminations, by month of litigation, is shown in the second chart below.

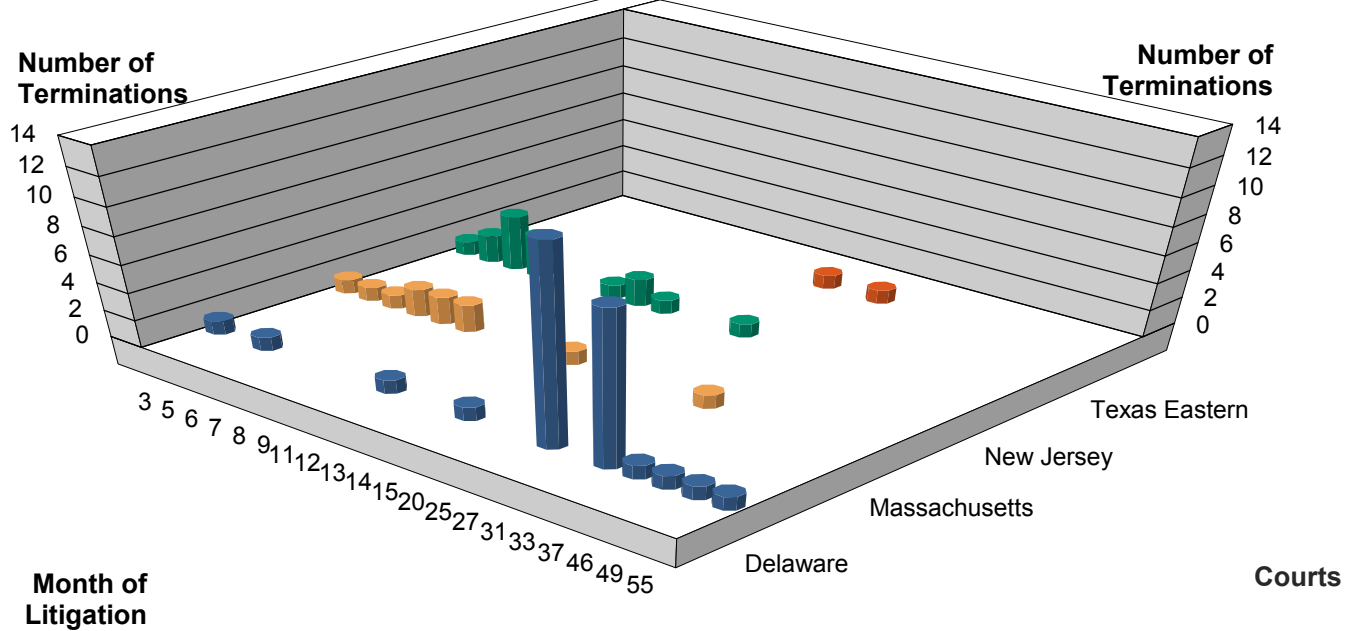
Average Time to Termination

in Months

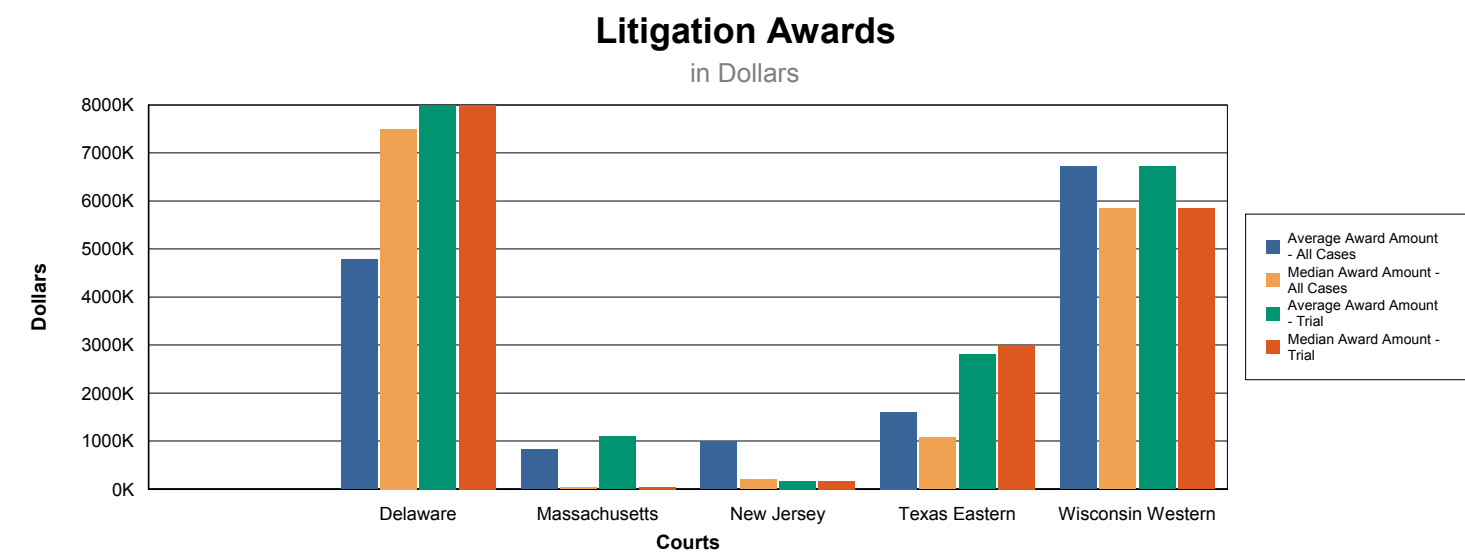


Distribution of Terminations by Month of Litigation

in Months



Damages and Other Litigation Expenses: Median and average damages awards for these districts in the type of litigation covered by this report since 1/1/2012 are shown in the chart and table below.



| | Total | | | | | |
|-------------------|-----------------------------|----------------------------|---------------------------------|-------------------------------|------------------------------|------------------------------------|
| | Average Amount - All Awards | Median Amount - All Awards | Standard Deviation - All Awards | Average Award - Trial Outcome | Median Award - Trial Outcome | Standard Deviation - Trial Outcome |
| Delaware | 4772714 | 7500000 | 3667655 | 8000000 | 8000000 | 0 |
| Massachusetts | 829000 | 40500 | 1597402 | 1093333 | 45000 | 1846160 |
| New Jersey | 996400 | 208000 | 1691452 | 174000 | 174000 | 0 |
| Texas Eastern | 1605500 | 1077000 | 1748728 | 2802333 | 3000000 | 1712080 |
| Wisconsin Western | 6712400 | 5842000 | 2499445 | 6712400 | 5842000 | 2499445 |

Attorney fees and other litigation expenses historically have run from 33% to 100% of the damage award. Applying these guidelines to the average and mean amounts set forth above, gives the total potential litigation expenses set forth below. Note that these expenses could be even higher if the case at issue has a higher than average damage award, and could be less if the case is terminated quickly.

| | Total | | | |
|-------------------|------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| | Total Cost - Low - Some Award Made | Total Cost - High - Some Award Made | Total Cost - Low - Trial Award Made | Total Cost - High - Trial Award Made |
| Delaware | 6347710 | 9545429 | 10640000 | 16000000 |
| Massachusetts | 1102570 | 1658000 | 1454133 | 2186667 |
| New Jersey | 1325212 | 1992800 | 231420 | 348000 |
| Texas Eastern | 2135315 | 3211000 | 3727103 | 5604667 |
| Wisconsin Western | 8927492 | 13424800 | 8927492 | 13424800 |

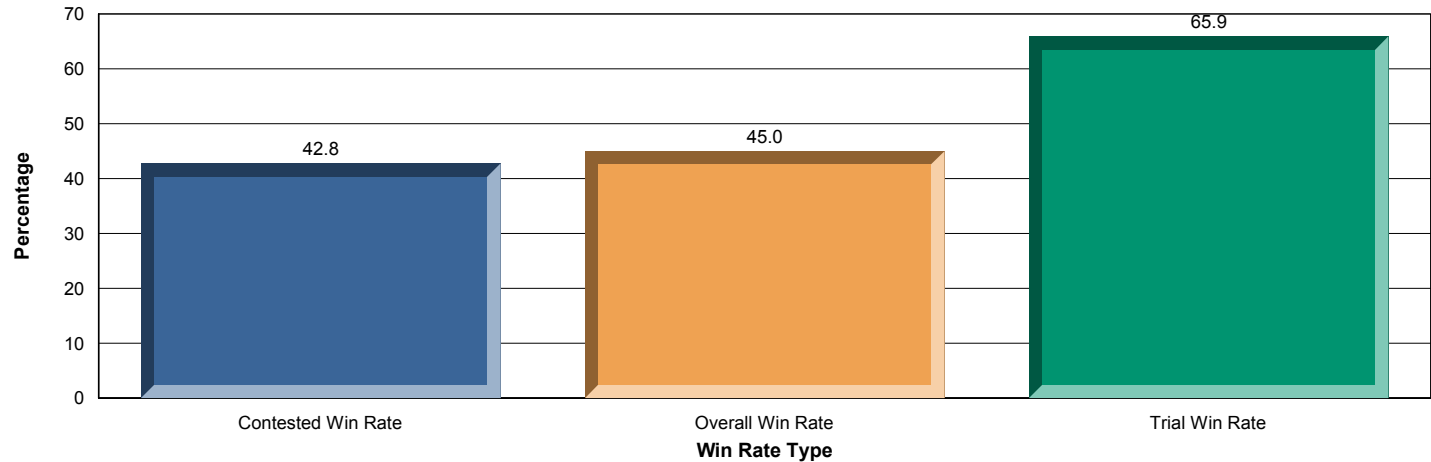
The variation of total litigation expense by month of litigation for these courts is shown in the table below.

| | | Total | | | |
|-------------------|-------|---------------------------------------|--|--|---|
| | | Total Cost - Low - Some Award Made | Total Cost - High - Some Award Made | Total Cost - Low - Trial Award Made | Total Cost - High - Trial Award Made |
| Delaware | Total | 6347710 | 9545429 | 10640000 | 16000000 |
| | 1 | 9975000 | 15000000 | | |
| | 32 | 3192000 | 4800000 | | |
| | 33 | 9975000 | 15000000 | | |
| | 38 | 498750 | 750000 | | |
| | 59 | 45220 | 68000 | | |
| | 65 | 10640000 | 16000000 | 10640000 | 16000000 |
| | 74 | 10108000 | 15200000 | | |
| Massachusetts | Total | 1102570 | 1658000 | 1454133 | 2186667 |
| | 27 | 13300 | 20000 | 13300 | 20000 |
| | 44 | 59850 | 90000 | 59850 | 90000 |
| | 54 | 4289250 | 6450000 | 4289250 | 6450000 |
| | 64 | 47880 | 72000 | | |
| New Jersey | Total | 1325212 | 1992800 | 231420 | 348000 |
| | 1 | 768740 | 1156000 | | |
| | 11 | 29260 | 44000 | | |
| | 13 | 276640 | 416000 | | |
| | 29 | 5320000 | 8000000 | | |
| | 50 | 231420 | 348000 | 231420 | 348000 |
| Texas Eastern | Total | 2135315 | 3211000 | 3727103 | 5604667 |
| | 7 | 1534820 | 2308000 | | |
| | 8 | 39900 | 60000 | | |
| | 13 | 55860 | 84000 | | |
| | 37 | 3990000 | 6000000 | 3990000 | 6000000 |
| | 39 | 5861310 | 8814000 | 5861310 | 8814000 |
| | 41 | 1330000 | 2000000 | 1330000 | 2000000 |
| Wisconsin Western | Total | 8927492 | 13424800 | 8927492 | 13424800 |
| | 6 | 12967500 | 19500000 | 12967500 | 19500000 |
| | 11 | 7769860 | 11684000 | 7769860 | 11684000 |
| | 17 | 11508490 | 17306000 | 11508490 | 17306000 |
| | 20 | 7769860 | 11684000 | 7769860 | 11684000 |
| | 29 | 4621750 | 6950000 | 4621750 | 6950000 |

Win Rates for Wilmington Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

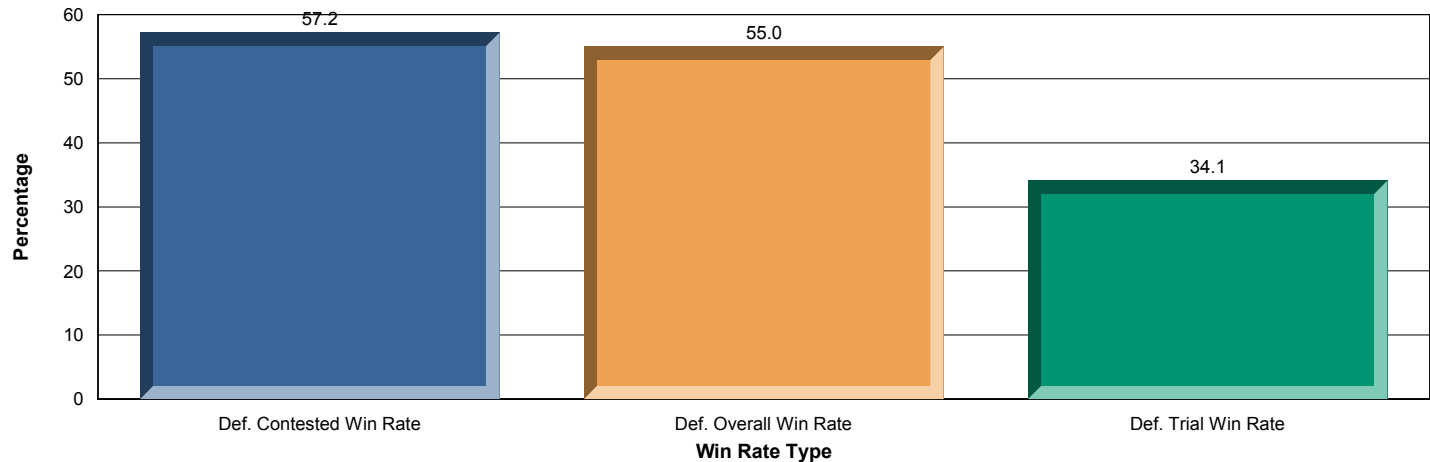
Plaintiff Win Rates

For Wilmington



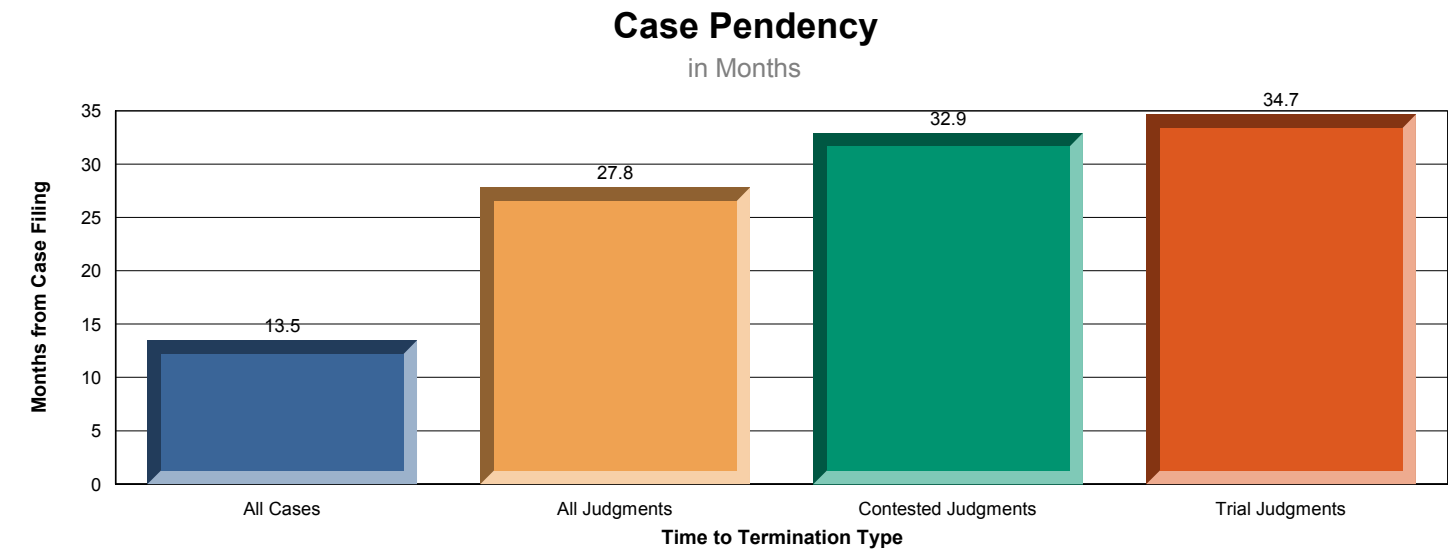
Defendant Win Rates

For Wilmington

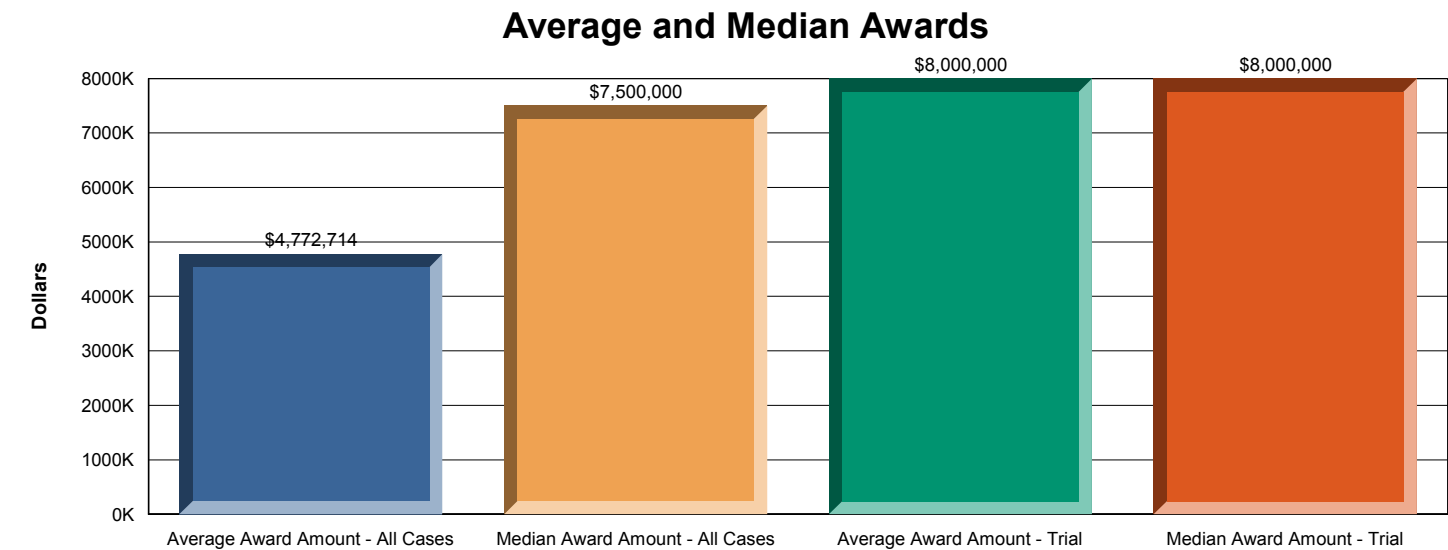


| | Total | | |
|-------|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| Total | 235 | 360 | 151 |

Pendency for Wilmington Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Wilmington Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 7 | 1 |

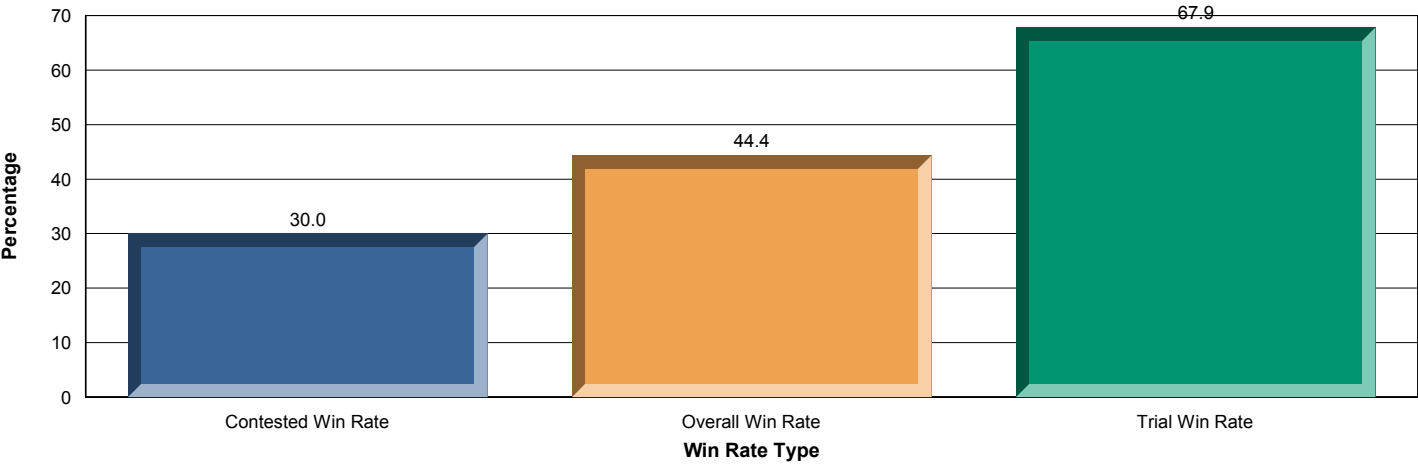
Massachusetts
Boston

Massachusetts

Win Rates for Boston Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

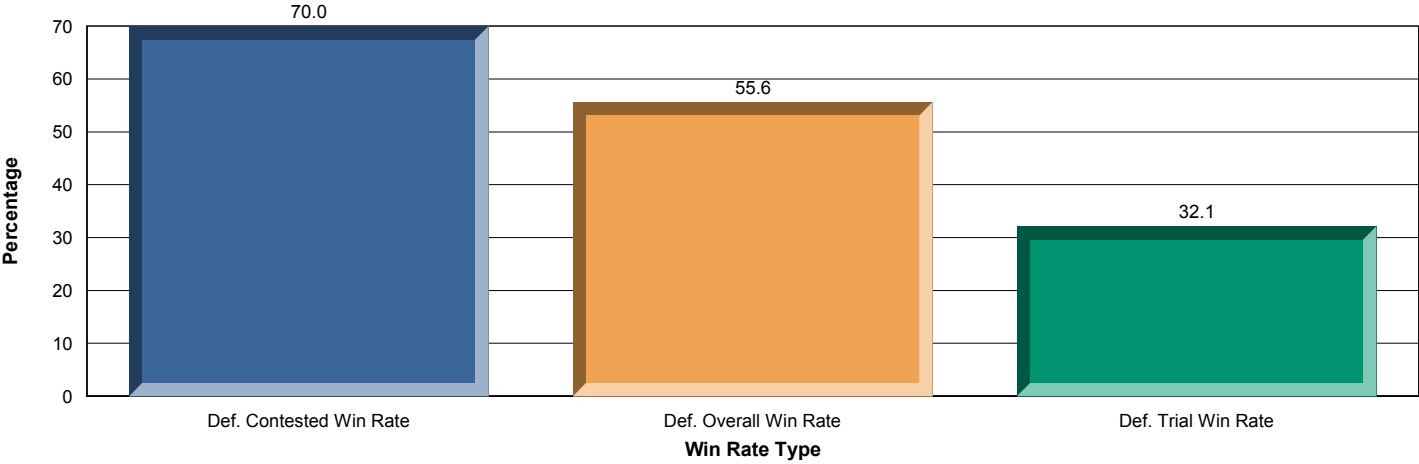
Plaintiff Win Rates

For Boston



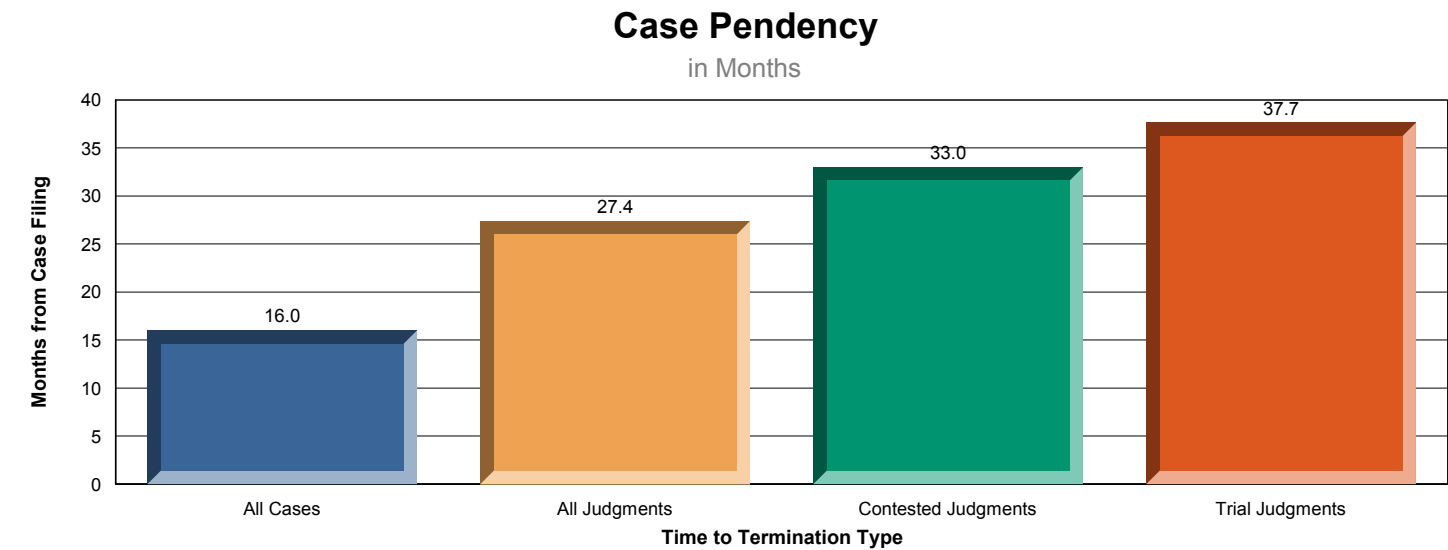
Defendant Win Rates

For Boston

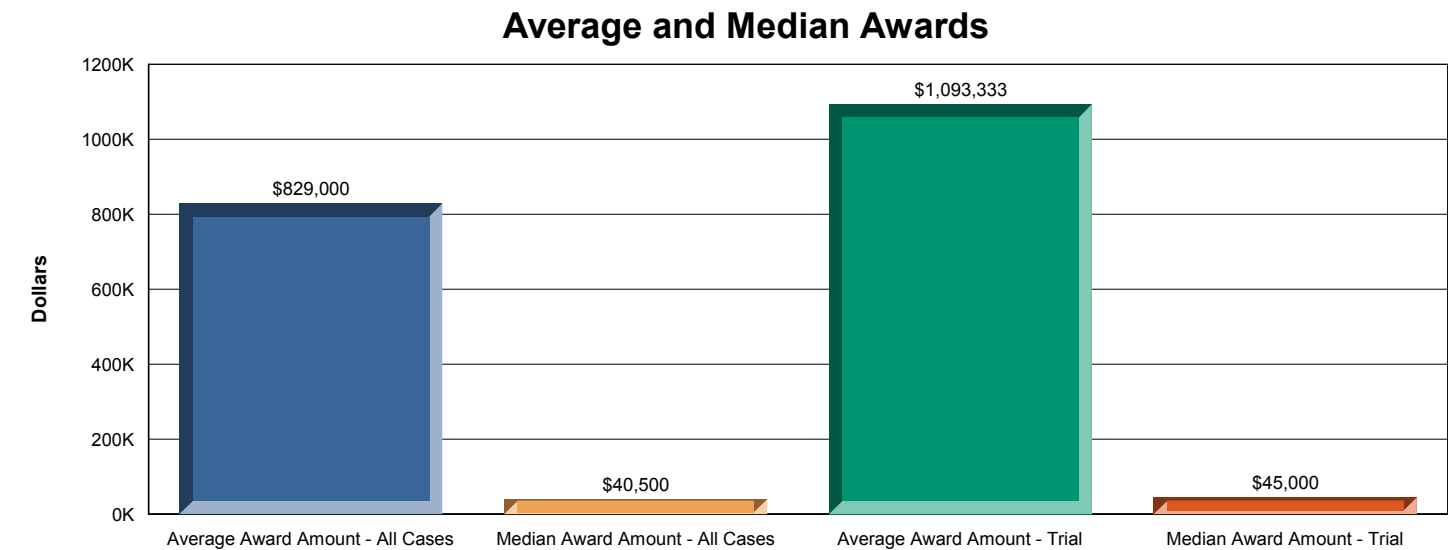


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 50 | 71 | 14 |

Pendency for Boston Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Boston Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 4 | 3 |

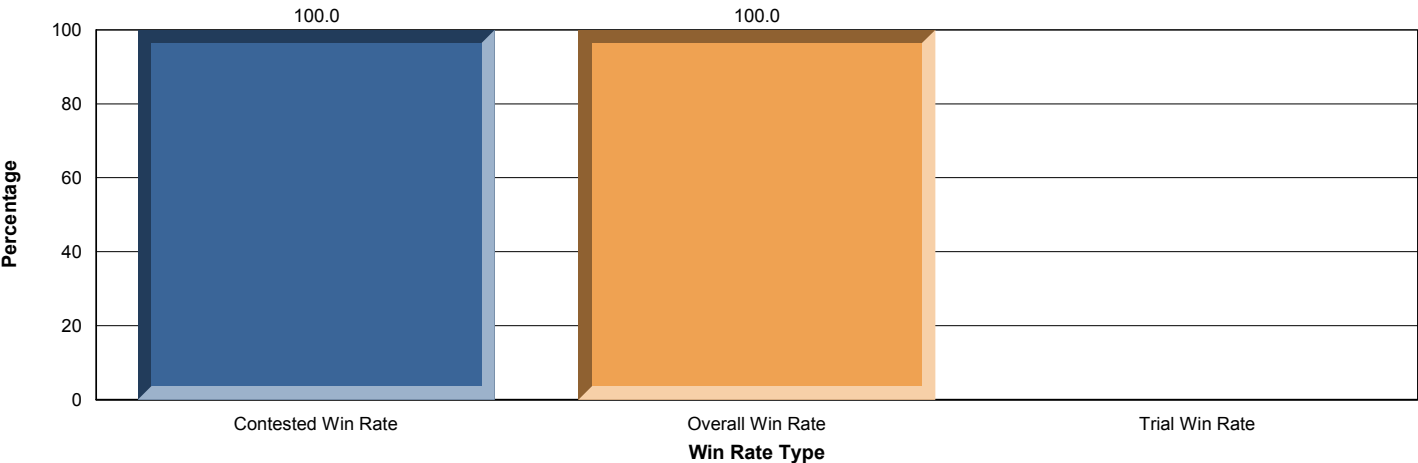
Springfield

Massachusetts

Win Rates for Springfield Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

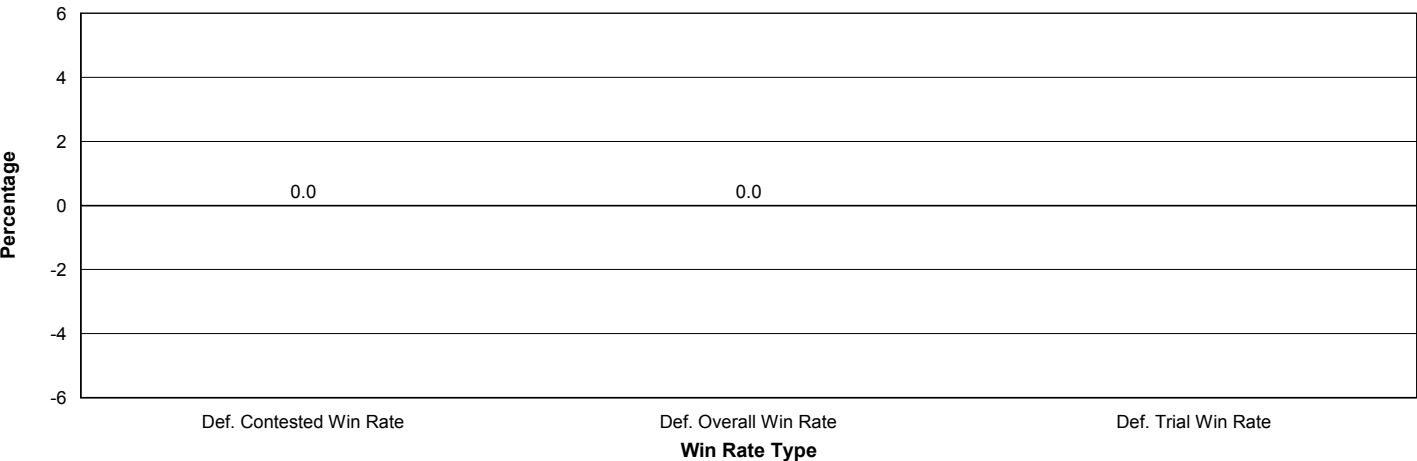
Plaintiff Win Rates

For Springfield



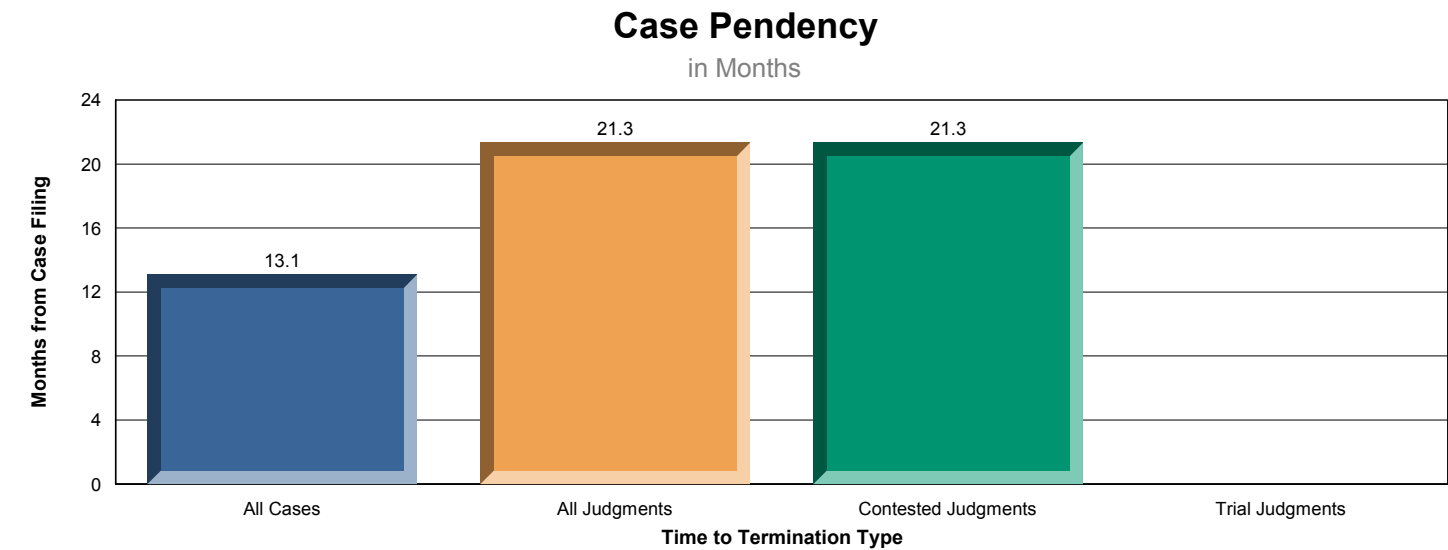
Defendant Win Rates

For Springfield

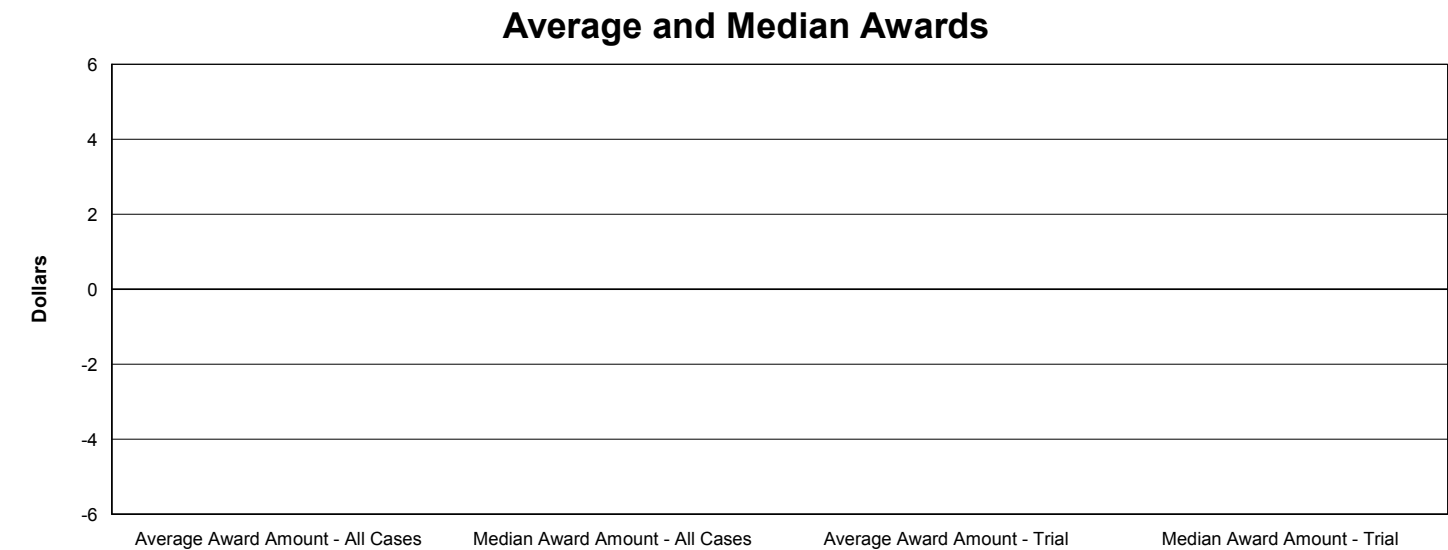


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 1 | 1 | 0 |

Pendency for Springfield Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Springfield Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 0 | 0 |

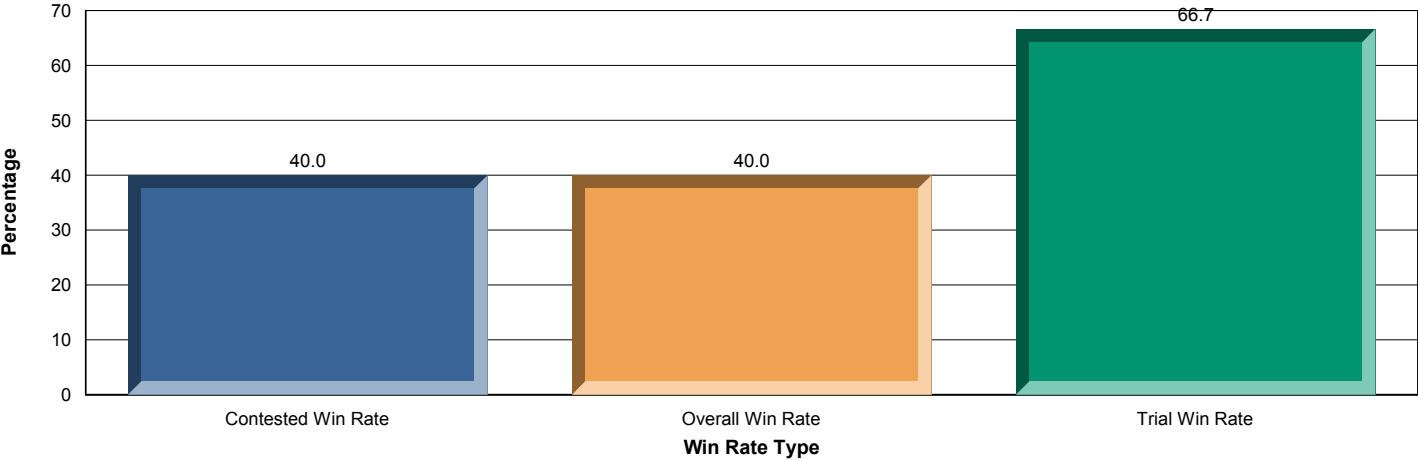
Worcester

Massachusetts

Win Rates for Worcester Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

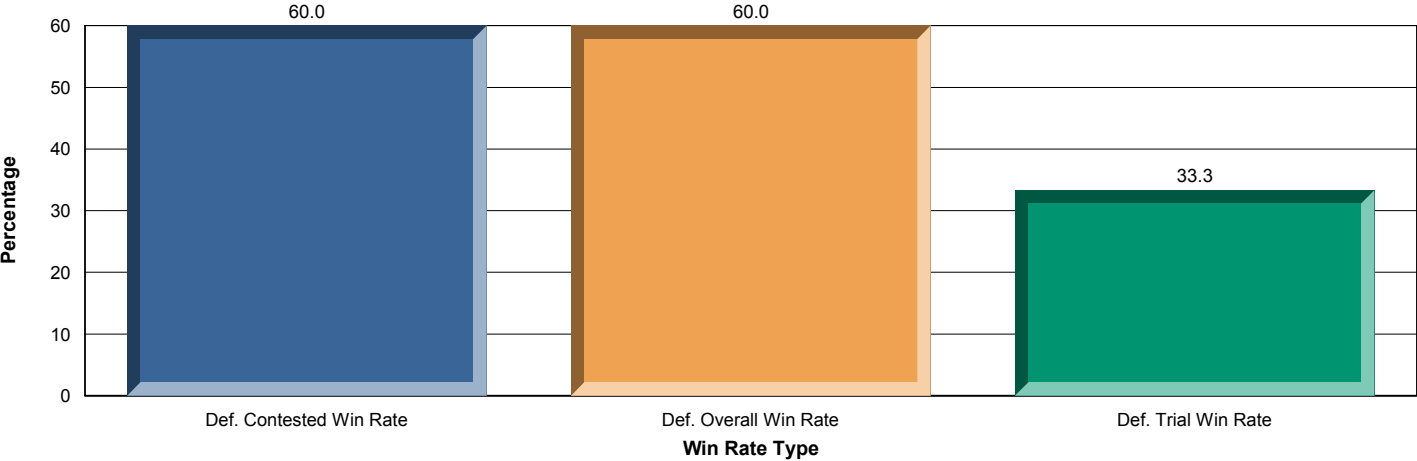
Plaintiff Win Rates

For Worcester



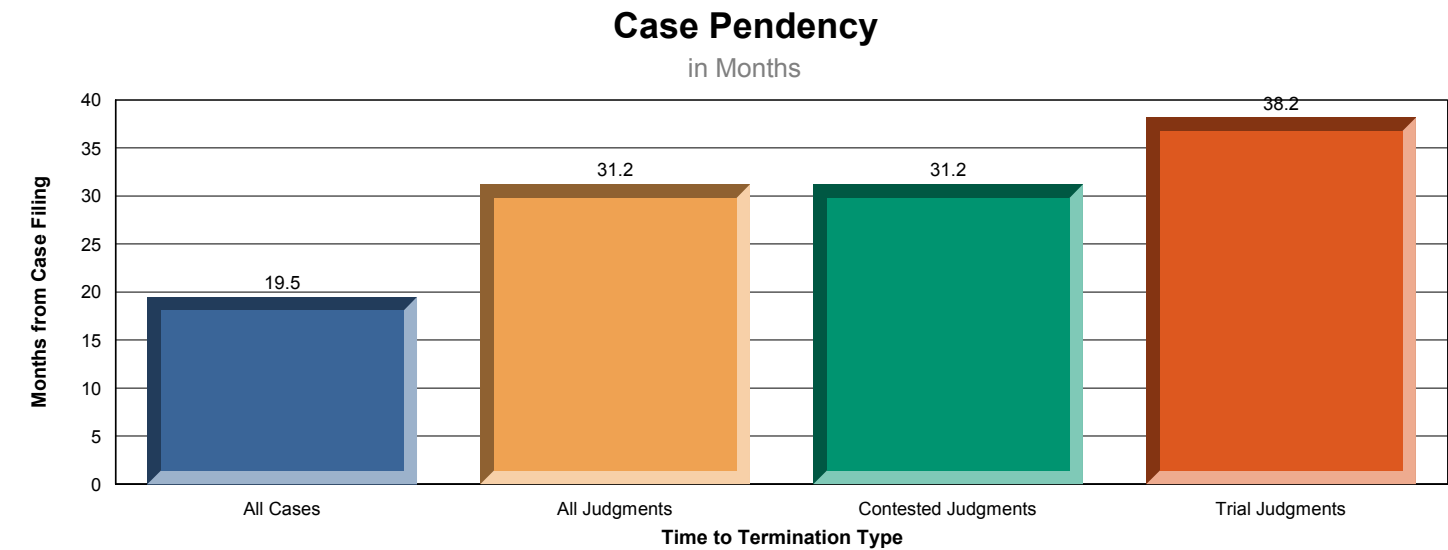
Defendant Win Rates

For Worcester

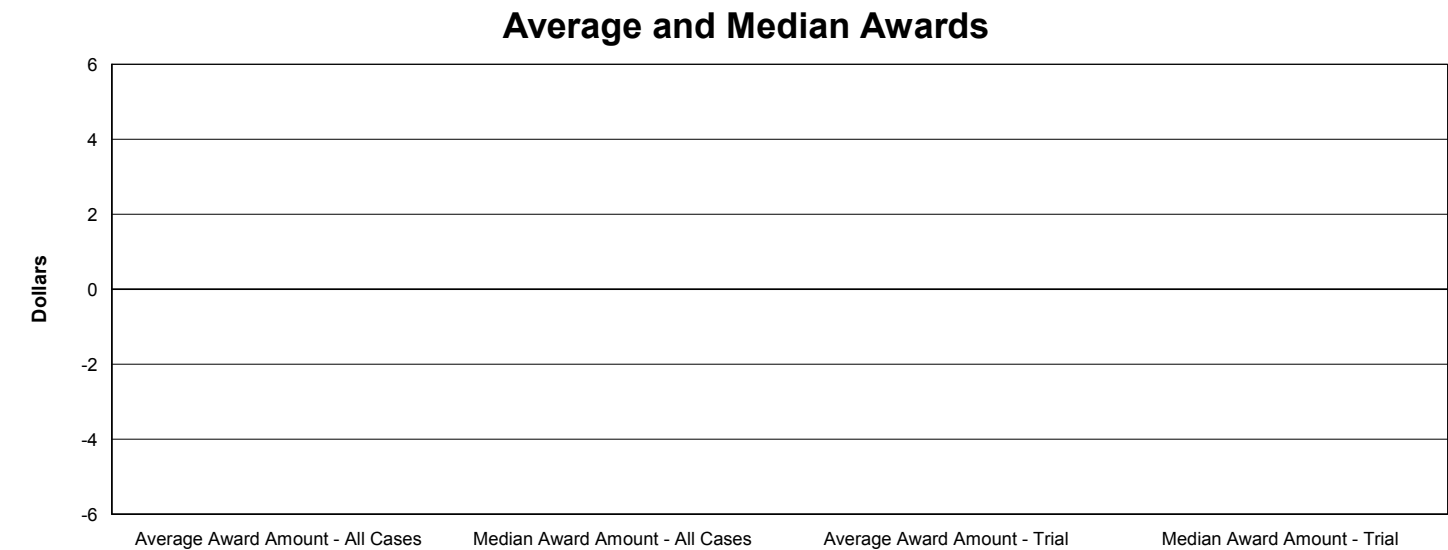


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 5 | 5 | 3 |

Pendency for Worcester Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Worcester Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 0 | 0 |

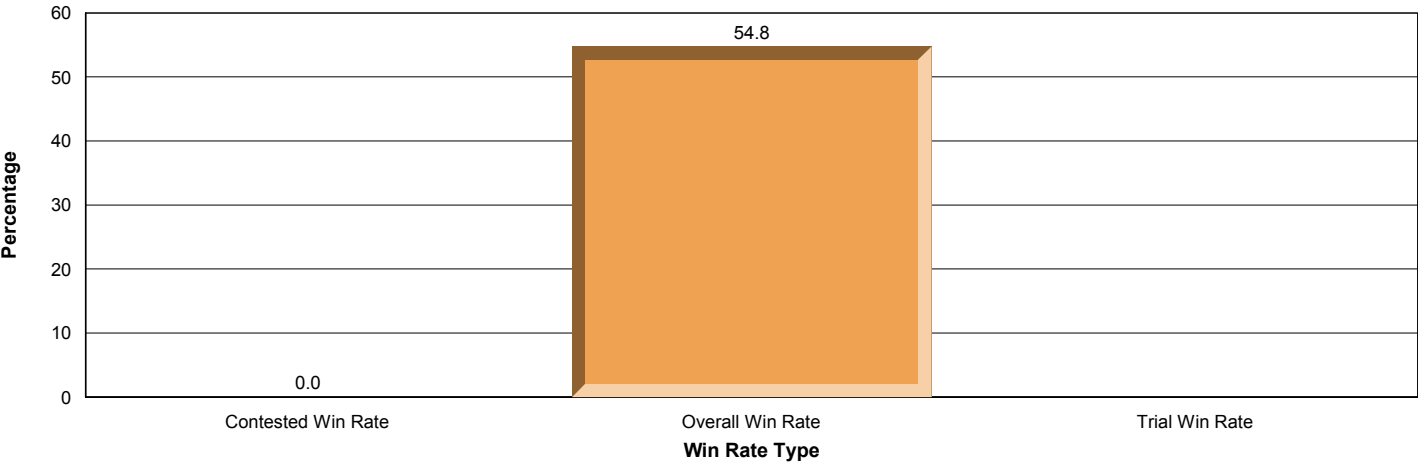
New Jersey
Camden

New Jersey

Win Rates for Camden Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

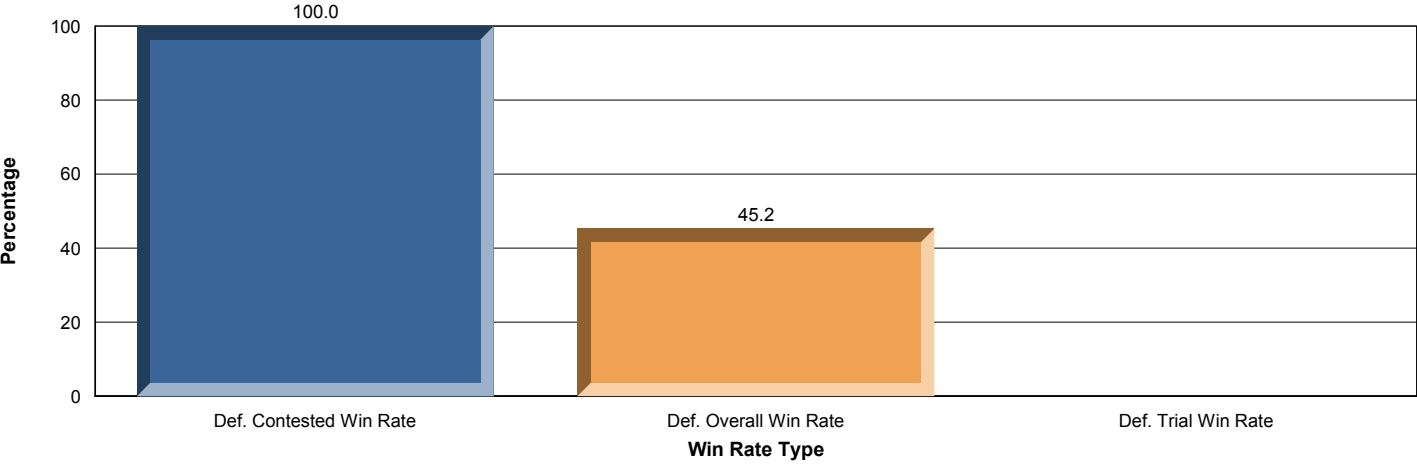
Plaintiff Win Rates

For Camden



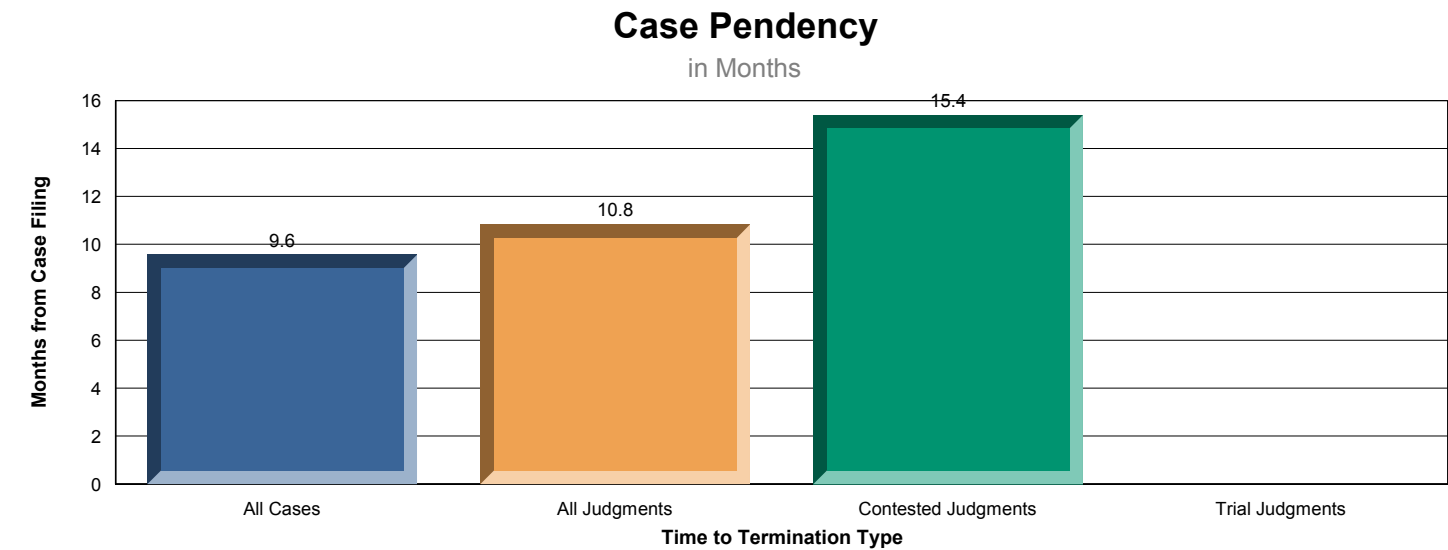
Defendant Win Rates

For Camden

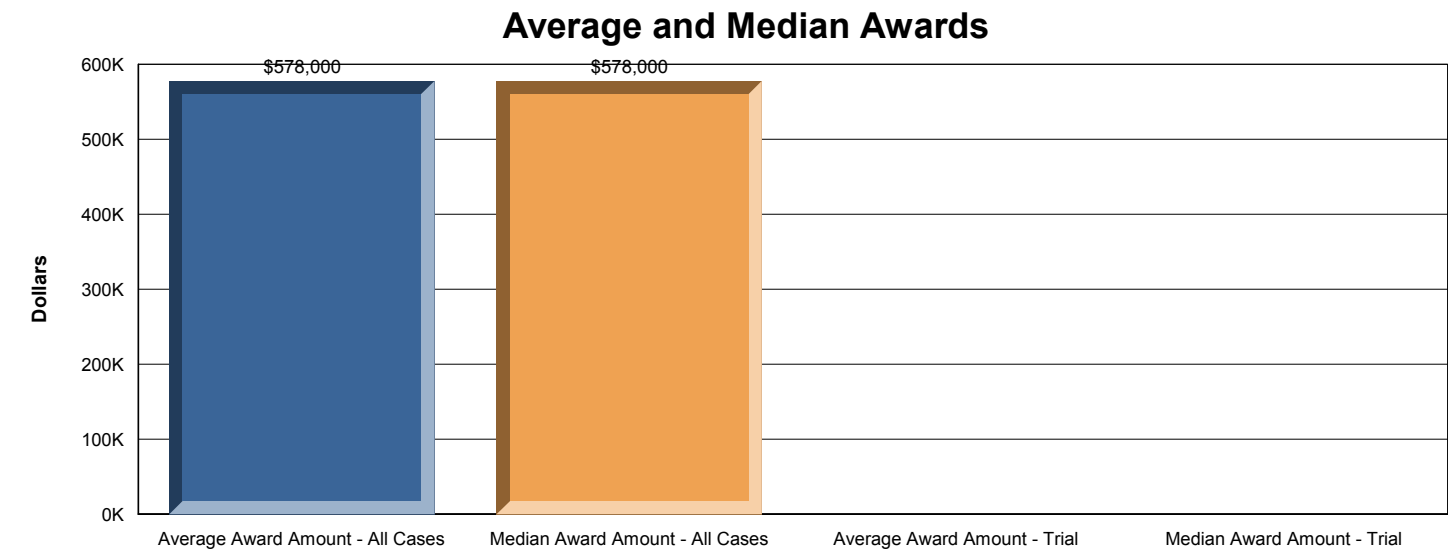


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 7 | 21 | 0 |

Pendency for Camden Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Camden Division: The average and mean damage awards in these cases are shown in the chart below.



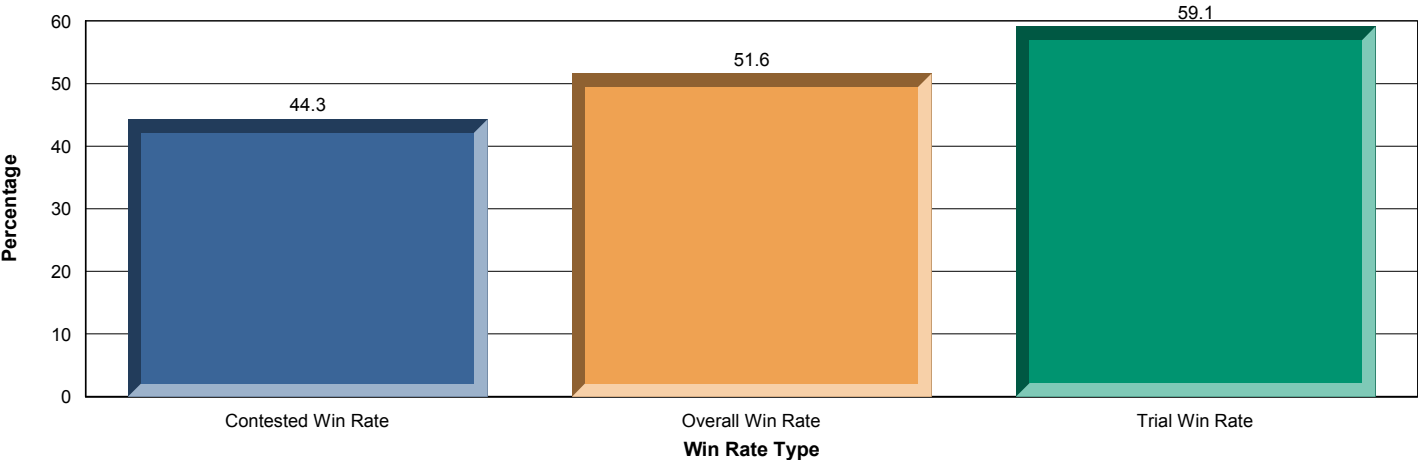
| | Total | |
|-------|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 1 | 0 |
| Total | 1 | 0 |

NewarkNew Jersey

Win Rates for Newark Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

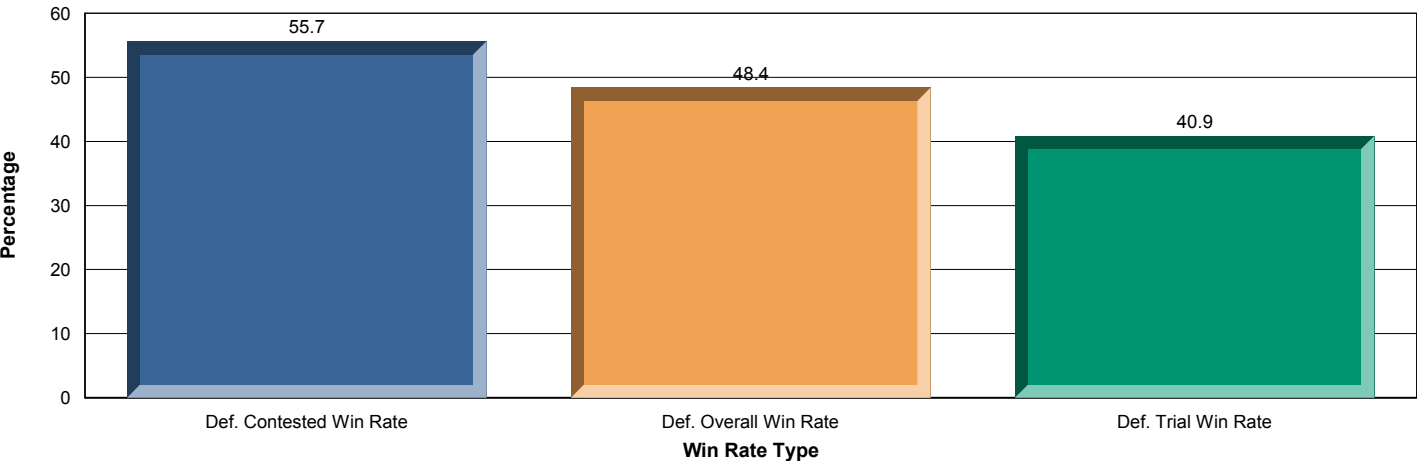
Plaintiff Win Rates

For Newark



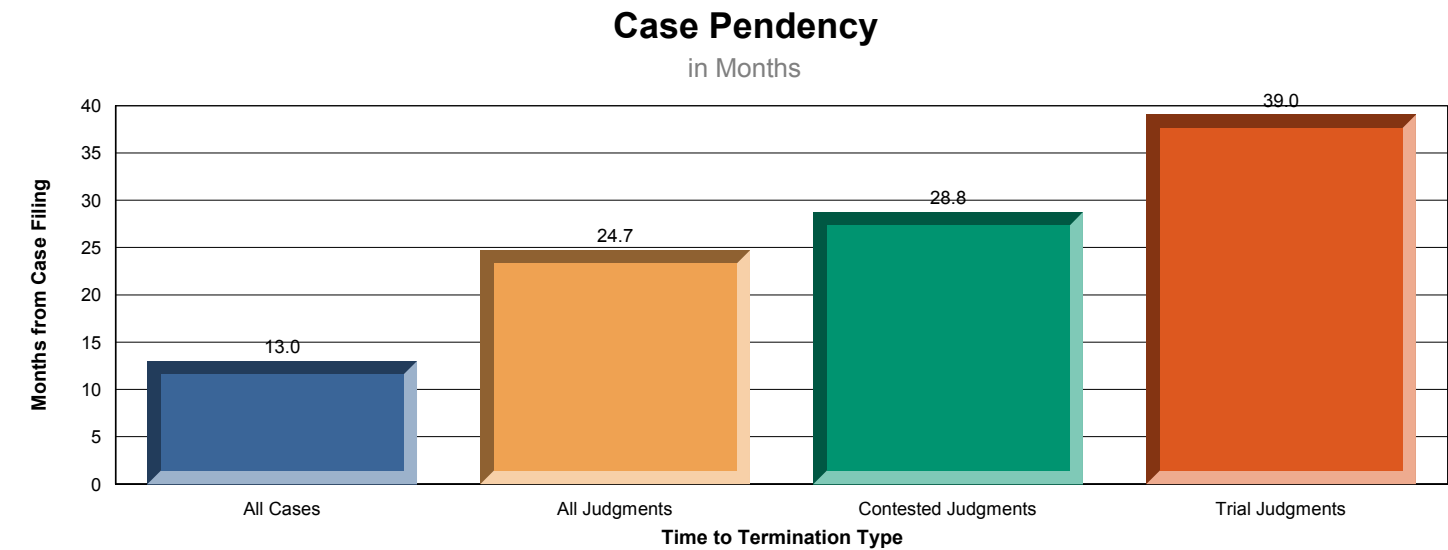
Defendant Win Rates

For Newark

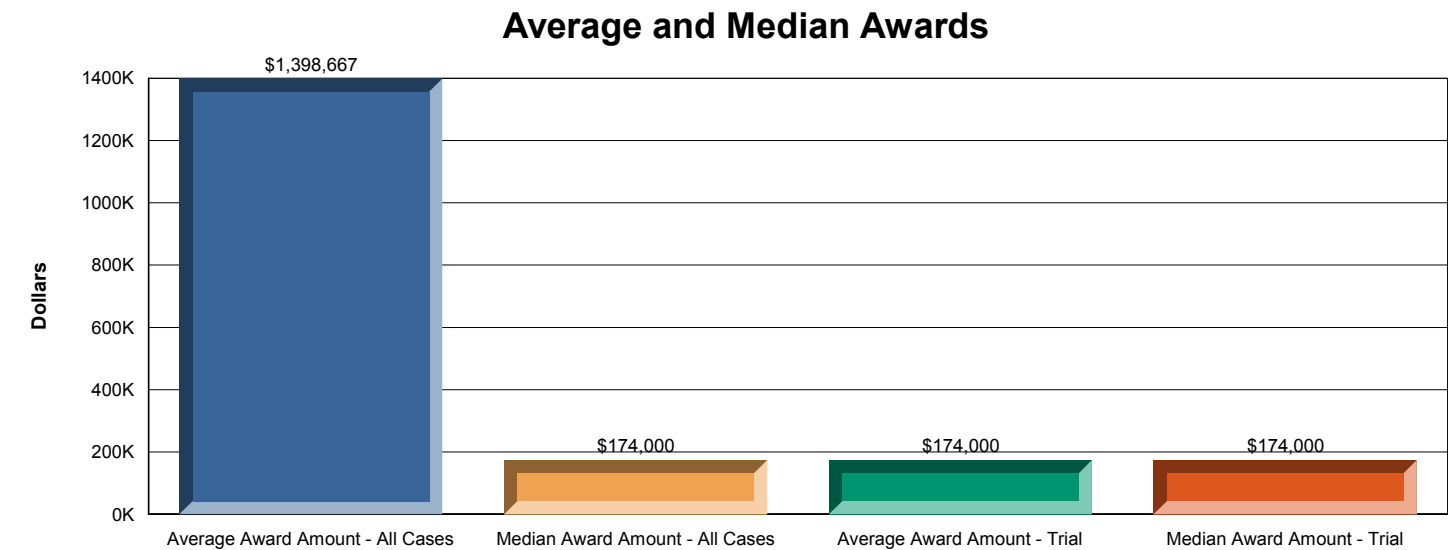


| | Total | | |
|-------|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 44 | 63 | 11 |
| Total | 44 | 63 | 11 |

Pendency for Newark Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Newark Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 3 | 1 |

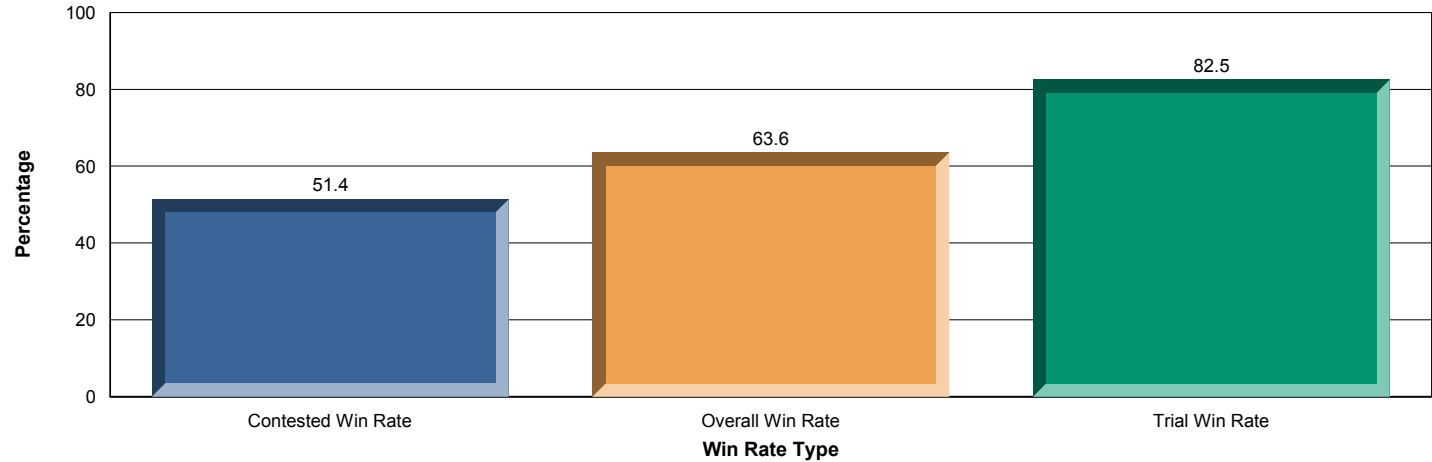
Trenton

New Jersey

Win Rates for Trenton Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

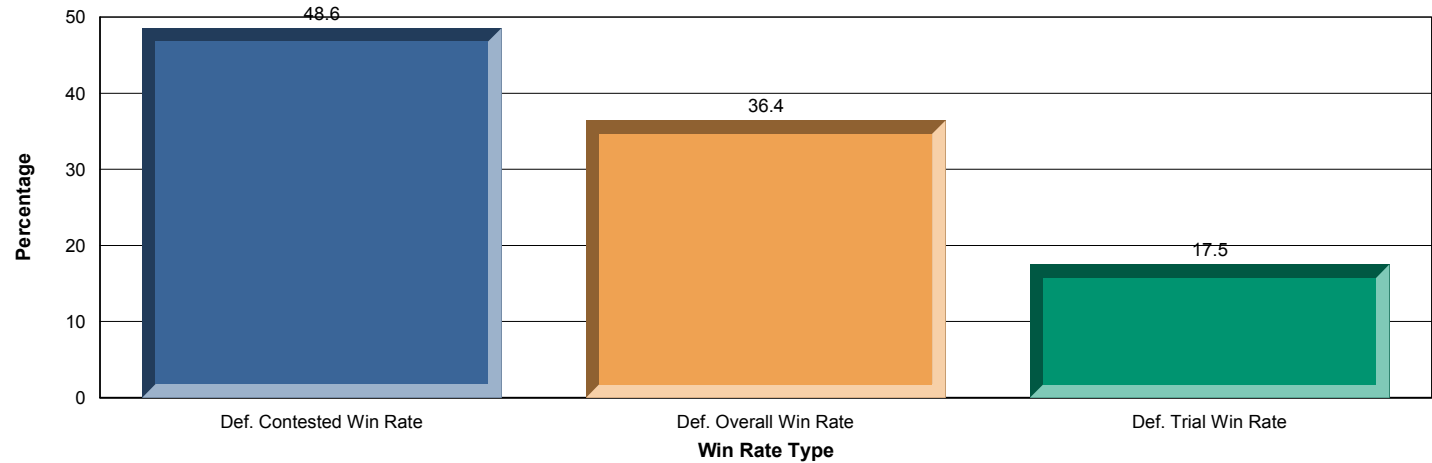
Plaintiff Win Rates

For Trenton



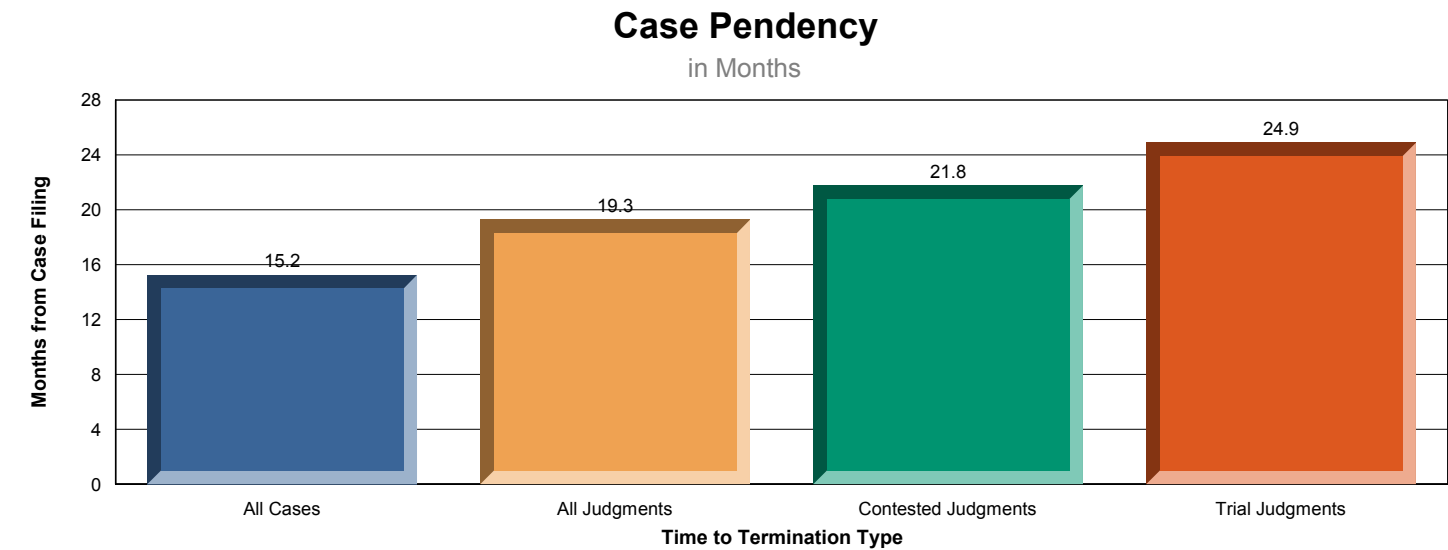
Defendant Win Rates

For Trenton

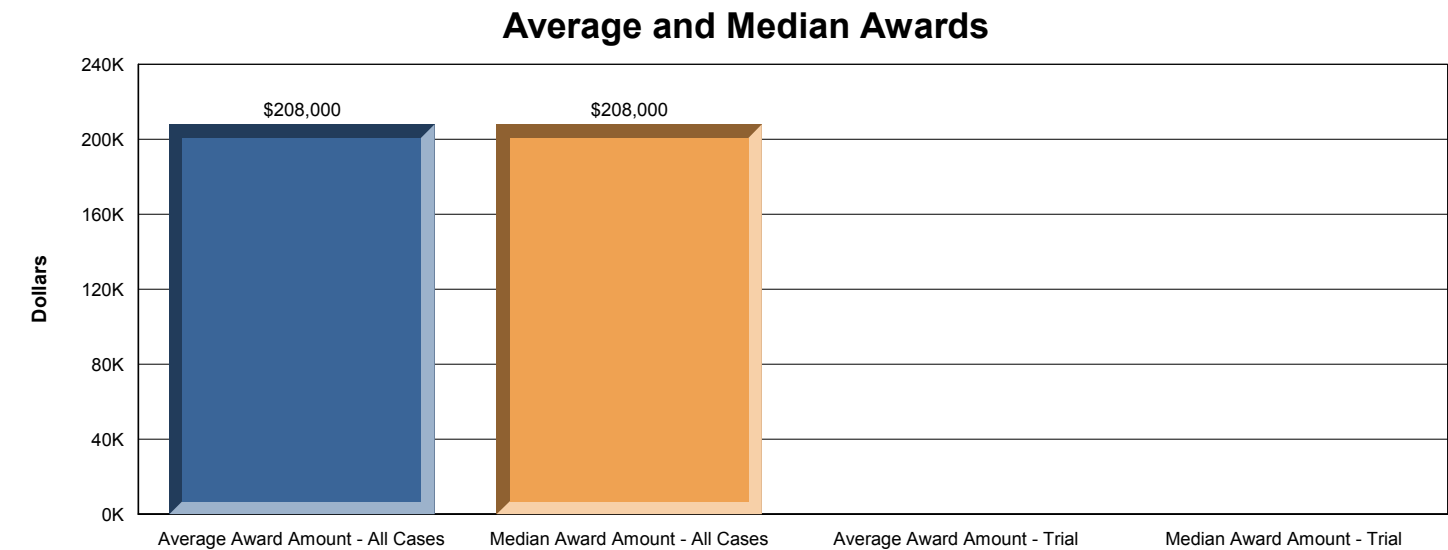


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 35 | 59 | 20 |

Pendency for Trenton Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Trenton Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 1 | 0 |

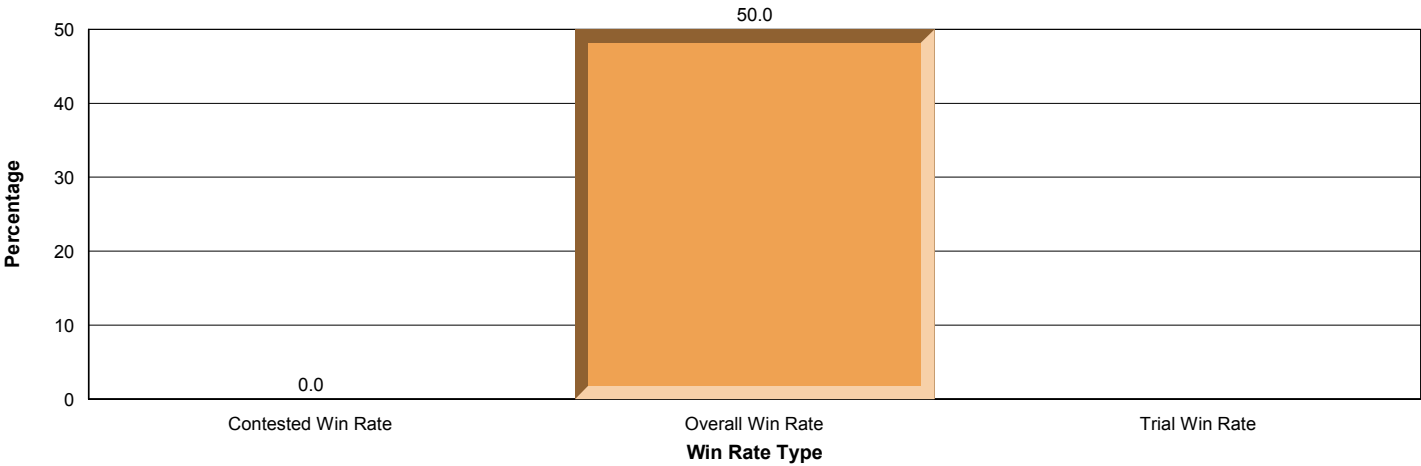
Texas Eastern
Beaumont

Texas Eastern

Win Rates for Beaumont Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

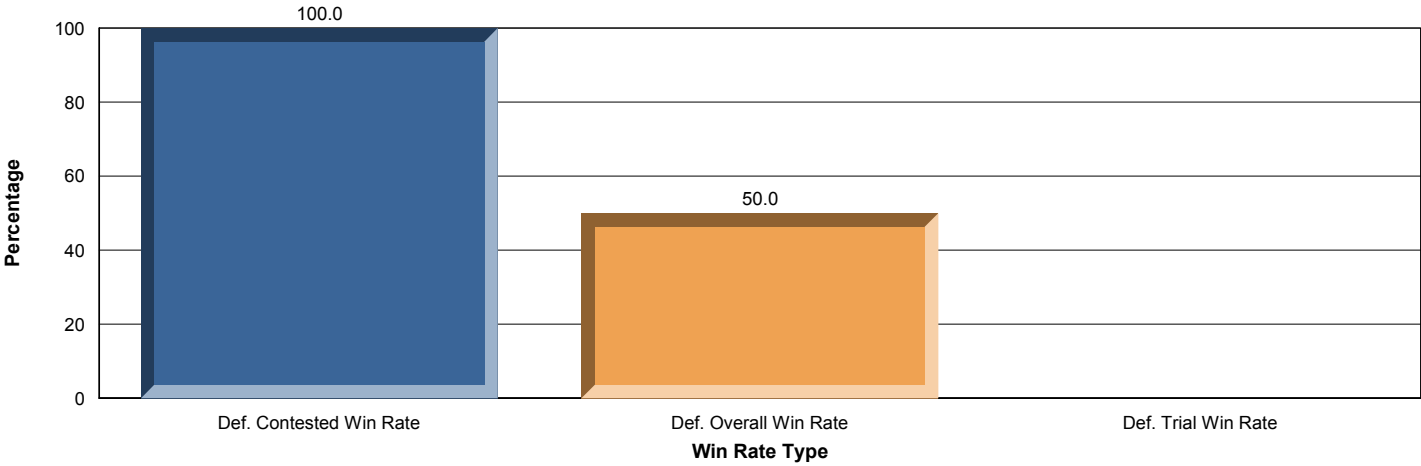
Plaintiff Win Rates

For Beaumont



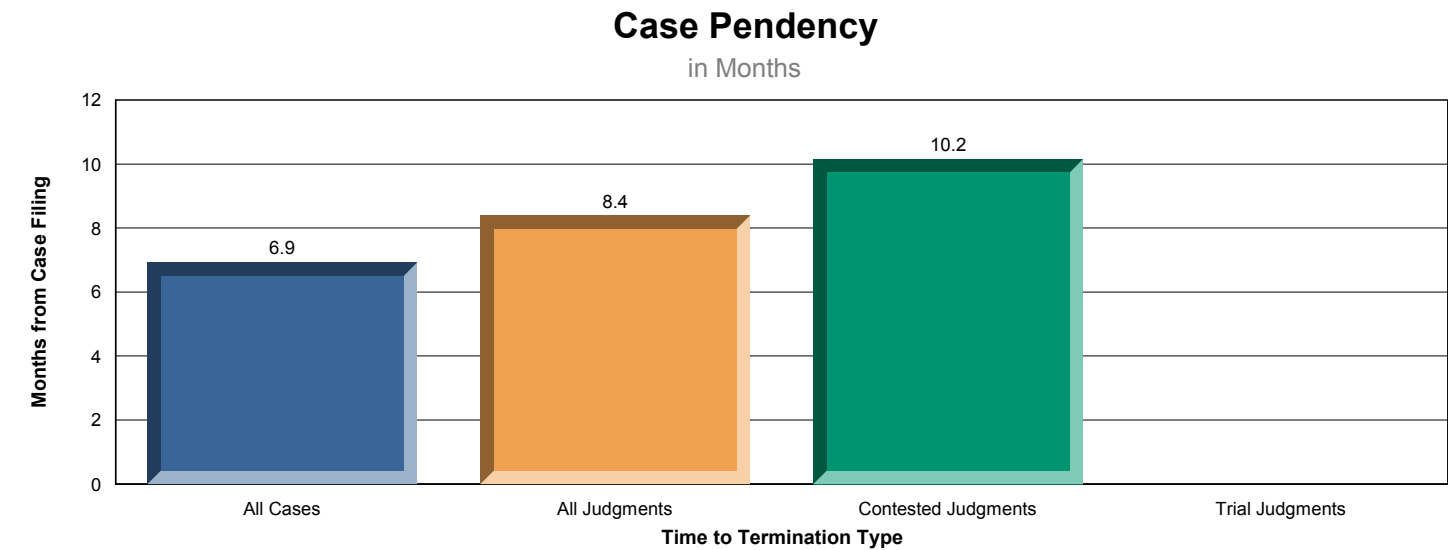
Defendant Win Rates

For Beaumont

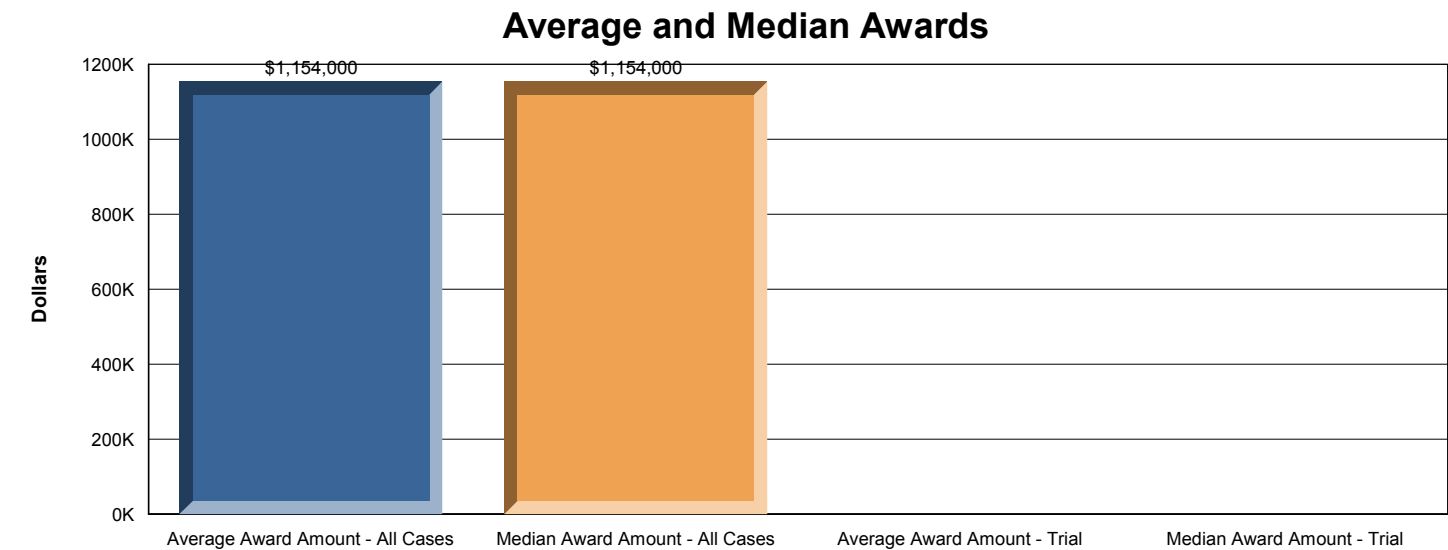


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 1 | 2 | 0 |

Pendency for Beaumont Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Beaumont Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 1 | 0 |

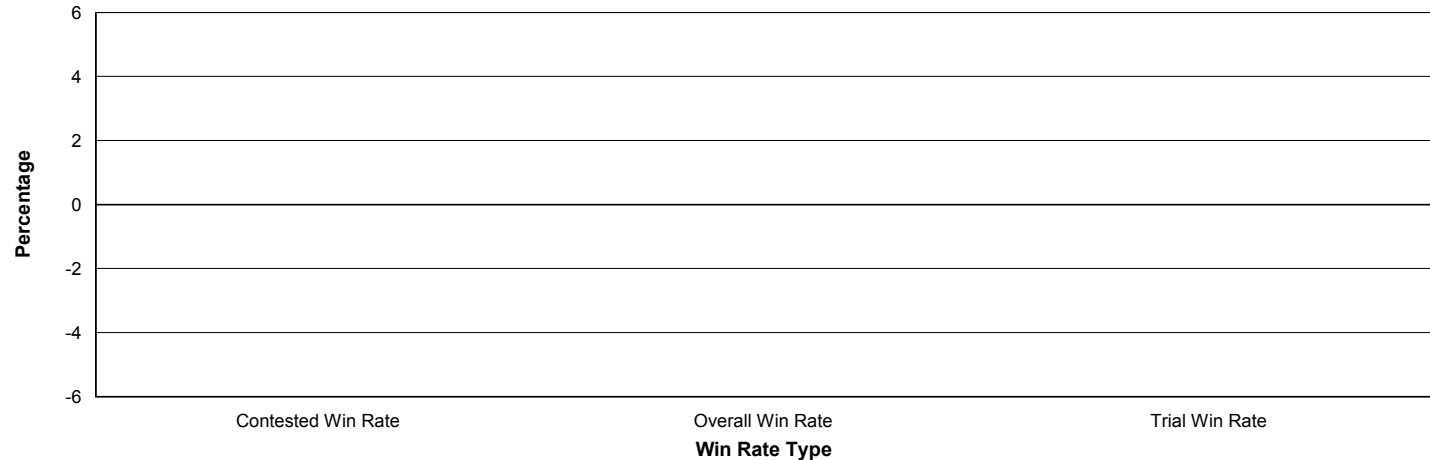
Lufkin

Texas Eastern

Win Rates for Lufkin Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

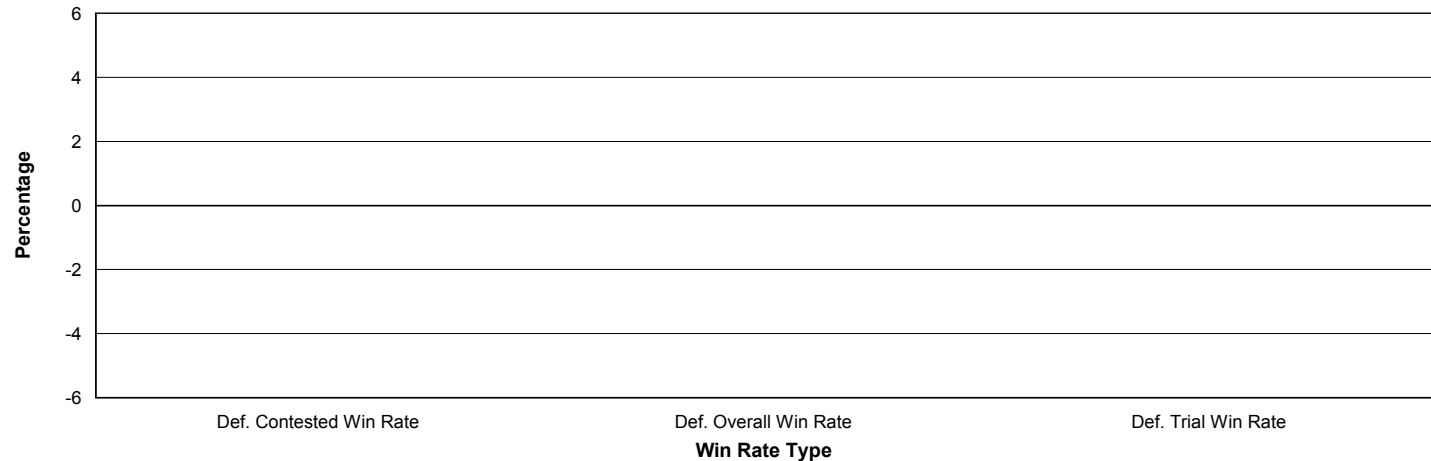
Plaintiff Win Rates

For Lufkin



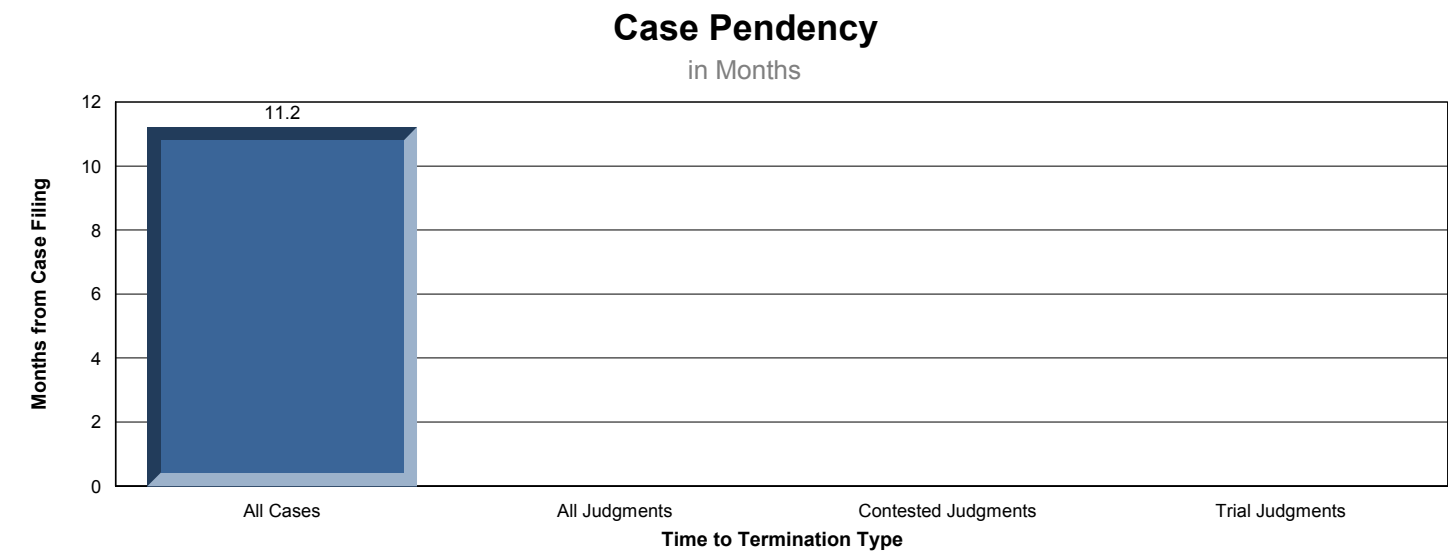
Defendant Win Rates

For Lufkin

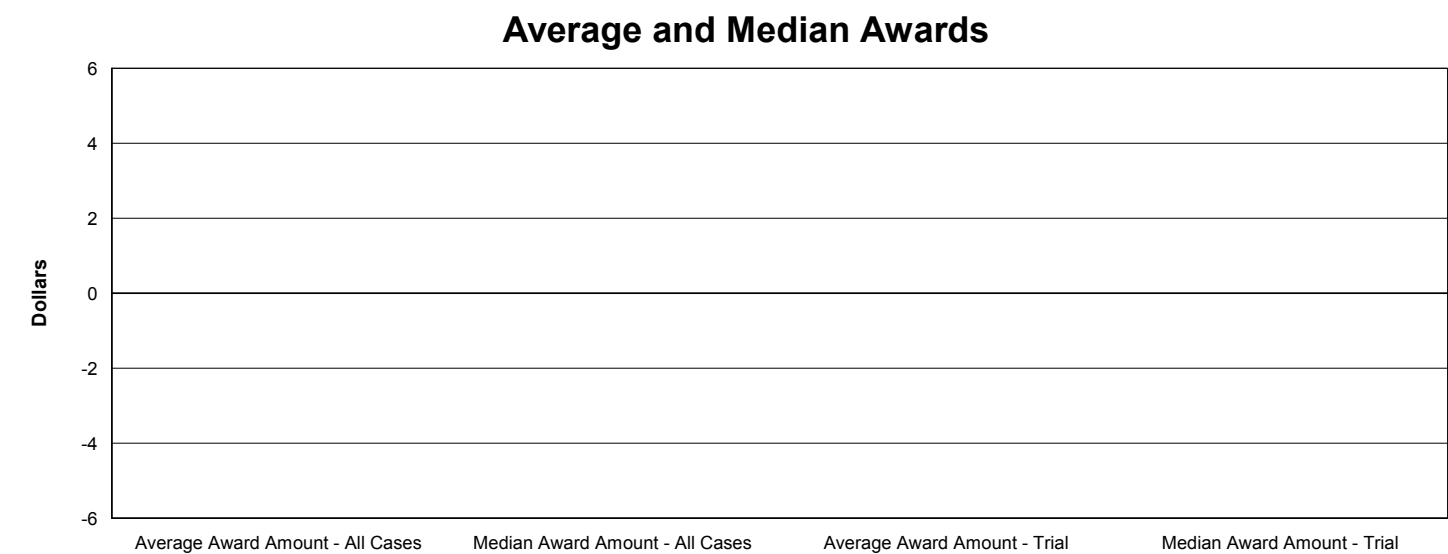


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 0 | 0 | 0 |

Pendency for Lufkin Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Lufkin Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 0 | 0 |

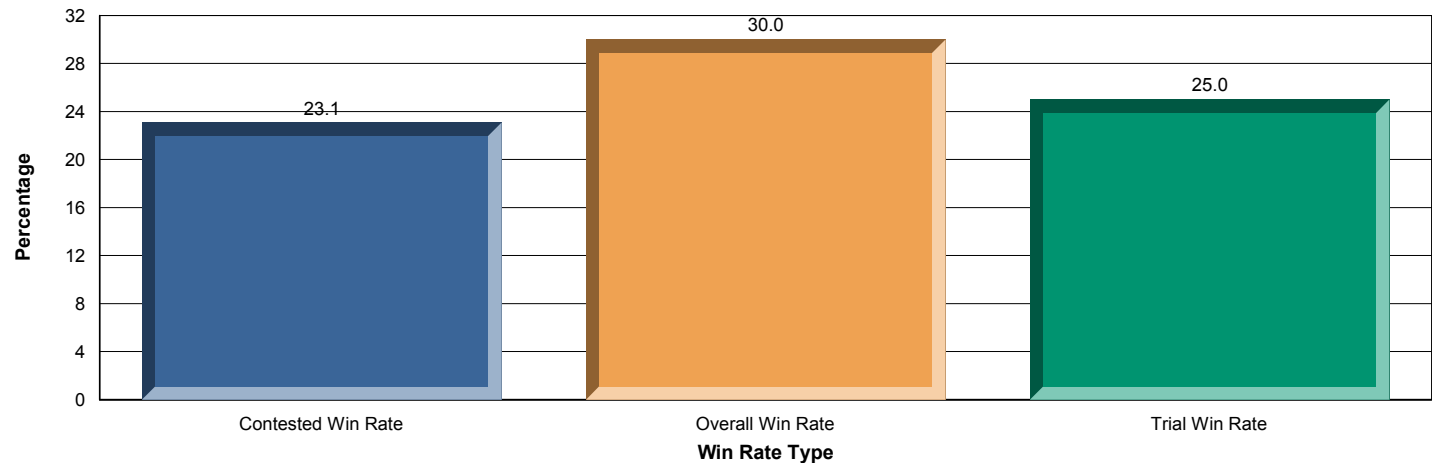
Marshall

Texas Eastern

Win Rates for Marshall Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

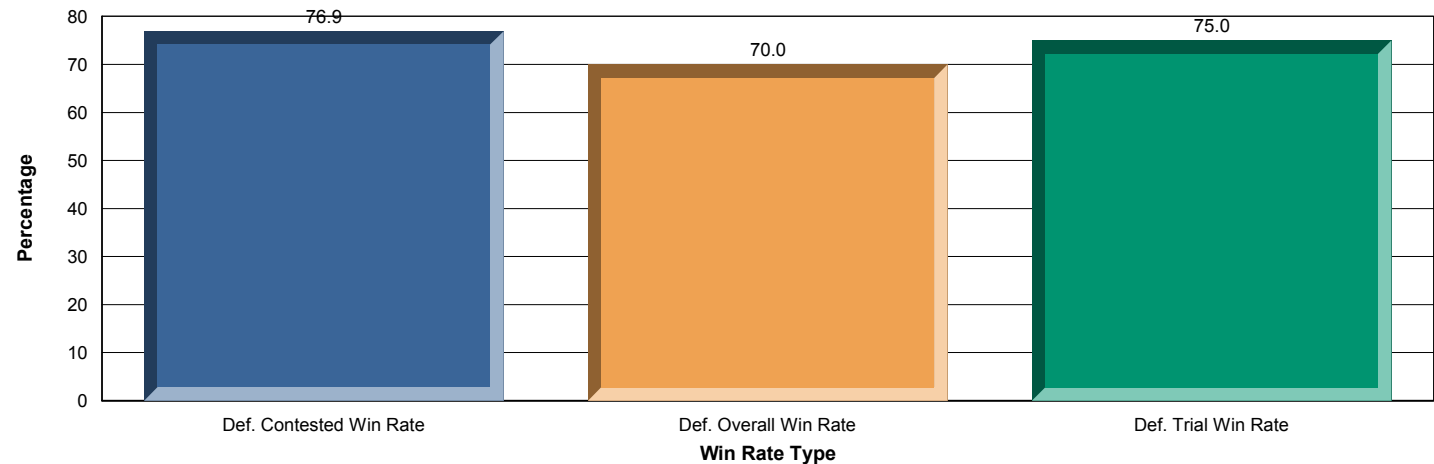
Plaintiff Win Rates

For Marshall



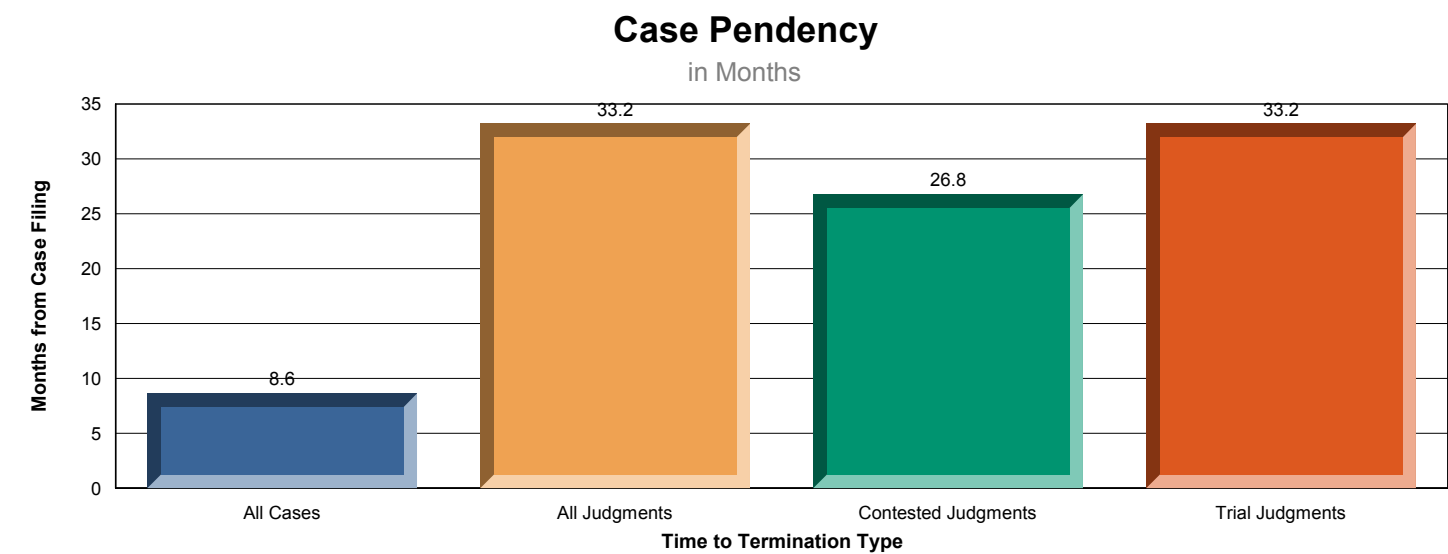
Defendant Win Rates

For Marshall

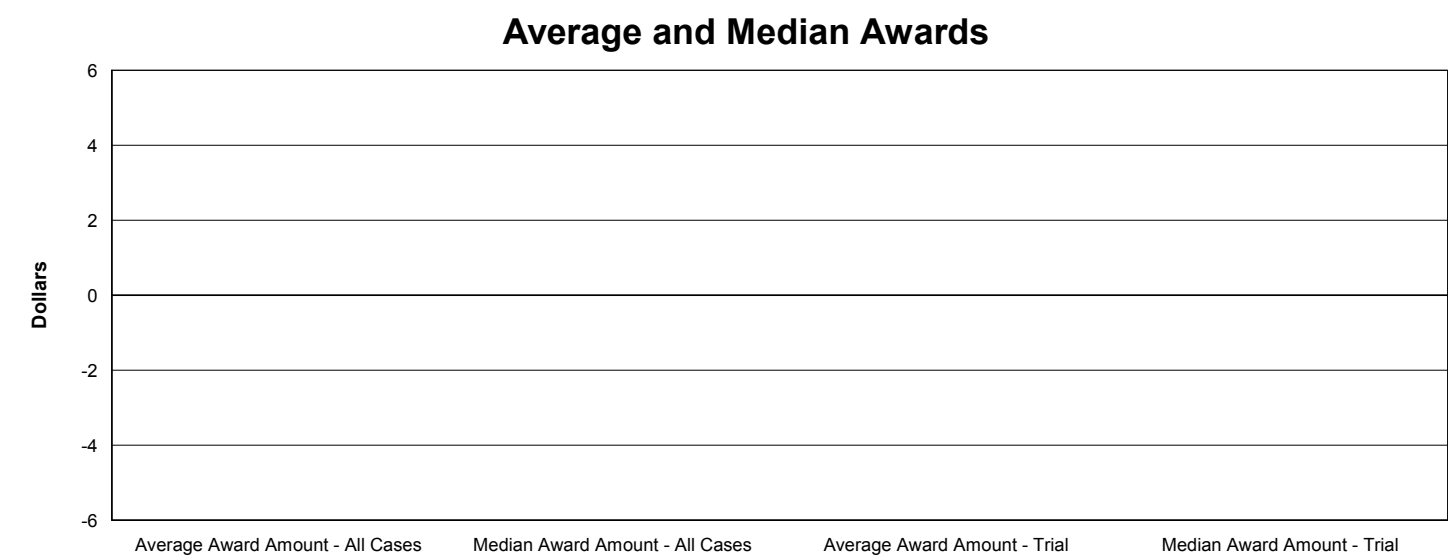


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 13 | 15 | 12 |

Pendency for Marshall Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Marshall Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|-------|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| Total | 0 | 0 |

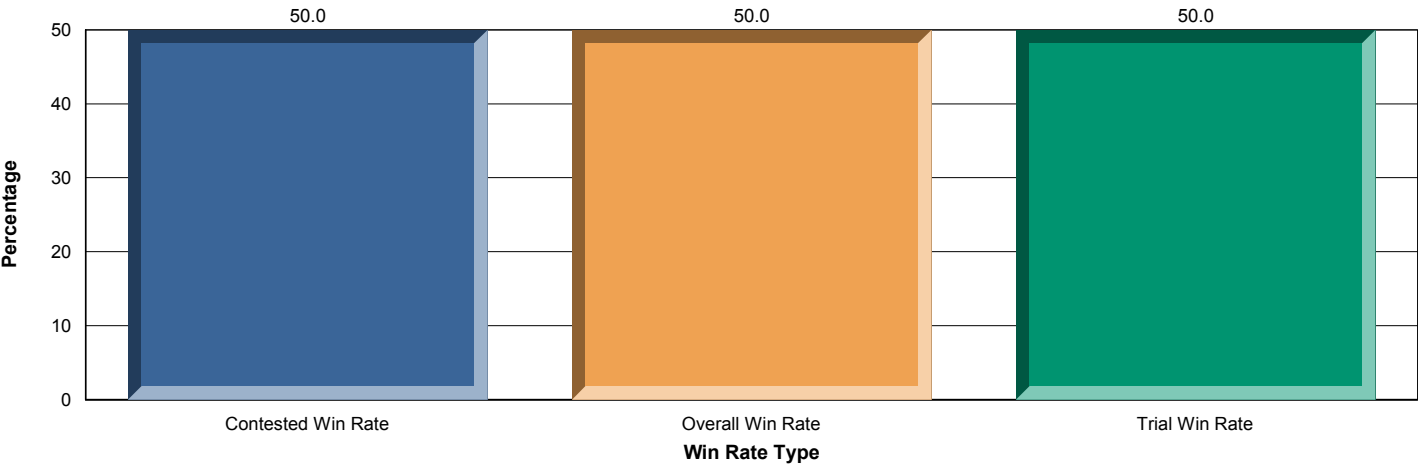
Sherman

Texas Eastern

Win Rates for Sherman Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

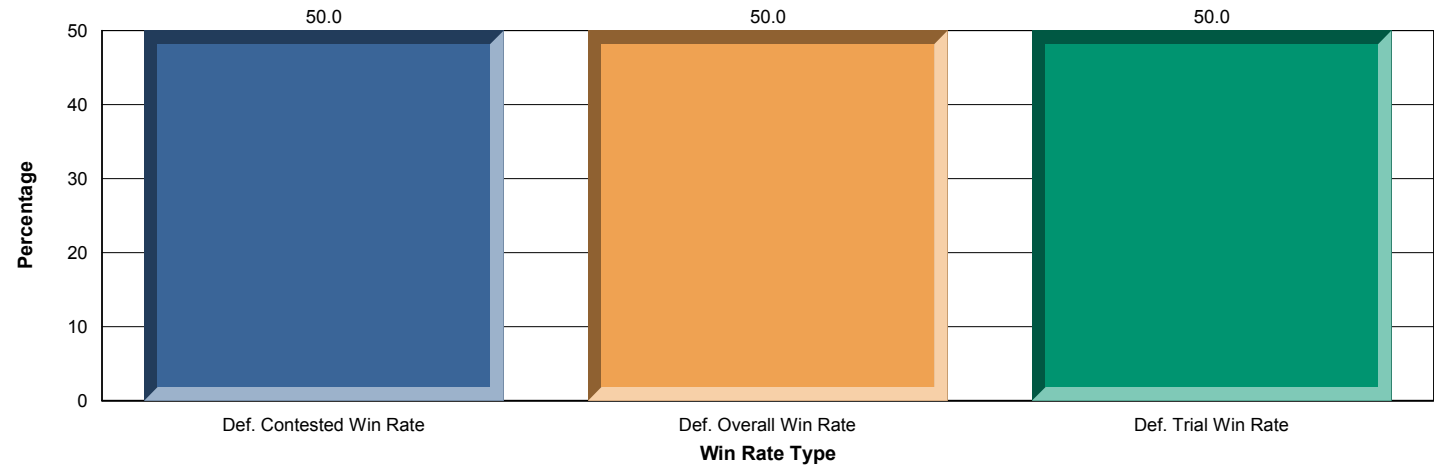
Plaintiff Win Rates

For Sherman



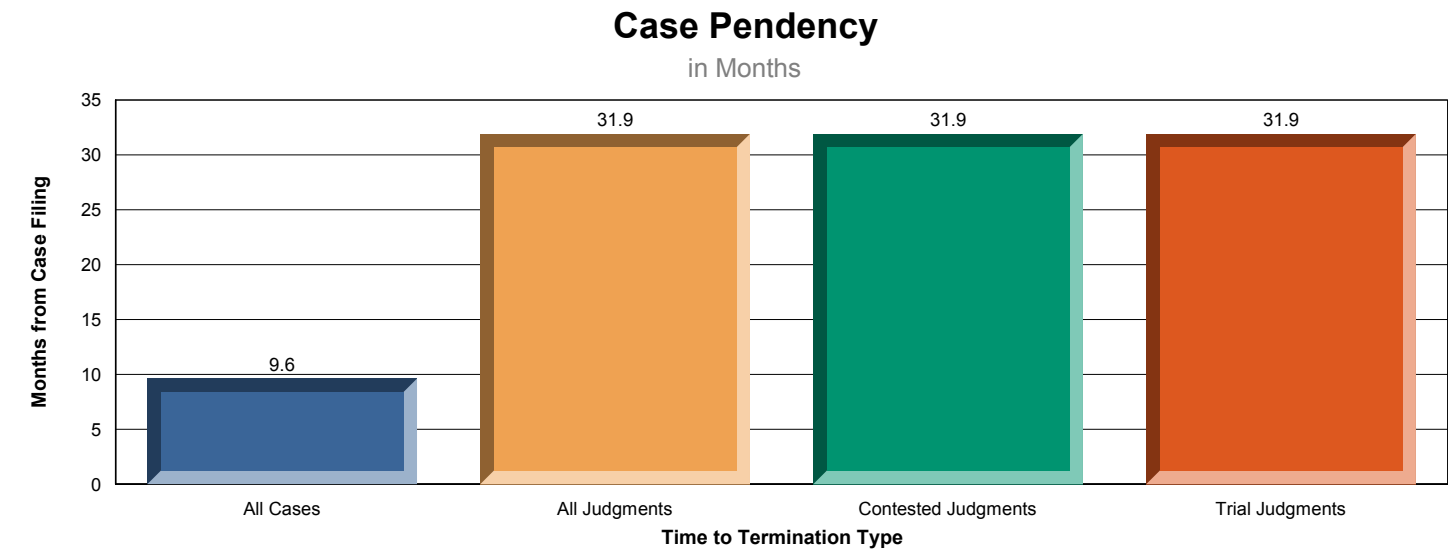
Defendant Win Rates

For Sherman

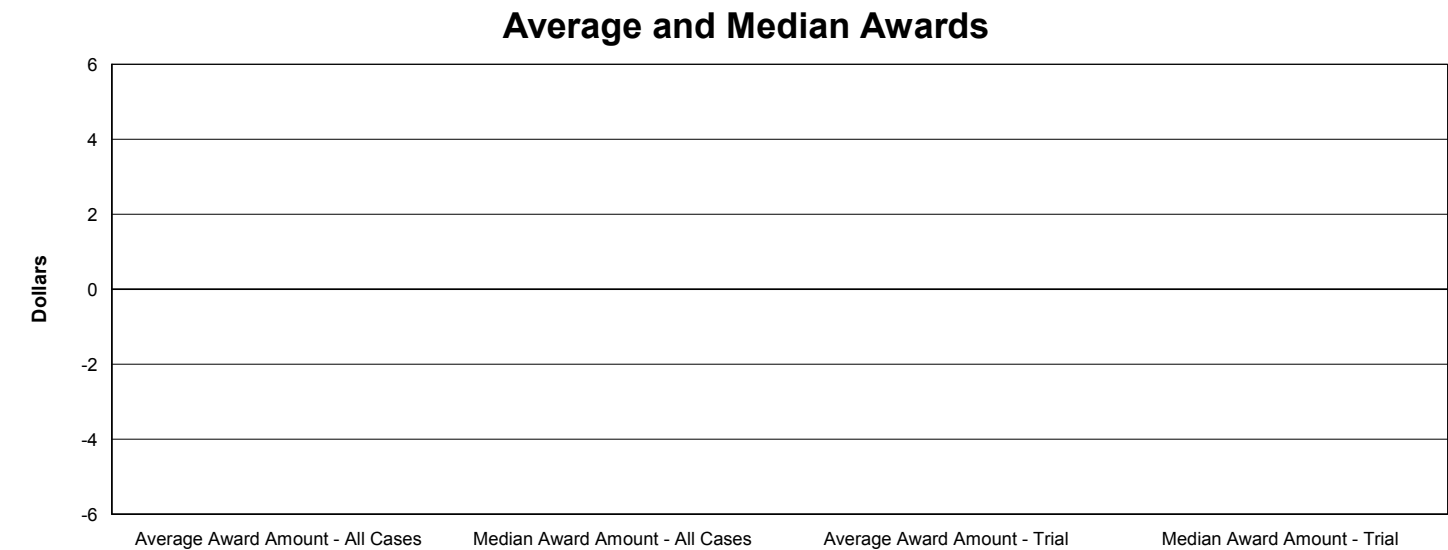


| | Total | | |
|-------|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| Total | 8 | 8 | 8 |

Pendency for Sherman Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Sherman Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 0 | 0 |

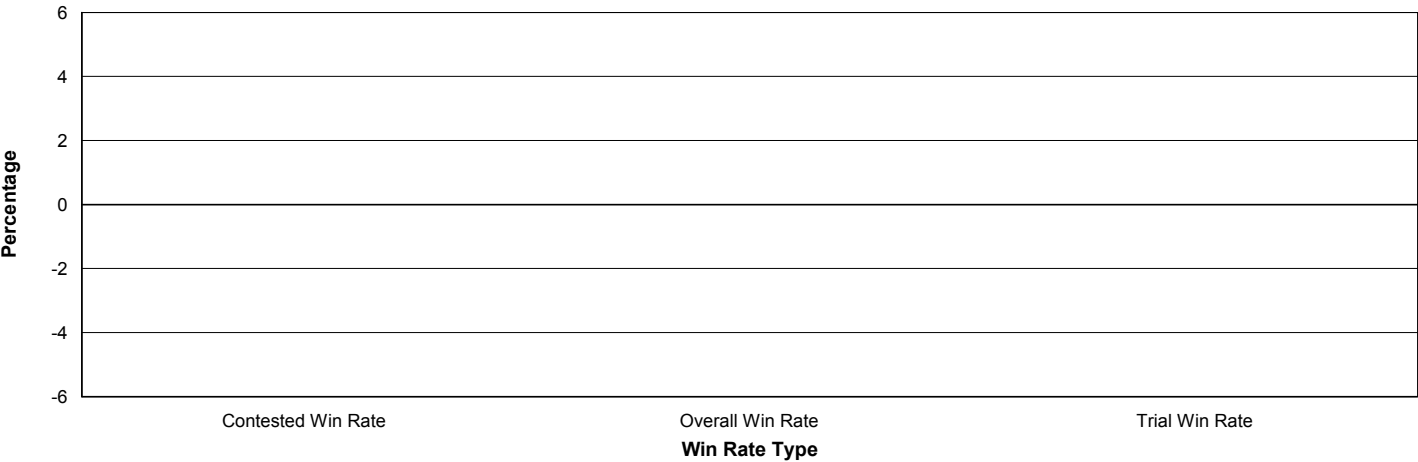
Texarkana

Texas Eastern

Win Rates for Texarkana Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

Plaintiff Win Rates

For Texarkana



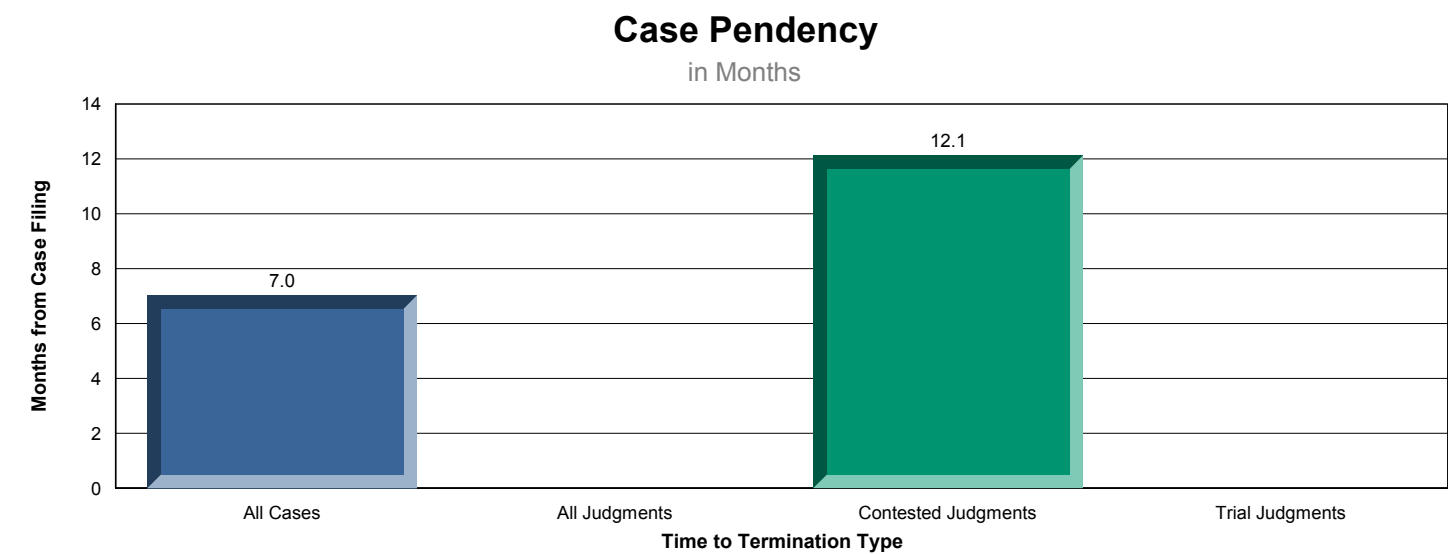
Defendant Win Rates

For Texarkana

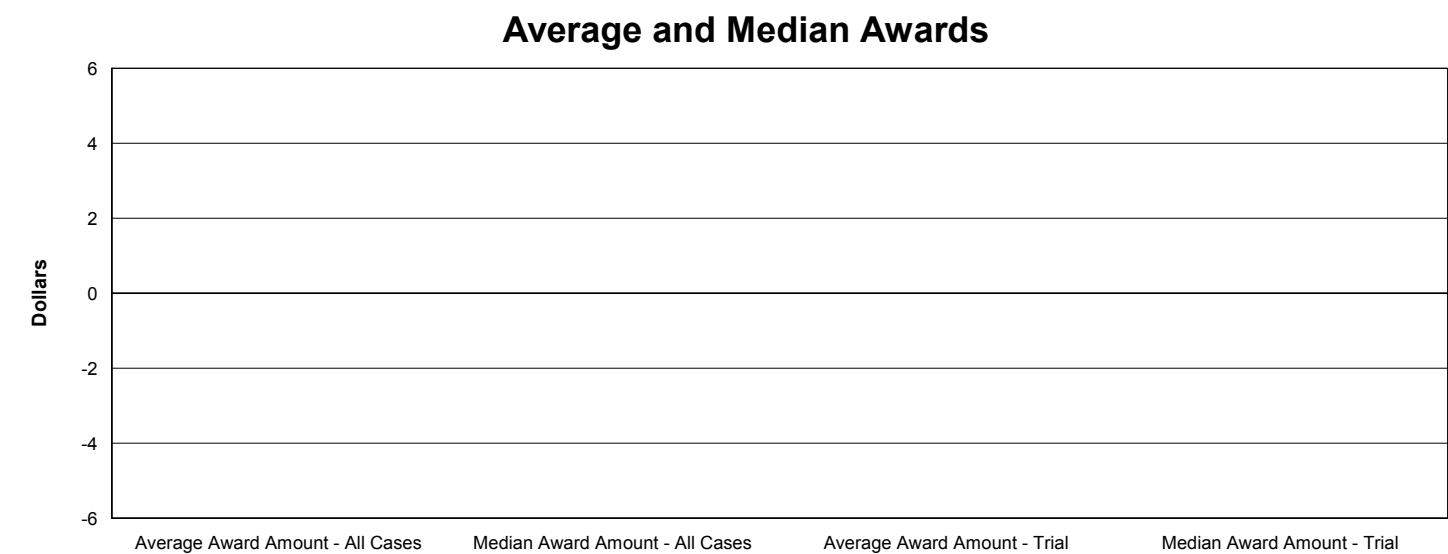


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 0 | 0 | 0 |

Pendency for Texarkana Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Texarkana Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 0 | 0 |

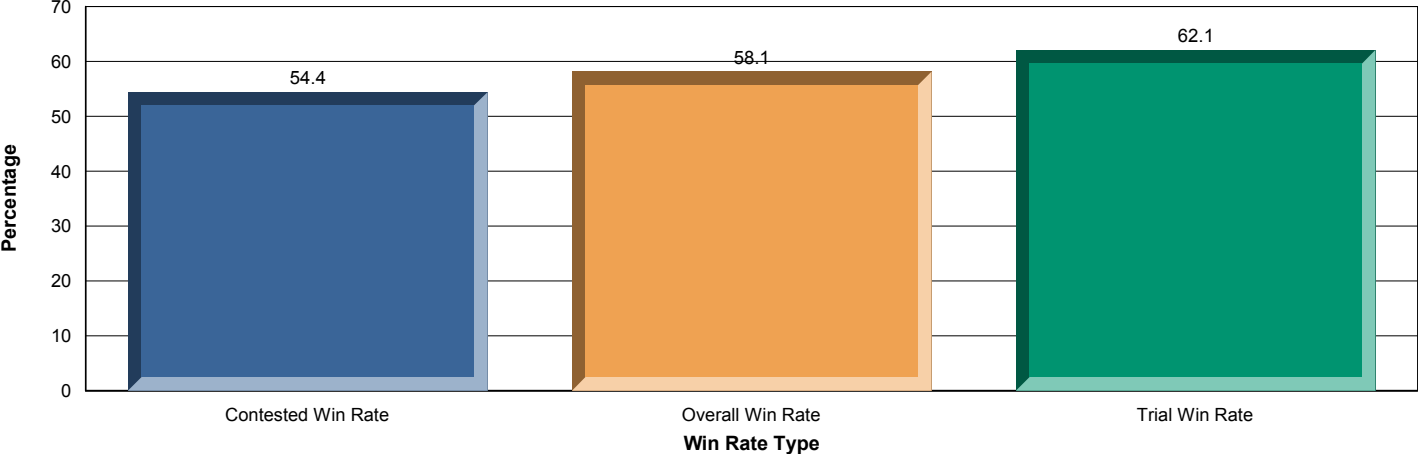
Tyler

Texas Eastern

Win Rates for Tyler Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

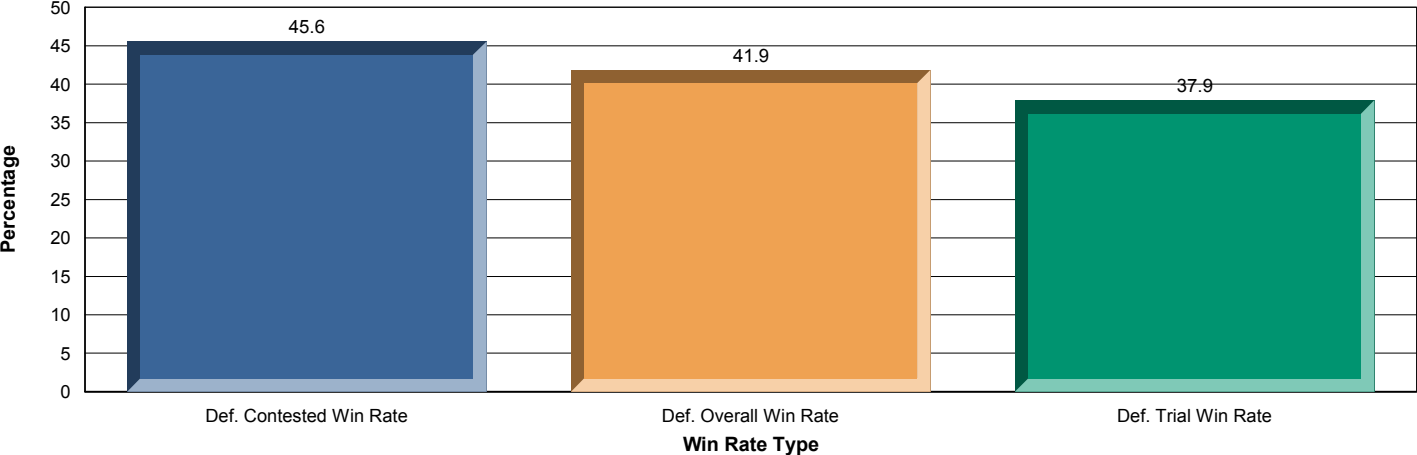
Plaintiff Win Rates

For Tyler



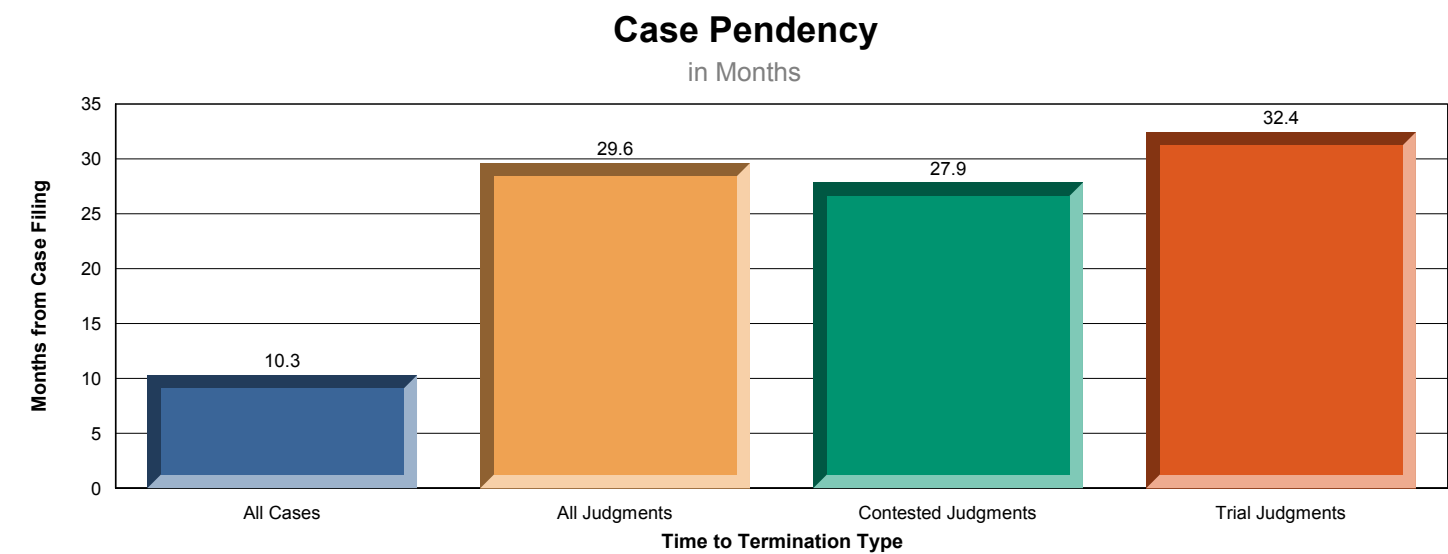
Defendant Win Rates

For Tyler

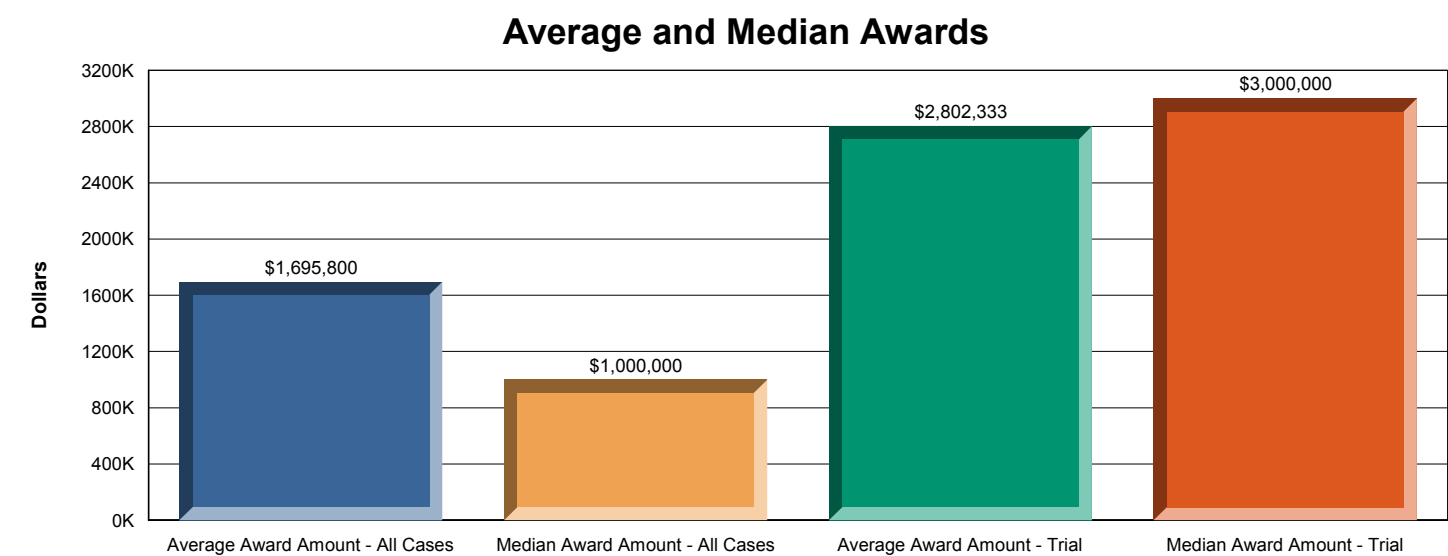


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 34 | 37 | 29 |

Pendency for Tyler Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Tyler Division: The average and mean damage awards in these cases are shown in the chart below.



| | Total | |
|--|-------------|-------------------|
| | # of Awards | # of Trial Awards |
| | 5 | 3 |

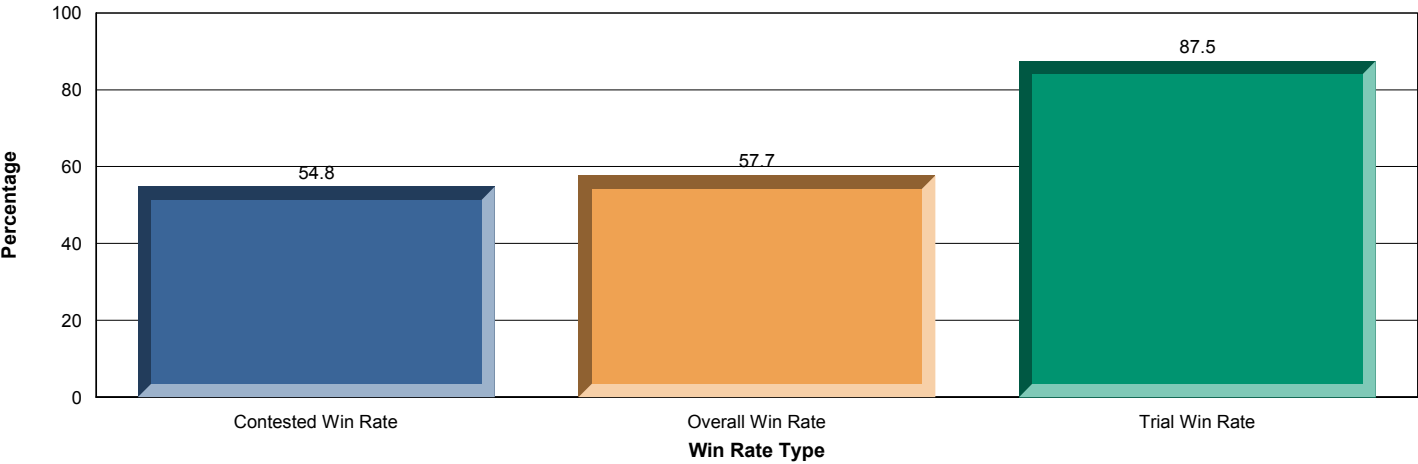
Wisconsin Western
Madison

Wisconsin Western

Win Rates for Madison Division: The contested, overall and trial win rates for plaintiffs and defendants in these cases are shown in the following two charts.

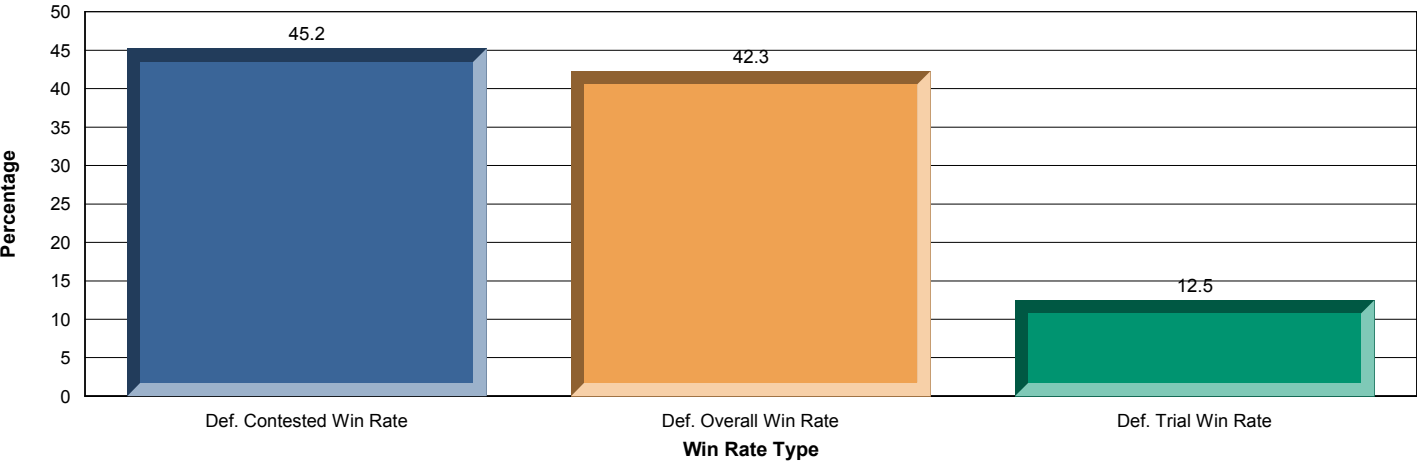
Plaintiff Win Rates

For Madison



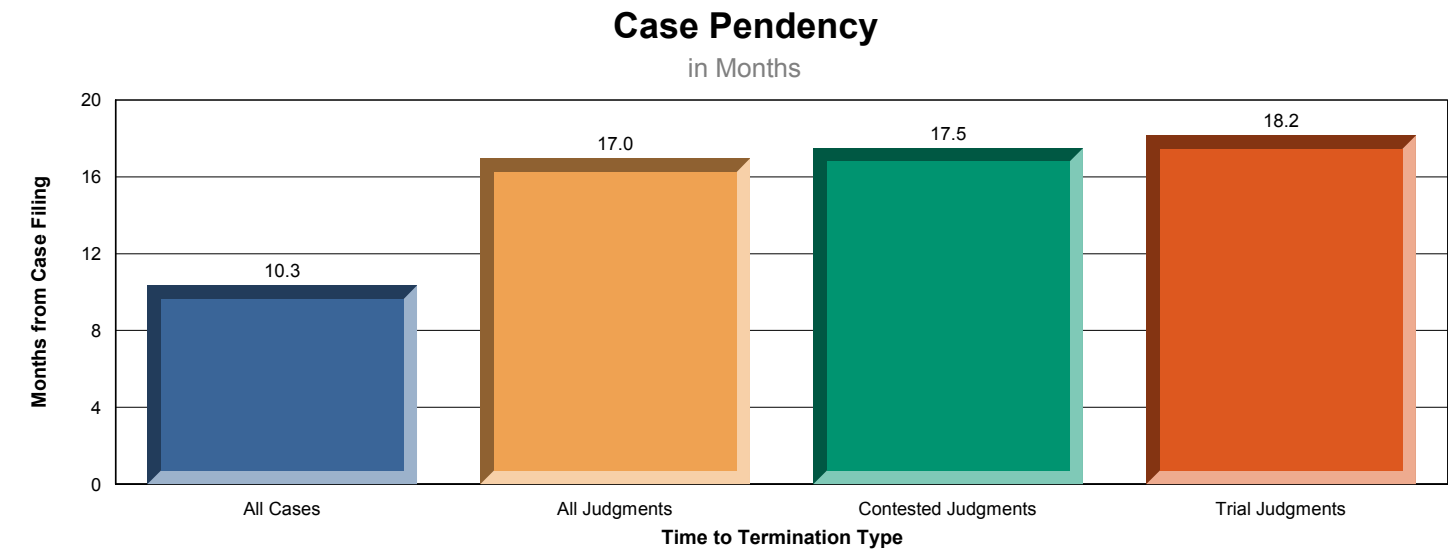
Defendant Win Rates

For Madison

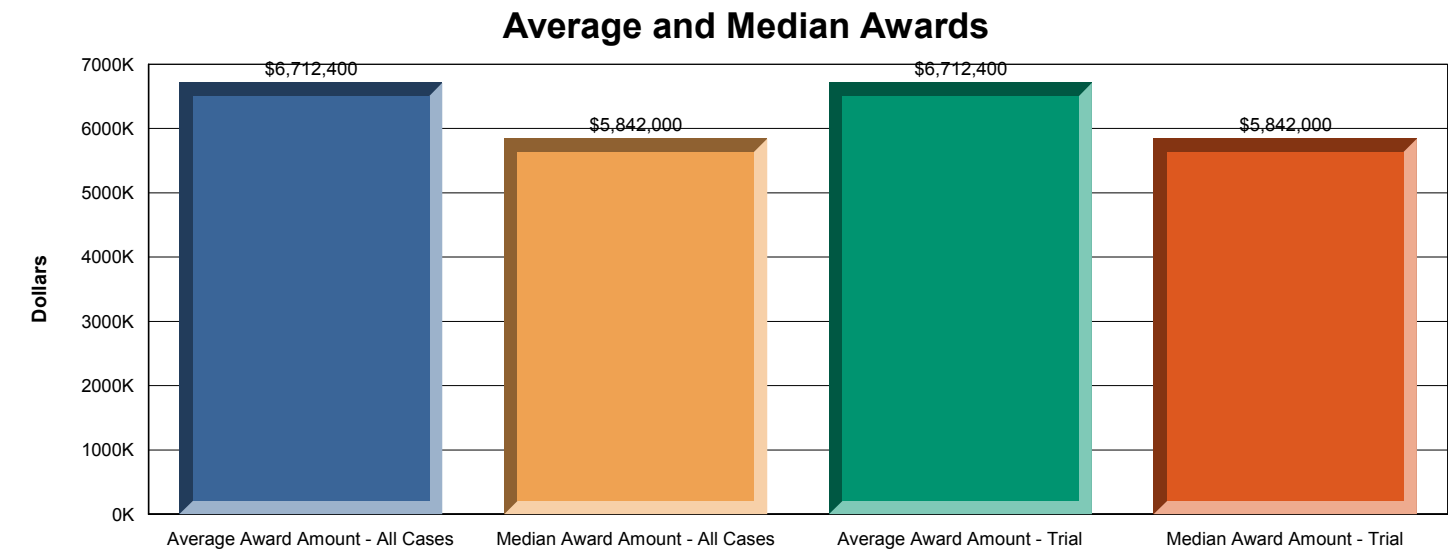


| | Total | | |
|--|--------------------------|----------------------|----------------------|
| | # of Contested Judgments | Total # of Judgments | # of Trial Judgments |
| | 21 | 26 | 12 |

Pendency for Madison Division: The times from case filing to termination (in months) in these cases for all cases, cases with judgments, cases with contested judgments, and cases terminated by trial are shown in the chart below.



Damage Awards for Madison Division: The average and mean damage awards in these cases are shown in the chart below.



| | | |
|--------------|--------------------|--------------------------|
| | Total | |
| | # of Awards | # of Trial Awards |
| | 5 | 5 |
| Total | | |