



**LegalMetric Inter Partes Review APJ Report
Administrative Patent Judge Obermann
September 2016**

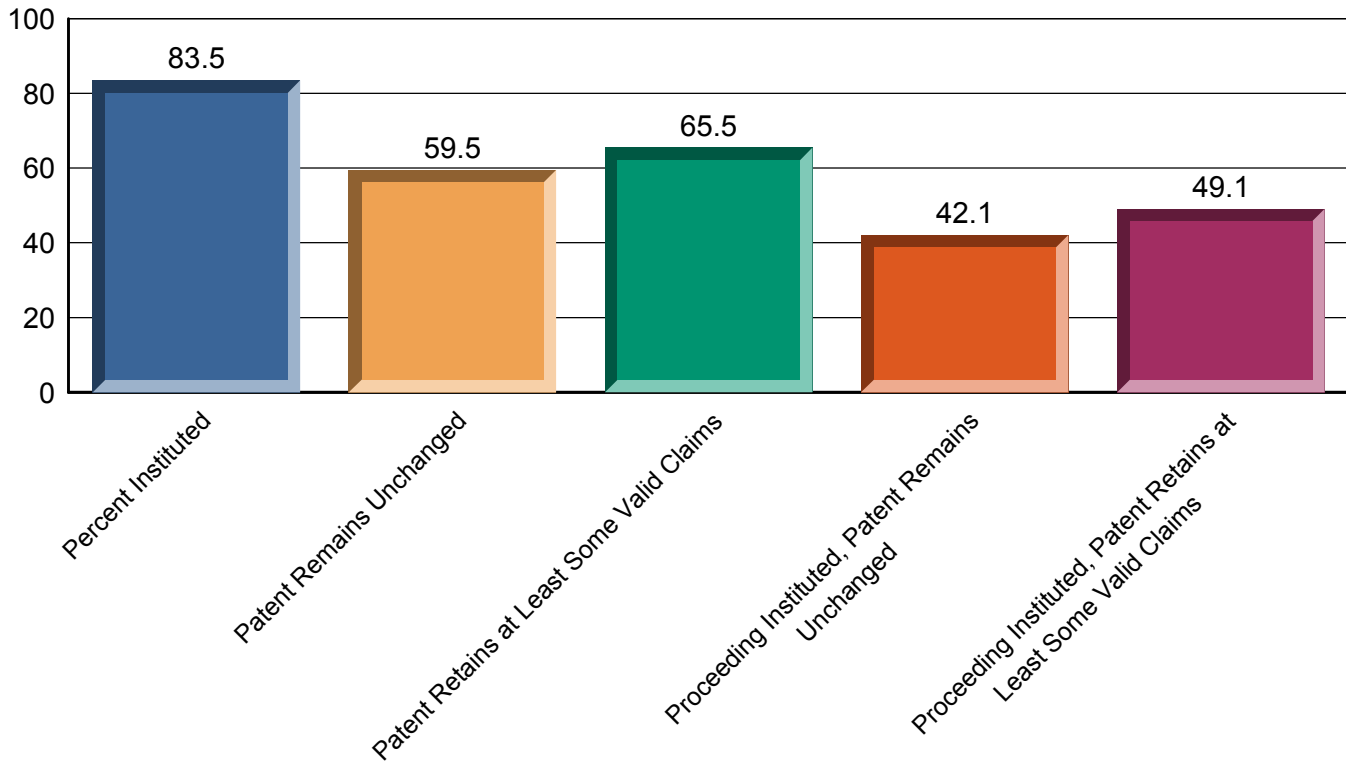
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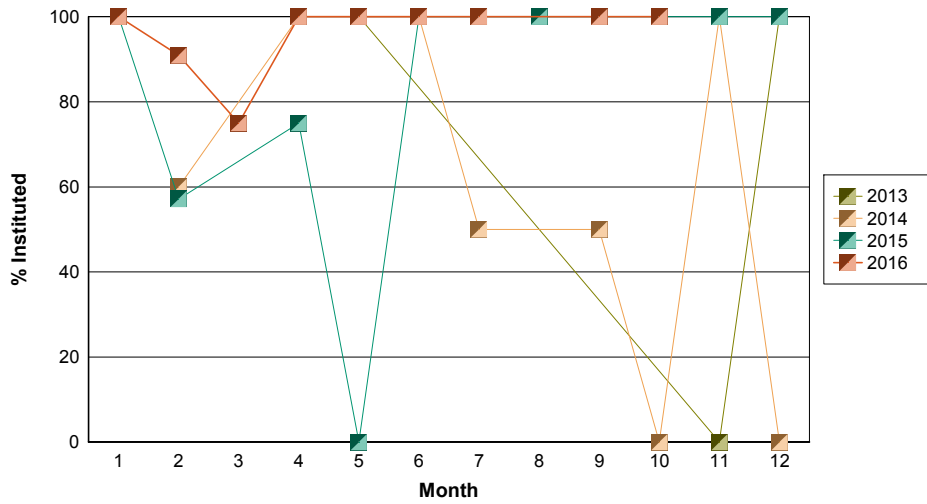
Summary: The records of Inter Partes Reviews (IPRs) were reviewed to determine the success rate of these reviews (both in terms of institution and final decisions) for those proceedings in which ALJ Obermann participated in the institution decision and/or the final written decision. This data was further broken down by technology (Tech Center), number of claims, and year. The institution and patentability rates by patent are shown in the chart below. Rates by claim, and other metrics, follow. This report for ALJ Obermann includes 160 IPRs, in which 57 final decisions have been rendered.

Petition Rates



Patentability Rates: The chart above illustrates the probabilities of a patent successfully surviving an Inter Partes Review filing. For all filings (includes filings which did not result in the institution of a review, filings which were settled, and filings which proceeded to a final decision), the patent remained unchanged 59.5% of the time. Note that the institution of a review reduces that figure significantly--to 42.1%. The chart above also shows the rate at which at least some claims survive the filing of an IPR petition. **For all filings**, the rate at which at least some claims survive is 65.5%. For those cases where the IPR is actually instituted, the "at least some claims survive" rate is 49.1%.

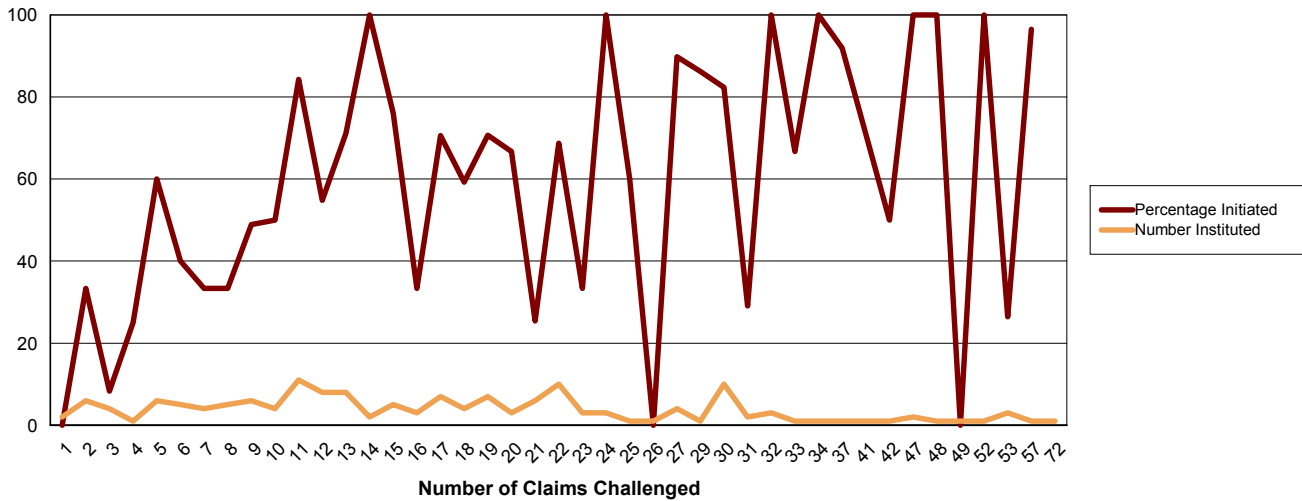
Institution Rates by Year and Month of Decision



Institution Rates by Month and Year:

Trends in institution rates (percentage of proceedings instituted) can be seen in the chart to the left, where each year has its own line.

Institution Rate, by Number of Claims Challenged



Institution Rate, by Number of Claims Challenged: For those proceedings in which a decision on the institution of the review is issued, the percentage of claims for which the review is initiated varies generally between 60% and 80% of the claims challenged (see chart above and table below). The chart above also shows the number of proceedings for each specific number of claims challenged. Note that for any single ALJ the number of proceedings instituted is quite small for each particular number of claims challenged, which results in a great deal of "jitter" in the corresponding "percentage initiated" line.

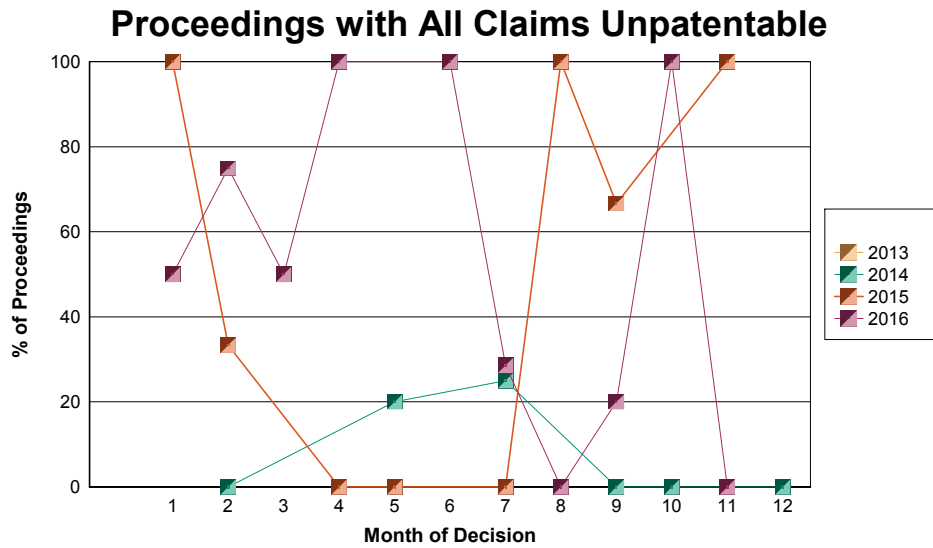
	Percentage of Claims for Which Review is Initiated	Number of Proceedings
1	0.0	2
2	33.3	6
3	8.3	4
4	25.0	1
5	60.0	6
6	40.0	5
7	33.3	4

	Percentage of Claims for Which Review is Initiated	Number of Proceedings
8	33.3	5
9	48.9	6
10	50.0	4
11	84.3	11
12	54.8	8
13	71.2	8
14	100.0	2
15	76.0	5
16	33.3	3
17	70.6	7
18	59.3	4
19	70.7	7
20	66.7	3
21	25.4	6
22	68.8	10
23	33.3	3
24	100.0	3
25	60.0	1
26	0.0	1
27	89.8	4
29	86.2	1
30	82.3	10
31	29.0	2
32	100.0	3
33	66.7	1
34	100.0	1
37	91.9	1
41		1
42	50.0	1
47	100.0	2
48	100.0	1
49	0.0	1
52	100.0	1
53	26.4	3

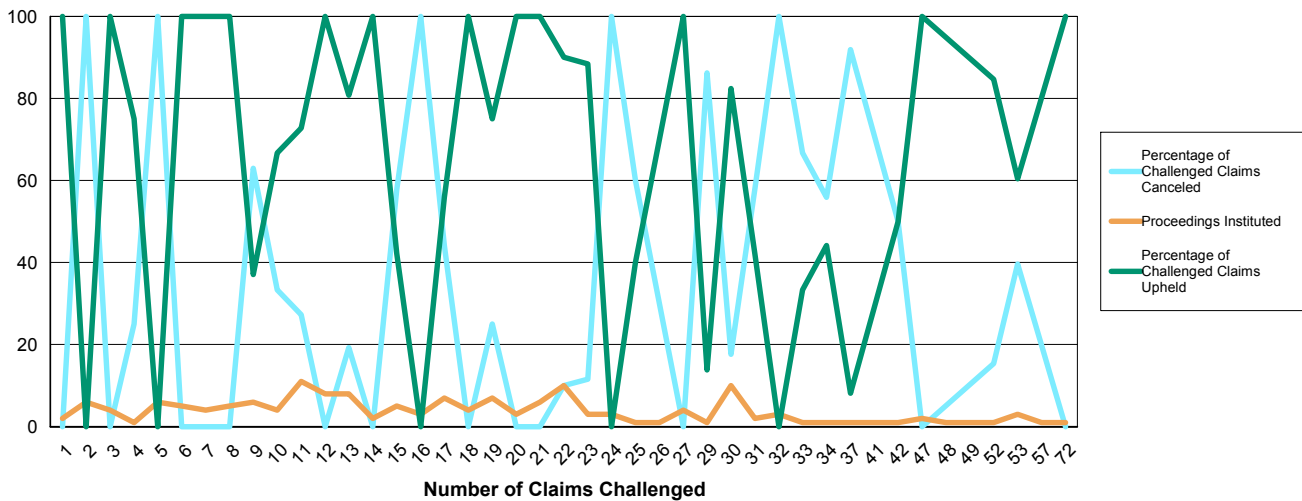
	Percentage of Claims for Which Review is Initiated	Number of Proceedings
57	96.5	1
72		1

All Claims Unpatentable:

The fraction of **proceedings** where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a patentability holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.



Patentability Rates, by Number of Claims Challenged



Patentability Rates, by Number of Claims Challenged: For those proceedings in which a decision on the institution of the review is issued, the percentage of claims held unpatentable (canceled) is generally around 20% of the claims challenged while the percentage of challenged claims which are not held unpatentable (either original claims or amended) is around 80% (see chart above and table below). The chart above also shows the number of proceedings for each specific number of claims challenged. Note that the number of proceedings with more than 30 claims challenged is quite small, which results in a great deal of "jitter" in the "canceled" and "upheld" lines.

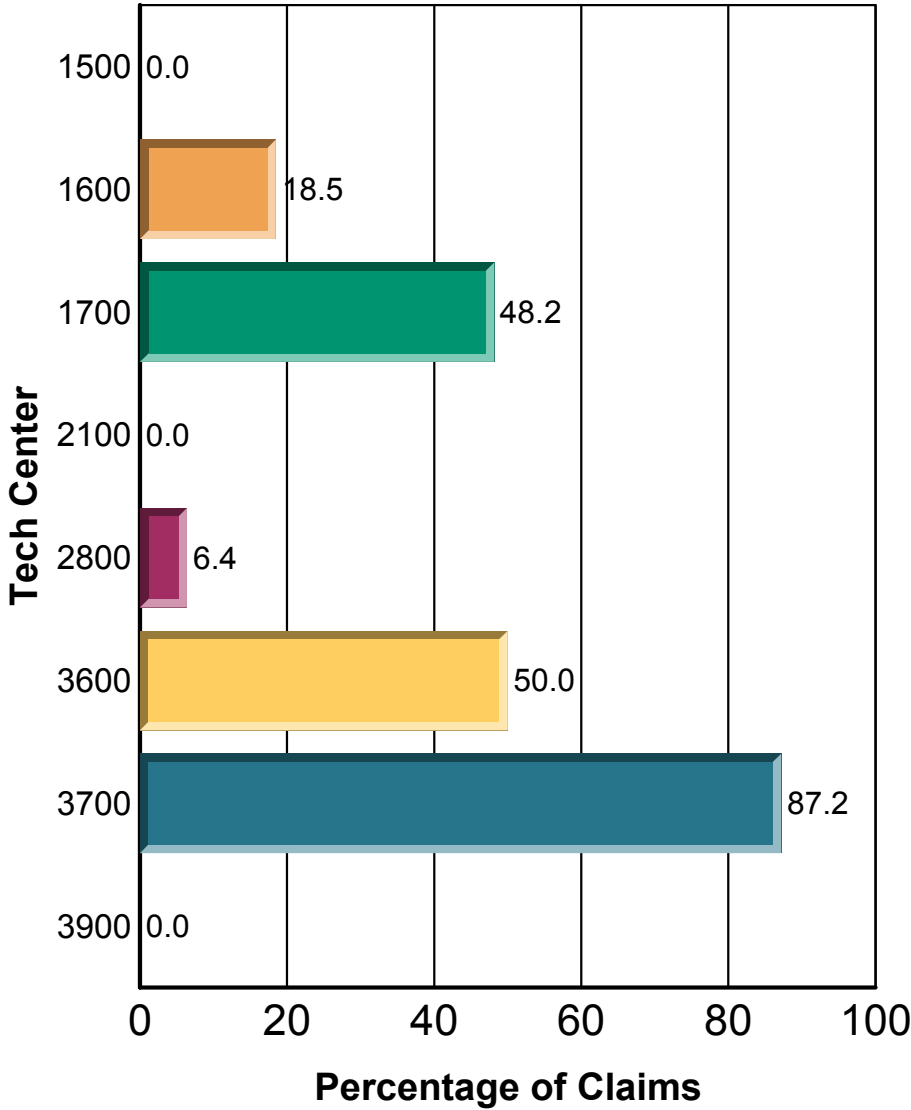
	Percentage of Claims Upheld	Percentage of Challenged Claims Canceled
1	100.0	0.0
2	0.0	100.0
3	100.0	0.0

	Percentage of Claims Upheld	Percentage of Challenged Claims Canceled
4	75.0	25.0
5	0.0	100.0
6	100.0	0.0
7	100.0	0.0
8	100.0	0.0
9	37.0	63.0
10	66.7	33.3
11	72.7	27.3
12	100.0	0.0
13	80.8	19.2
14	100.0	0.0
15	42.2	57.8
16	0.0	100.0
17	55.9	44.1
18	100.0	0.0
19	75.0	25.0
20	100.0	0.0
21	100.0	0.0
22	90.0	10.0
23	88.4	11.6
24	0.0	100.0
25	40.0	60.0
27	100.0	0.0
29	13.8	86.2
30	82.4	17.6
31	41.9	58.1
32	0.0	100.0
33	33.3	66.7
34	44.1	55.9
37	8.1	91.9
42	50.0	50.0
47	100.0	0.0
52	84.6	15.4
53	60.4	39.6

	Percentage of Claims Upheld	Percentage of Challenged Claims Canceled
72	100.0	0.0

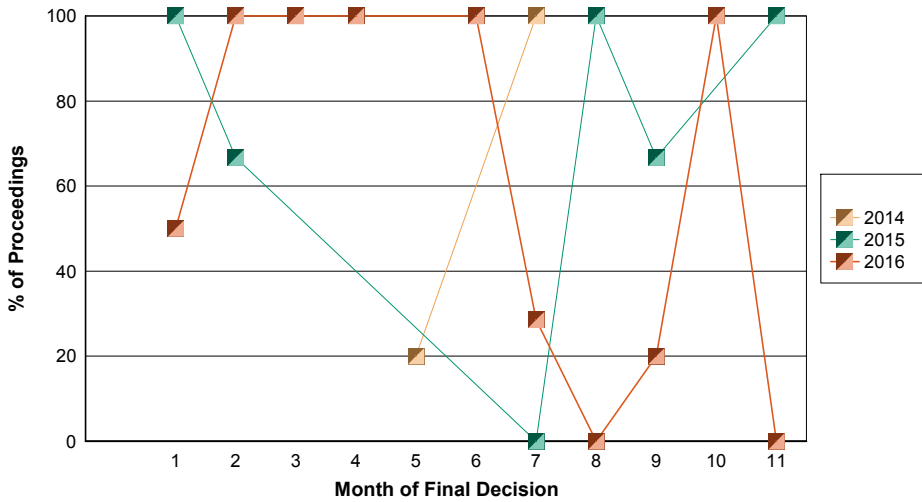
Percentage of Challenged Claims Which are Canceled

by Tech Center



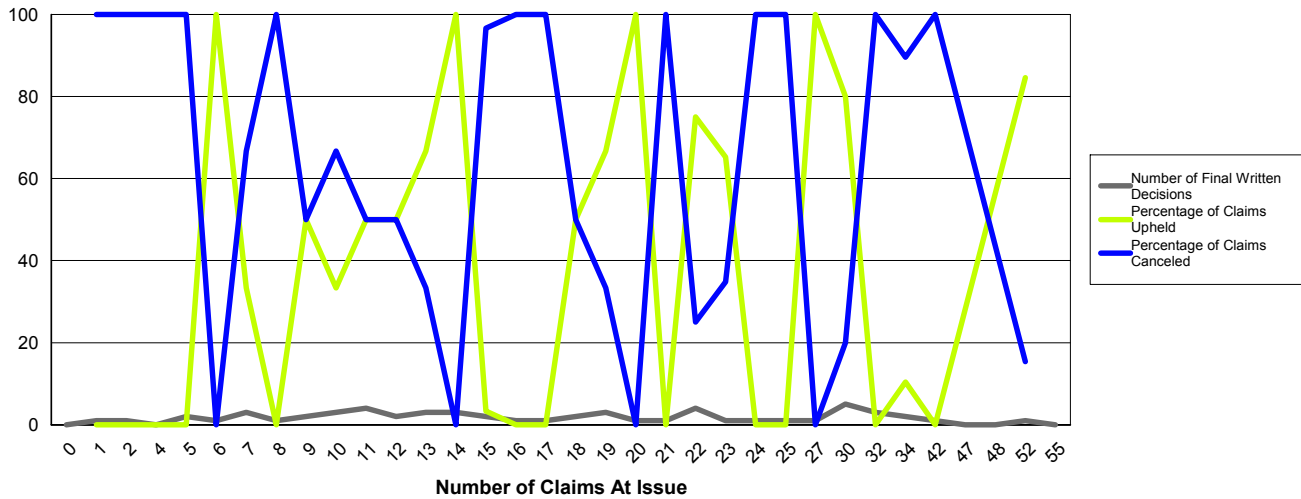
Percentage of Challenged Claims Canceled, by Tech Center: The fraction of **challenged claims** which are canceled is shown in the chart to the left. Note that a decision not to institute an IPR is considered to be a patentability holding for this purpose. Note that not all Tech Centers have challenged claims which are canceled.

Final Written Decisions with All Claims Unpatentable



All Claims Unpatentable in Final Written Decision: In those cases that proceed to a final written decision, the probability of a finding of unpatentability of all claims is quite high. The variation in this rate is shown in the chart to the left.

Patentability Rates, by Number of Claims at Issue



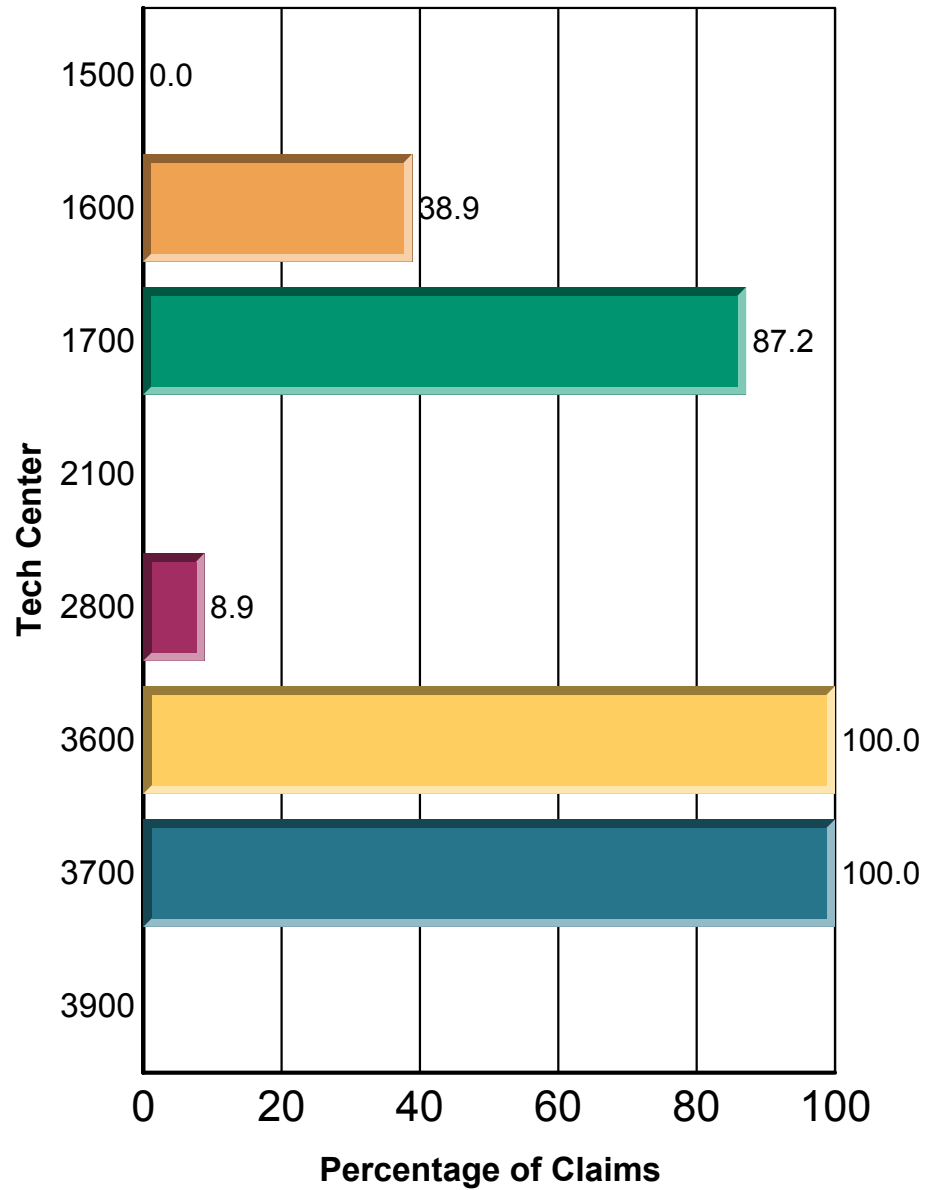
Patentability Rates, by Number of Claims at Issue: For those proceedings in which a *final written decision* on patentability is issued, the percentage of claims held unpatentable (canceled) is generally around 80% of the claims at issue while the percentage of challenged claims which are not held unpatentable (either original claims or amended) is around 20% (see chart above and table below). The chart above also shows the number of proceedings with a final written decision for each specific number of claims challenged. Note that the number of such proceedings is quite small for each number of claims at issue, which results in a great deal of "jitter" in the chart.

	Number of Final Written Decisions	Upheld Patentability	Canceled
1	1	0.0	100.0
2	1	0.0	100.0
5	2	0.0	100.0
6	1	100.0	0.0
7	3	33.3	66.7
8	1	0.0	100.0

	Number of Final Written Decisions	Upheld Patentability	Canceled
9	2	50.0	50.0
10	3	33.3	66.7
11	4	50.0	50.0
12	2	50.0	50.0
13	3	66.7	33.3
14	3	100.0	0.0
15	2	3.3	96.7
16	1	0.0	100.0
17	1	0.0	100.0
18	2	50.0	50.0
19	3	66.7	33.3
20	1	100.0	0.0
21	1	0.0	100.0
22	4	75.0	25.0
23	1	65.2	34.8
24	1	0.0	100.0
25	1	0.0	100.0
27	1	100.0	0.0
30	5	80.0	20.0
32	3	0.0	100.0
34	2	10.4	89.6
42	1	0.0	100.0
52	1	84.6	15.4

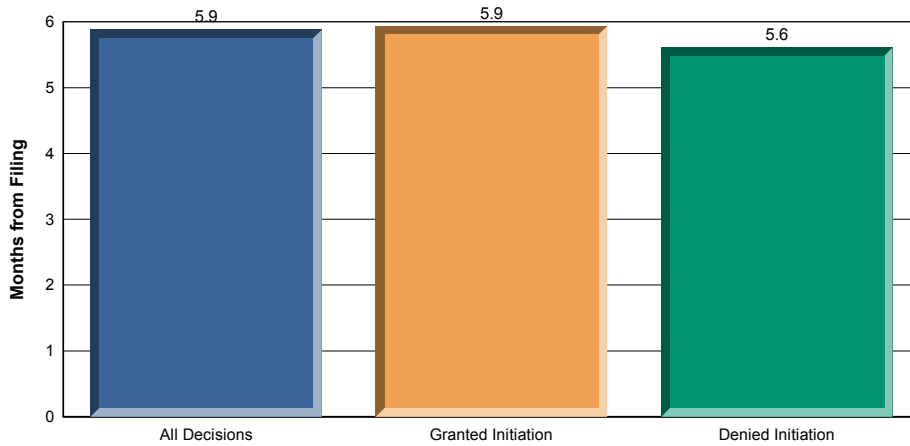
Percentage of Claims Which are Canceled in Final Written Decision

Claims Canceled in Final Written Decision: The fraction of claims found unpatentable is shown (by Tech Center) in the chart to the right.



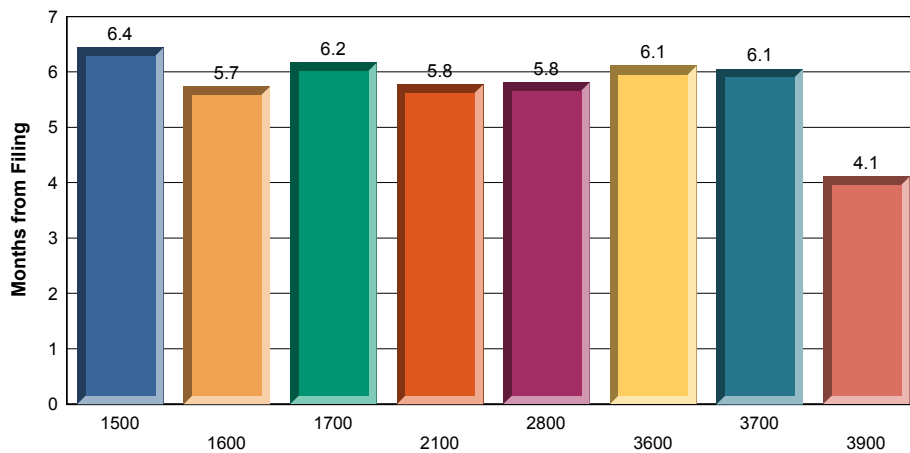
Time from Filing to Institution Decision: The time from petition filing to institution decision (initiation) varies slightly from Tech Center to Tech Center (see second chart below). But whether the petition was granted or denied has little effect on the time to decision (see first chart below). This time has remained fairly stable for at least one year.

Time from Filing to Institution Decision



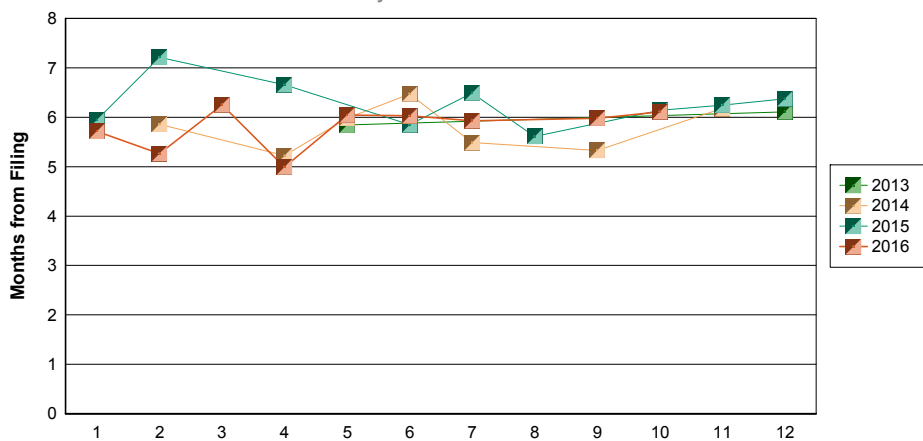
Time from Filing to Institution Decision

by Tech Center

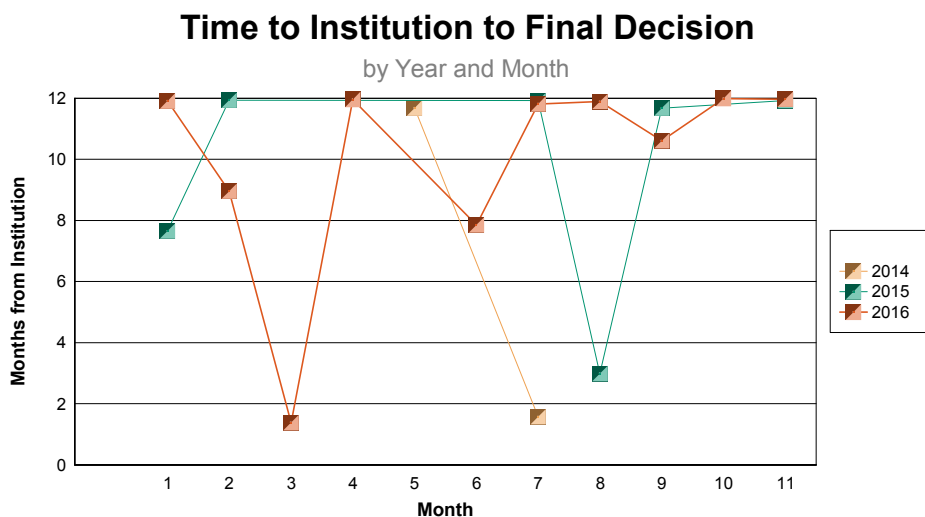
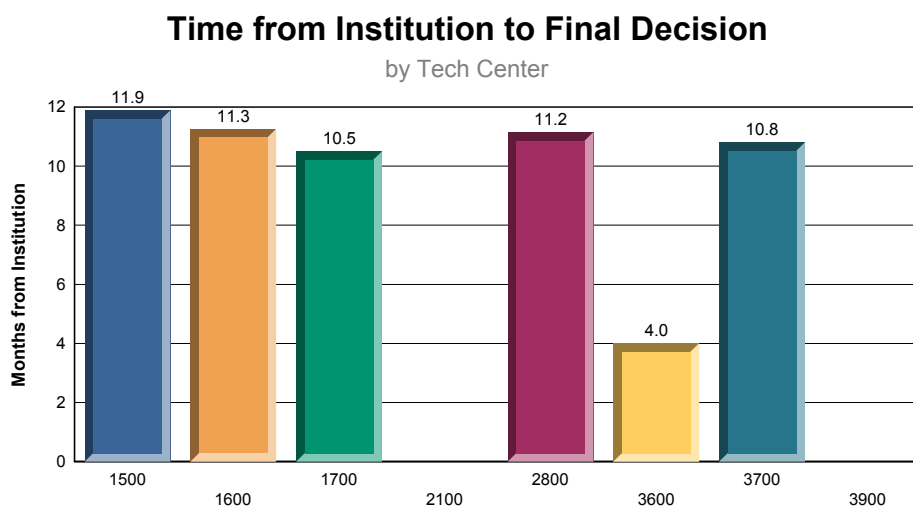
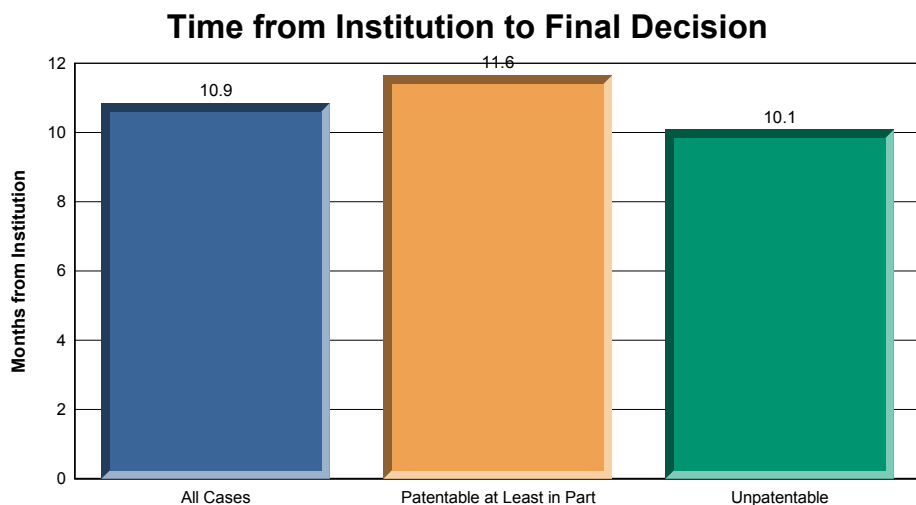


Time to Decision on Institution

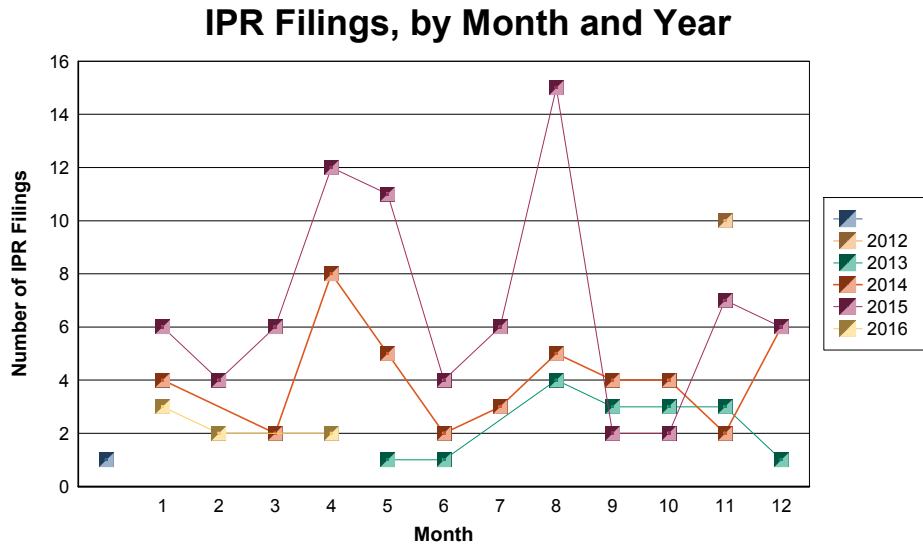
by Year and Month



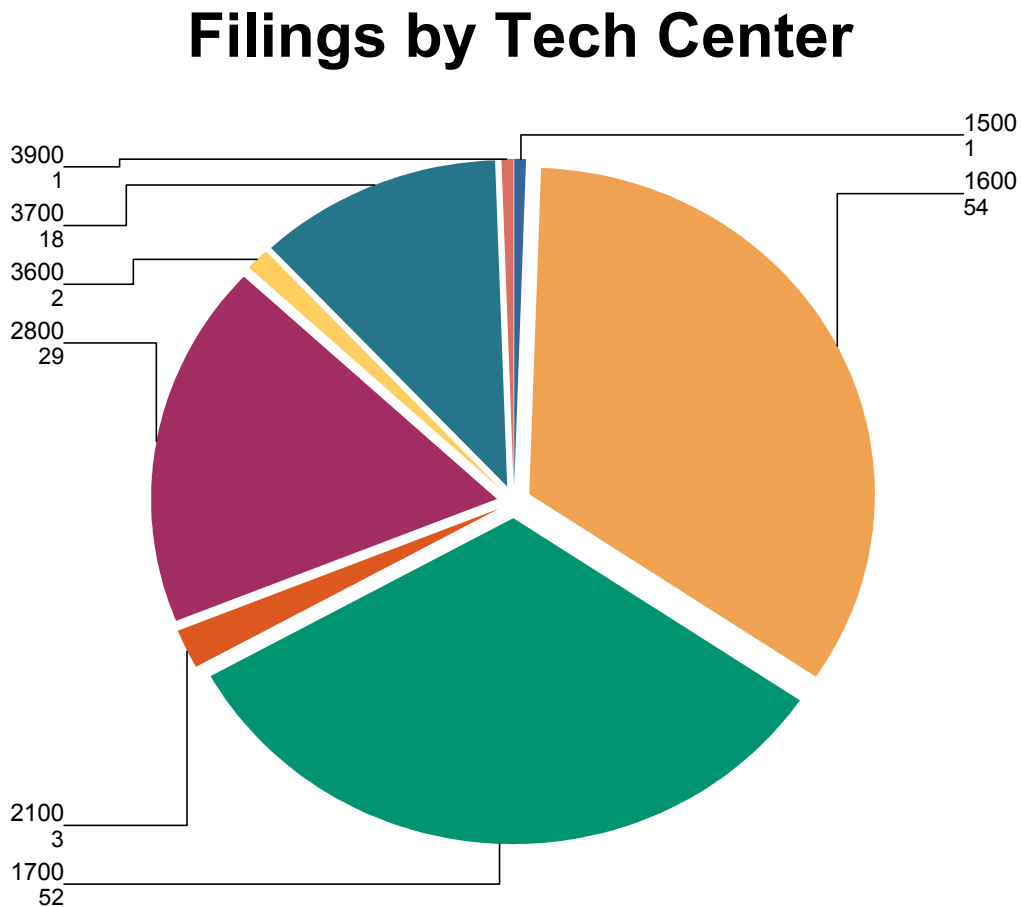
Time from Institution to Final Decision: The time from institution decision to final written decision is around 11 months. Whether the decision is in favor of patentability or not has little effect on the time to final written decision. There is some variation by Tech Center, however (see charts below). Note that not all Tech Centers have final written decisions on at least one proceeding. The variation from month to month is shown in the chart at the bottom of the page.



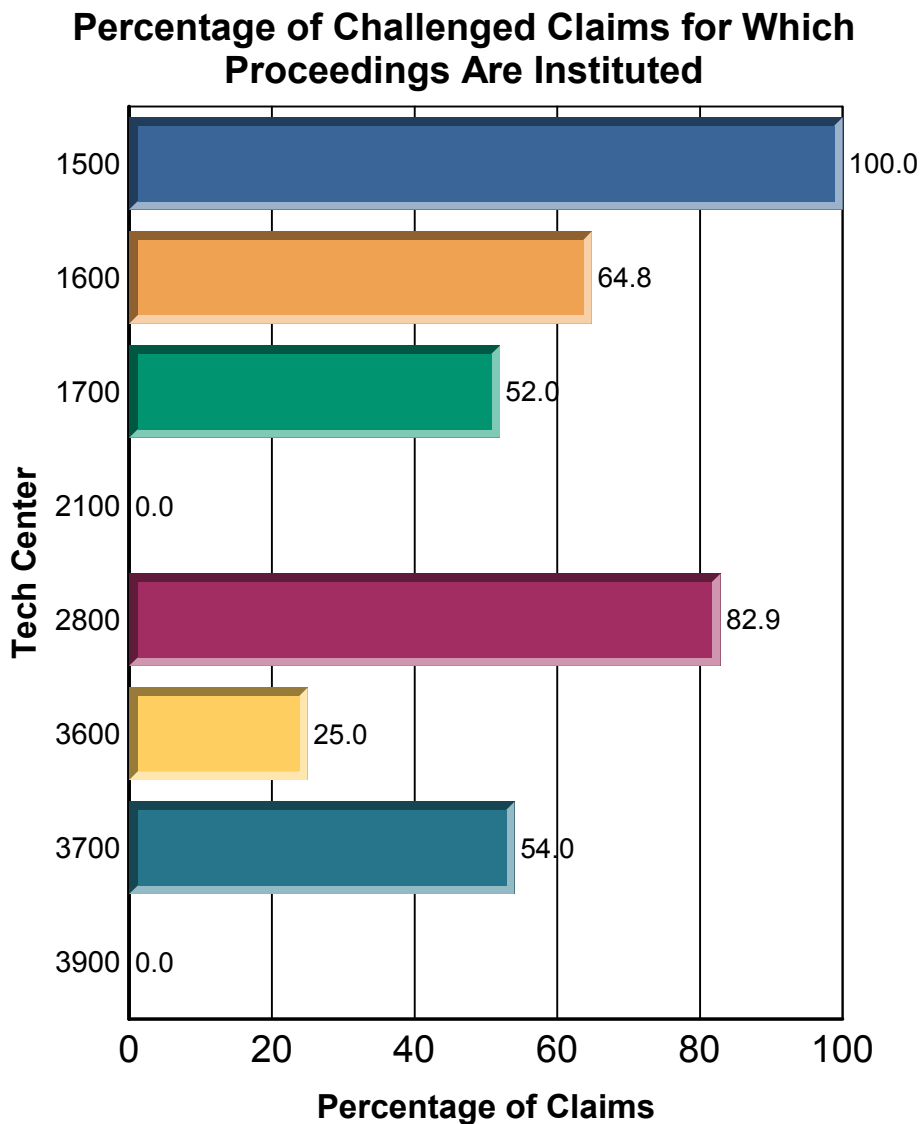
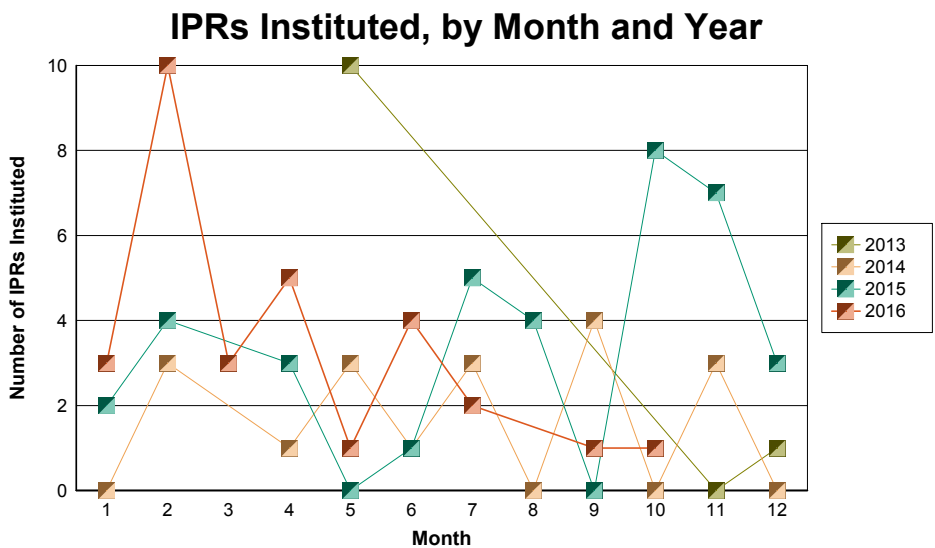
IPR Filings: The number of new IPR case filings by month and year is shown in the chart below.



IPR Filings by Tech Center: The number of new IPR case filings by Tech Center is shown in the chart below.

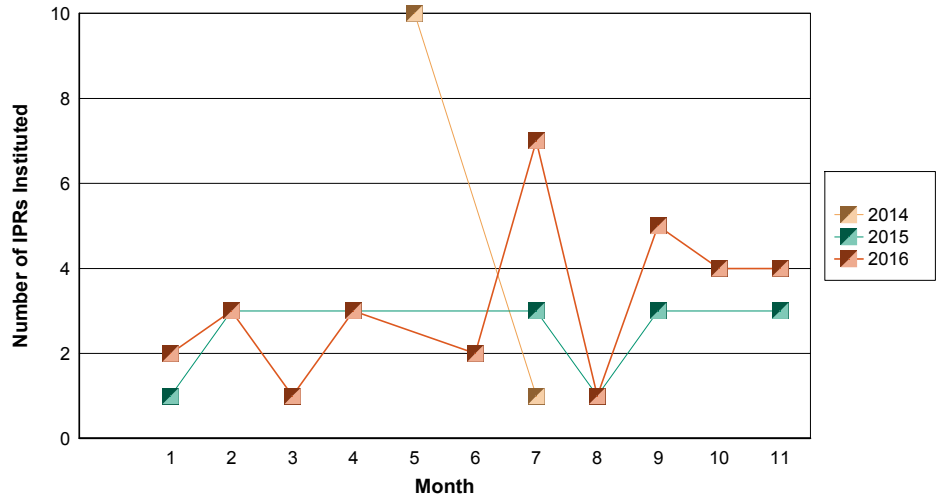


IPRs Instituted: The number of IPRs instituted by month and year is shown in the chart below. The second chart shows the number instituted by Tech Center.

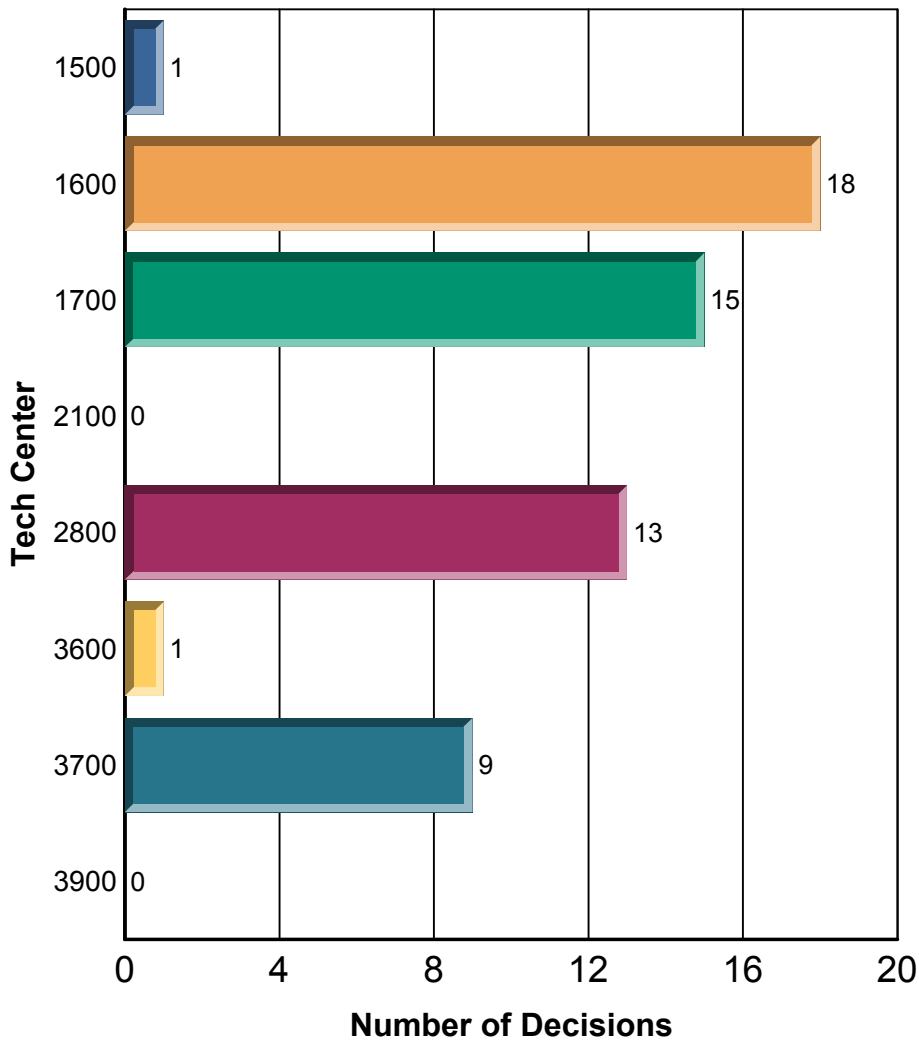


Final Written Decisions: The number of final written decisions by month and year, if any, is shown in the chart below. The second chart shows the number of decisions, if any, by Tech Center.

Final Written Decisions, by Month and Year



Number of Final Decisions, by Tech Center

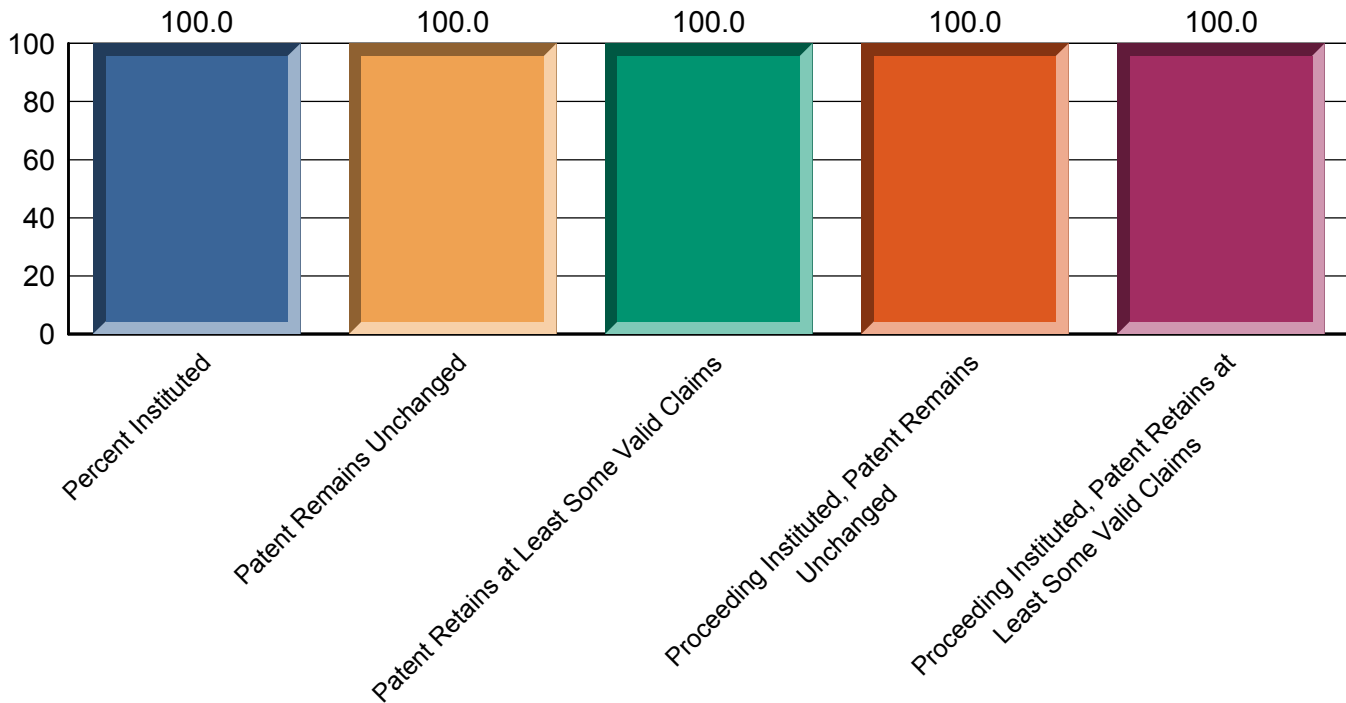


Tech Center 1500

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

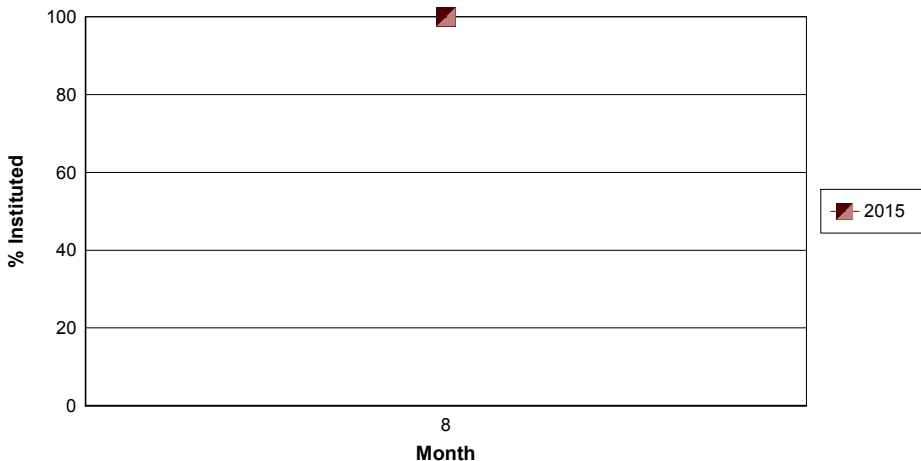
Petition Rates

For Tech Center 1500



Institution Rates by Year and Month of Decision

For Tech Center 1500



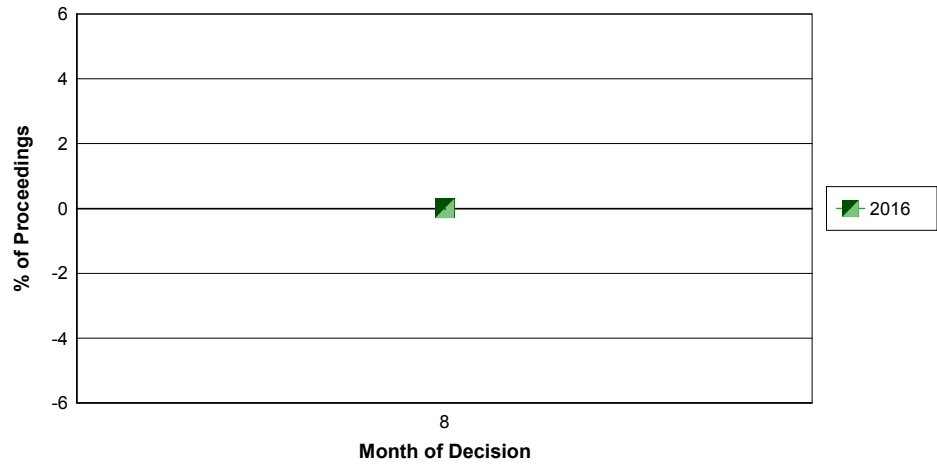
Institution Rates by Month and Year: The rates at which IPRs are instituted is shown in the chart to the left, by month and year. Note that many Tech Centers have very few institution decisions.

All Claims Unpatentable:

The fraction of **proceedings** where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

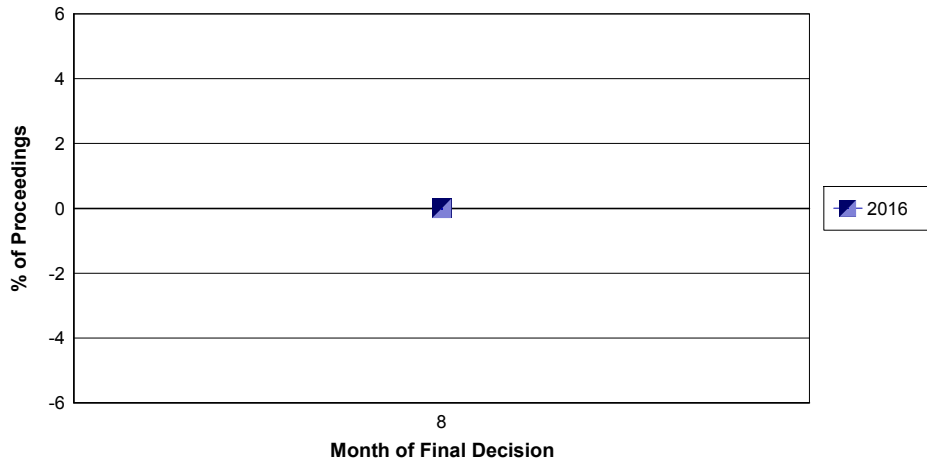
Proceedings with All Claims Unpatentable

For Tech Center 1500



Final Written Decisions with All Claims Unpatentable

For Tech Center 1500



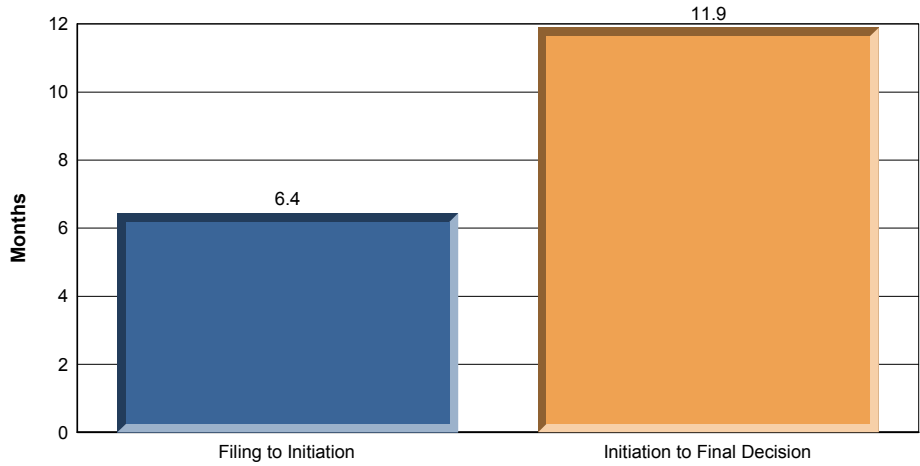
All Claims Unpatentable in Final Written Decision:

In those cases that proceed to a final written decision, the probability of a finding of unpatentability of all claims is quite high. Note that some Tech Centers have no final written decisions.

Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision

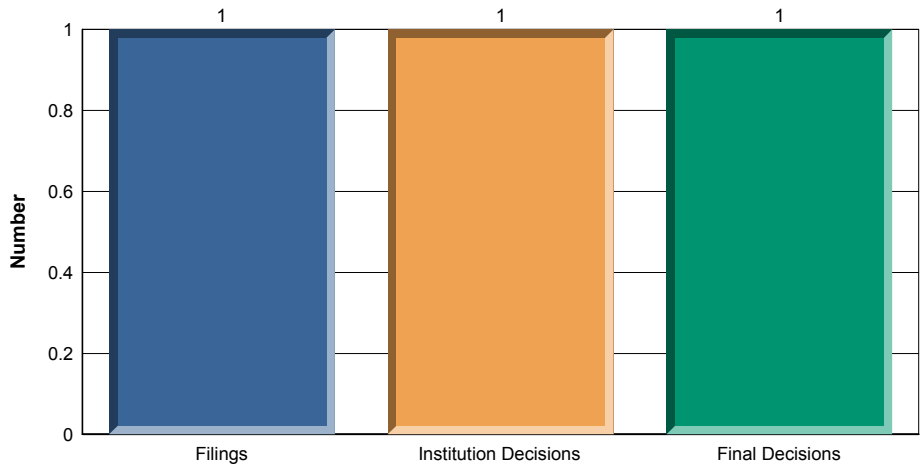
For Tech Center 1500



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 1500

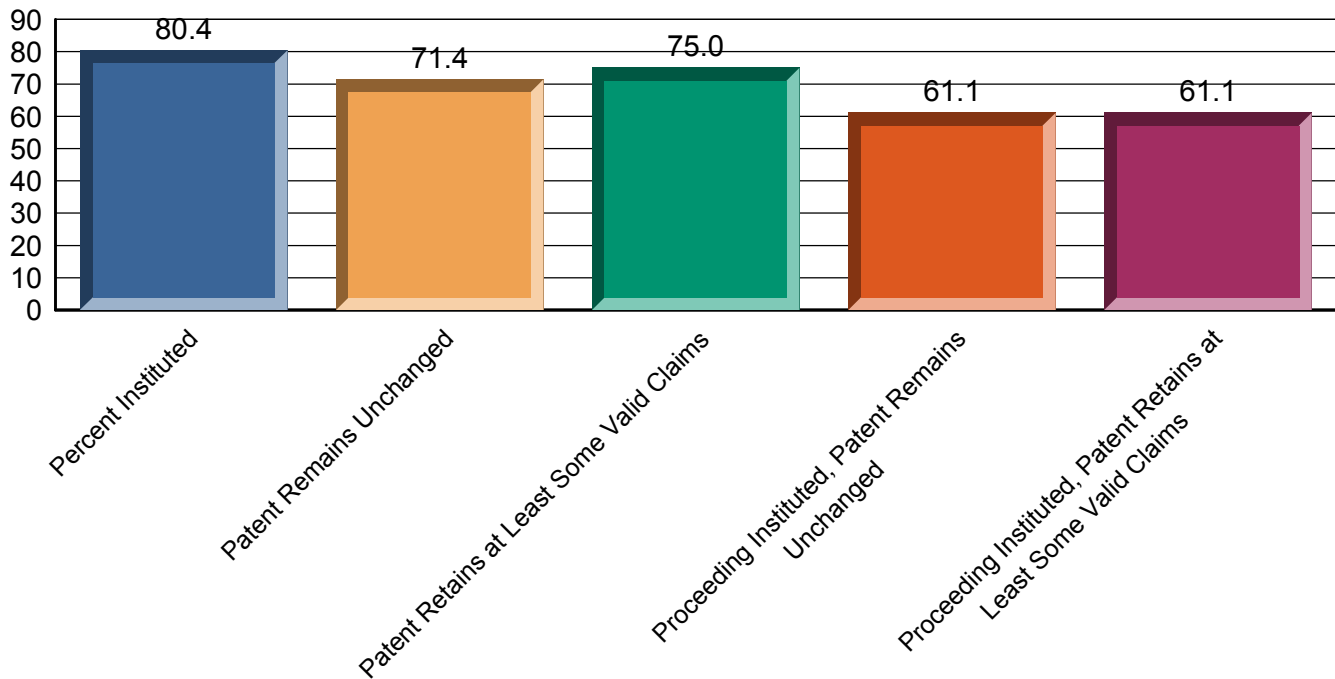


Tech Center 1600

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

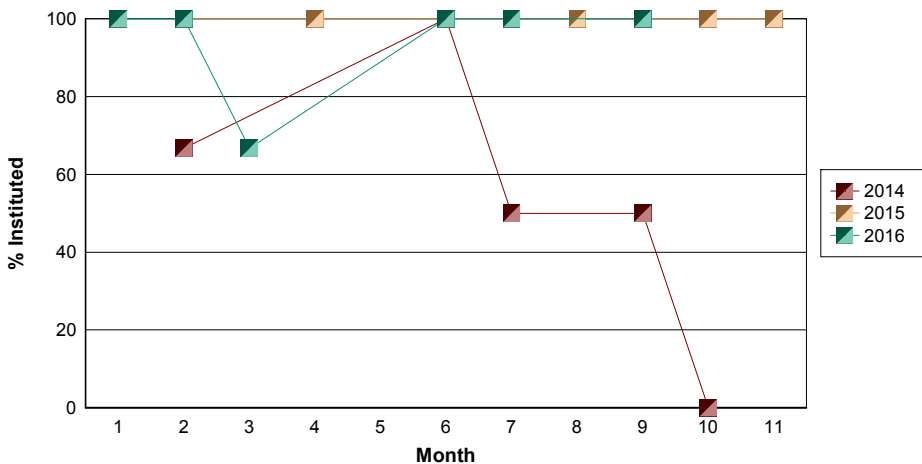
Petition Rates

For Tech Center 1600



Institution Rates by Year and Month of Decision

For Tech Center 1600



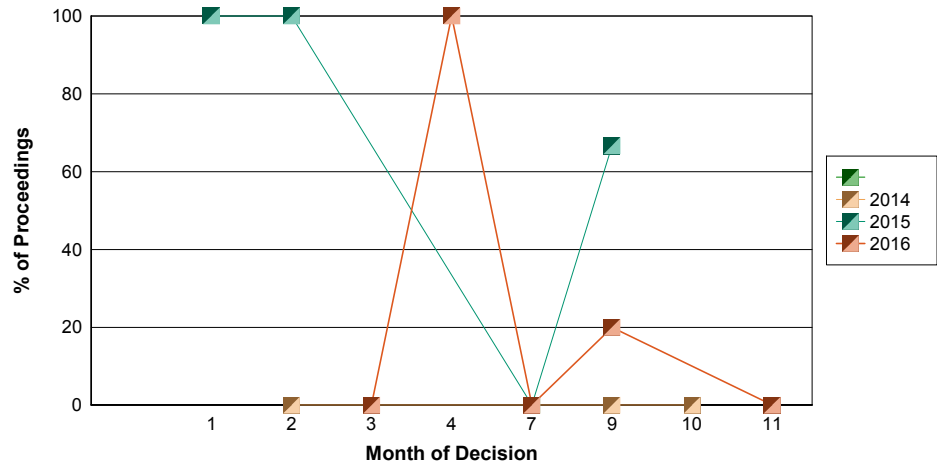
Institution Rates by Month and Year: The rates at which IPRs are instituted is shown in the chart to the left, by month and year. Note that many Tech Centers have very few institution decisions.

All Claims Unpatentable:

The fraction of *proceedings* where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

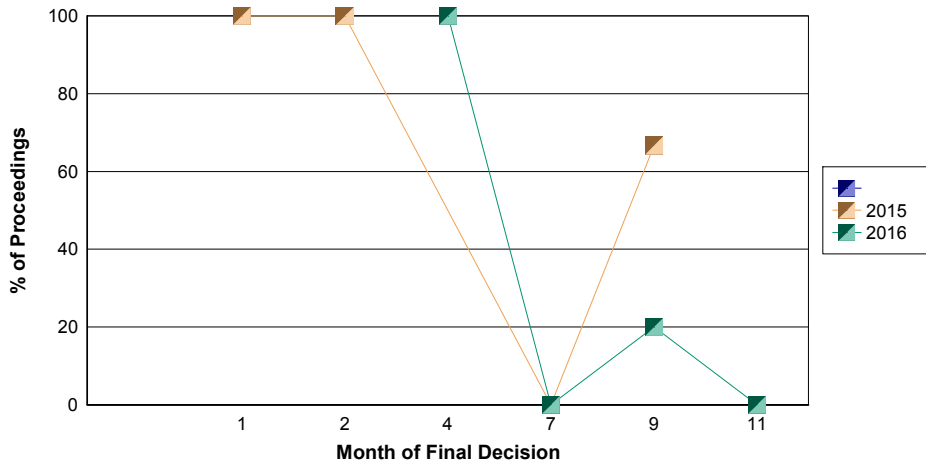
Proceedings with All Claims Unpatentable

For Tech Center 1600



Final Written Decisions with All Claims Unpatentable

For Tech Center 1600



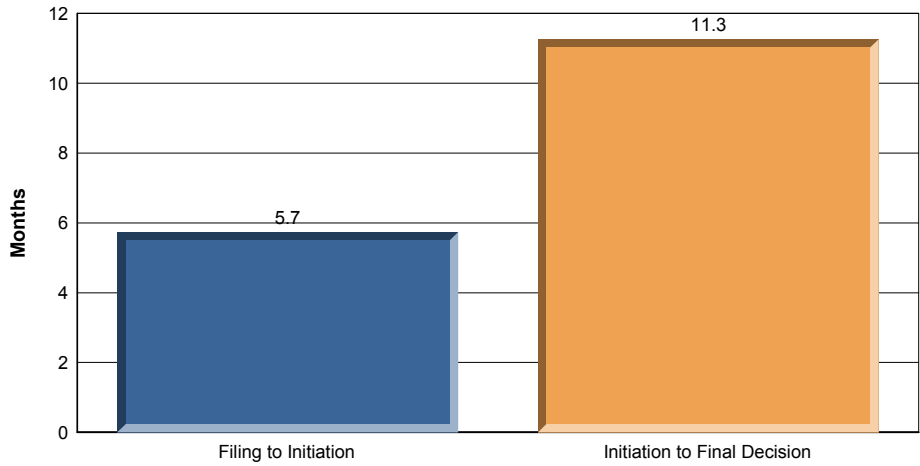
All Claims Unpatentable in Final Written Decision:

In those cases that proceed to a final written decision, the probability of a finding of unpatentability of all claims is quite high. Note that some Tech Centers have no final written decisions.

Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision

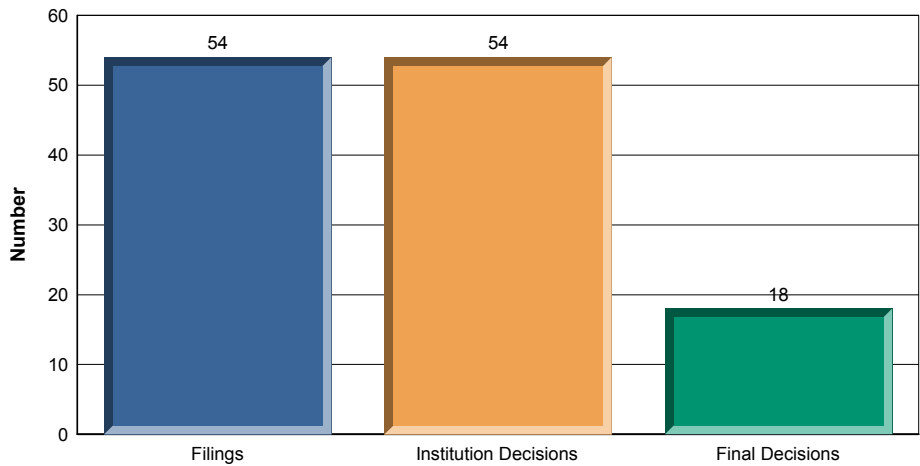
For Tech Center 1600



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 1600

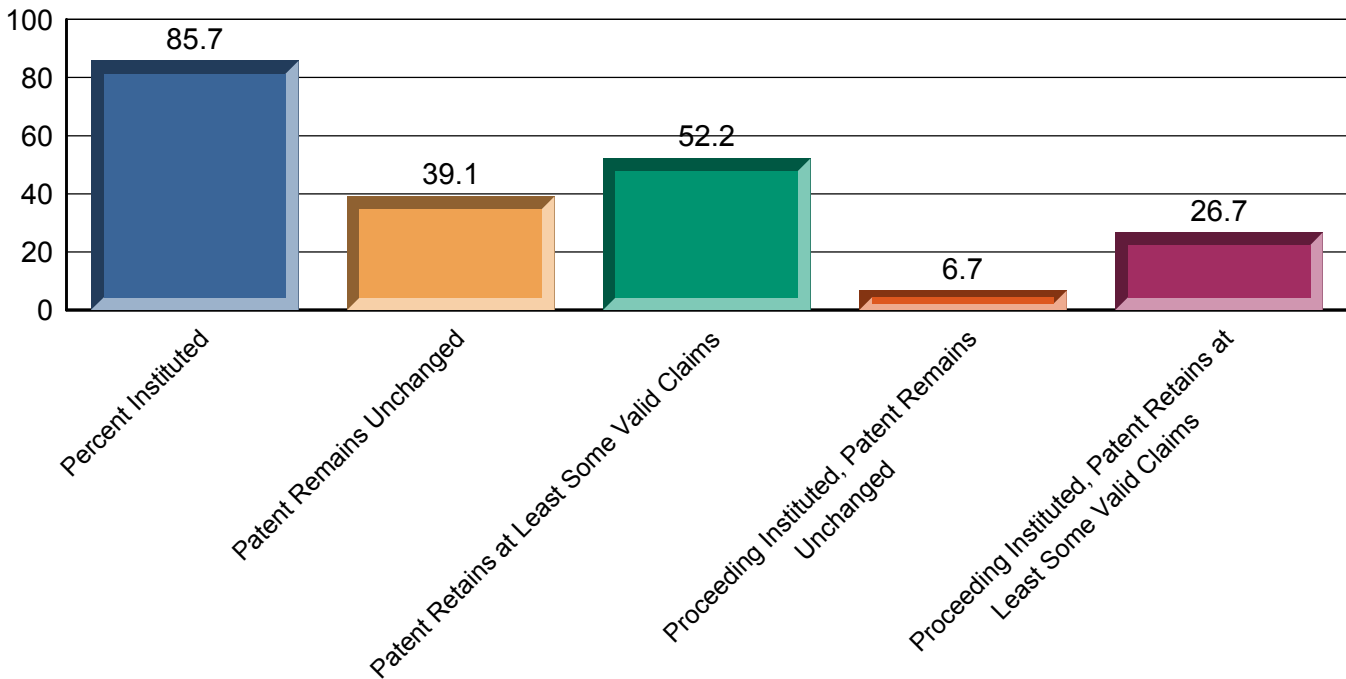


Tech Center 1700

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

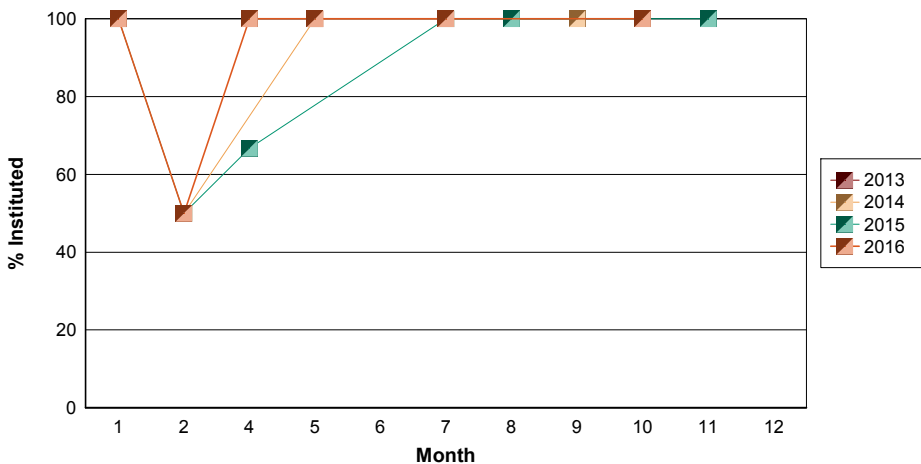
Petition Rates

For Tech Center 1700



Institution Rates by Year and Month of Decision

For Tech Center 1700

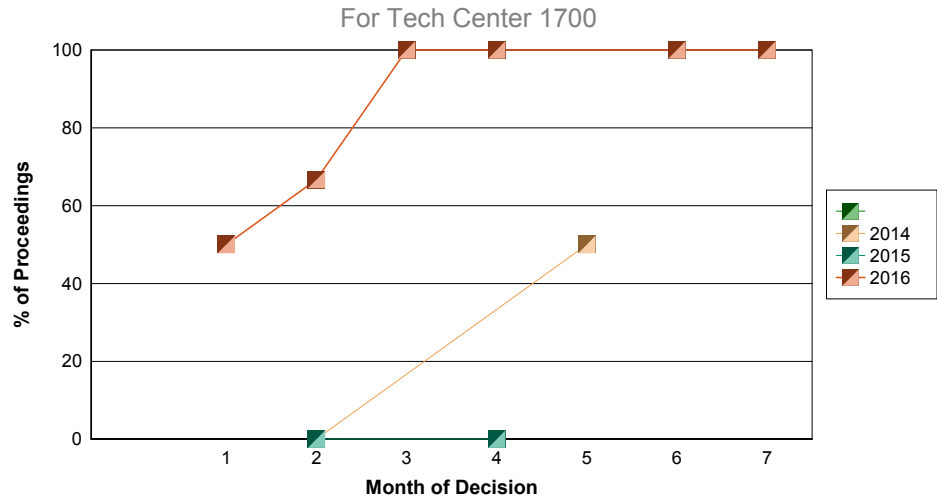


Institution Rates by Month and Year: The rates at which IPRs are instituted is shown in the chart to the left, by month and year. Note that many Tech Centers have very few institution decisions.

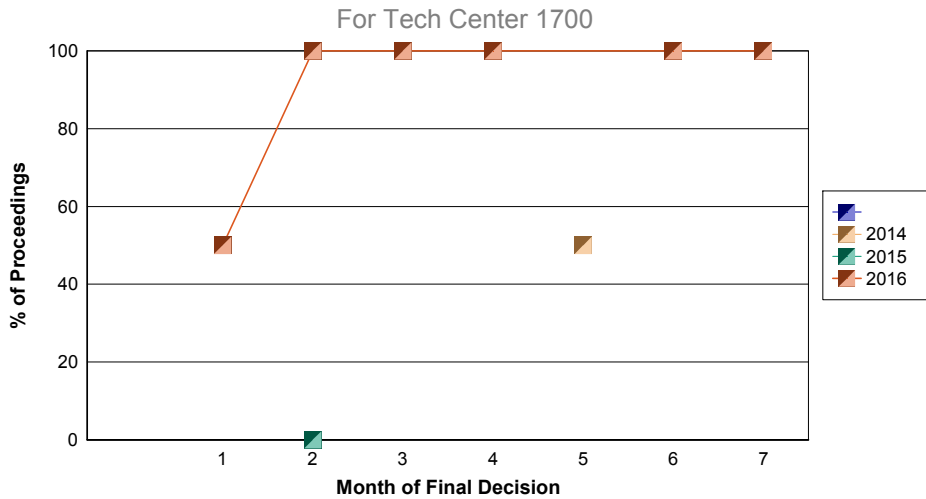
All Claims Unpatentable:

The fraction of **proceedings** where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable



Final Written Decisions with All Claims Unpatentable



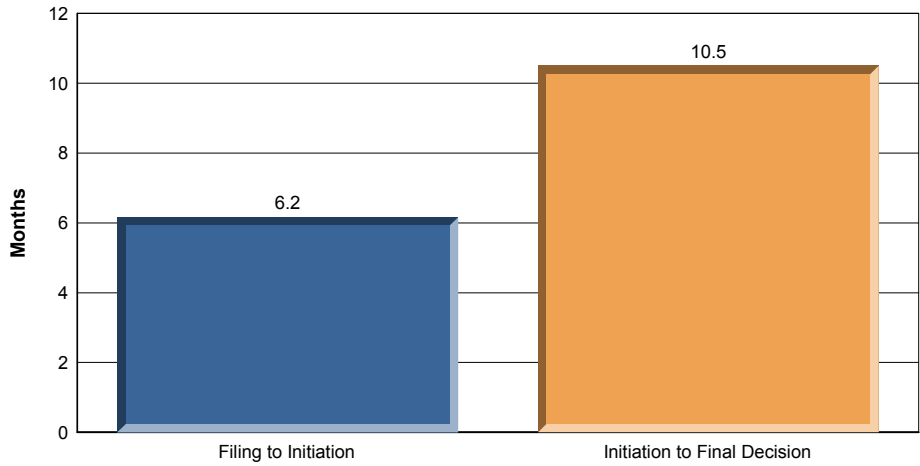
All Claims Unpatentable in Final Written Decision:

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Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision

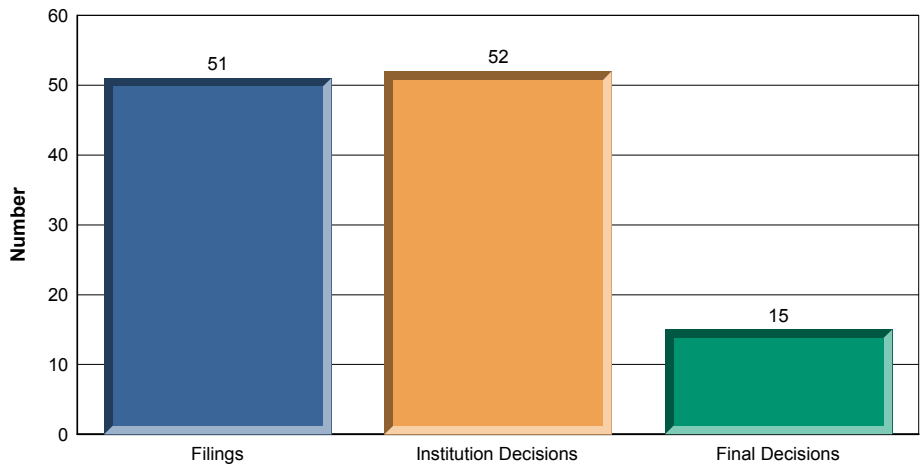
For Tech Center 1700



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 1700

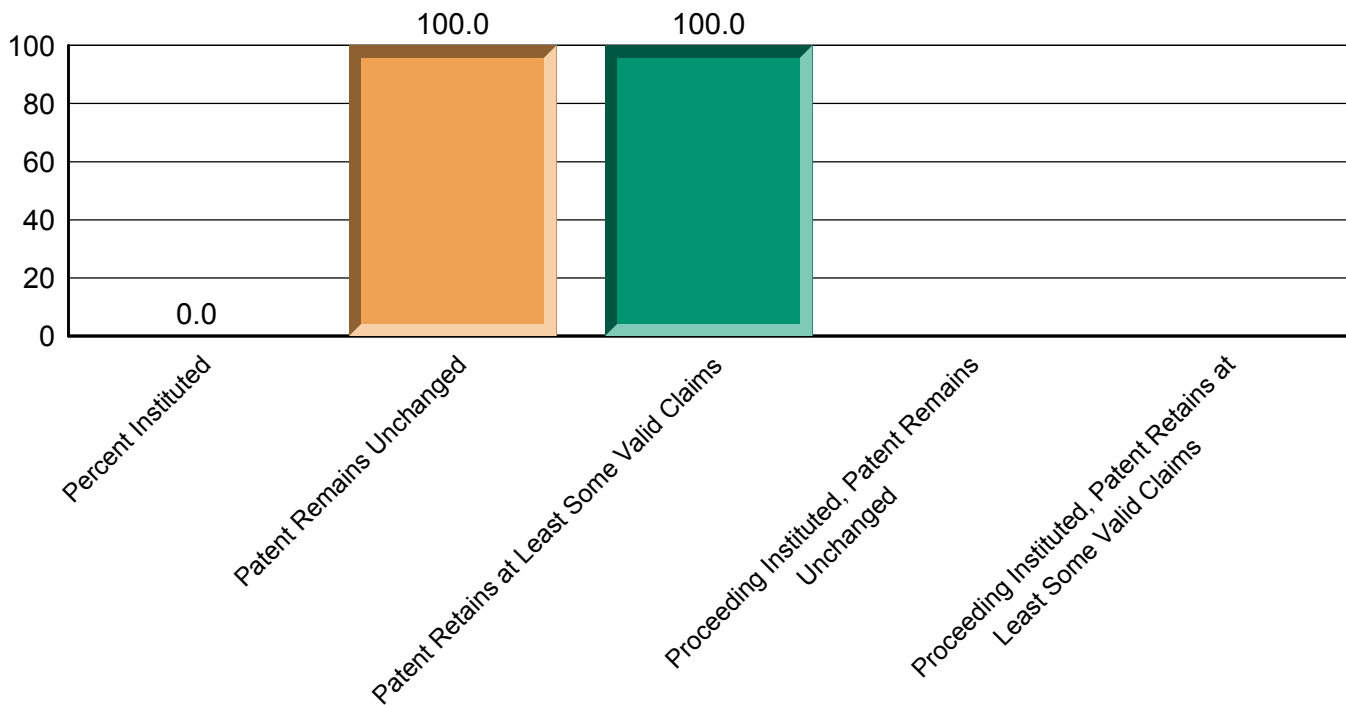


Tech Center 2100

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

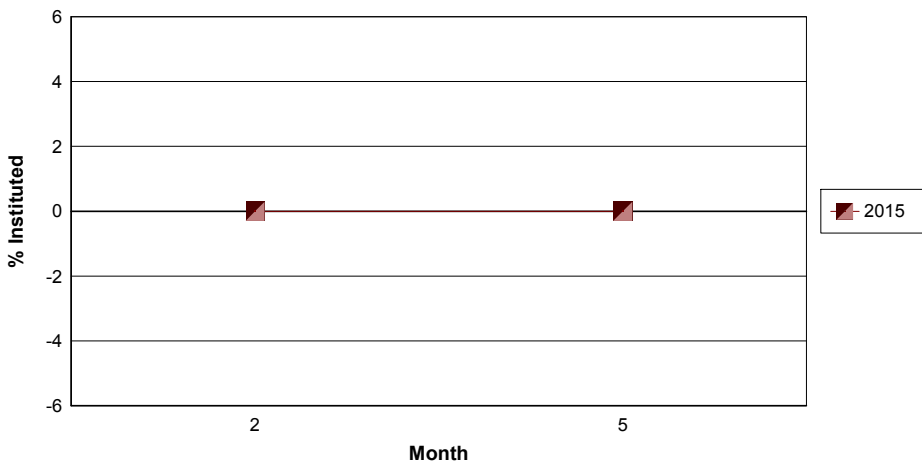
Petition Rates

For Tech Center 2100



Institution Rates by Year and Month of Decision

For Tech Center 2100



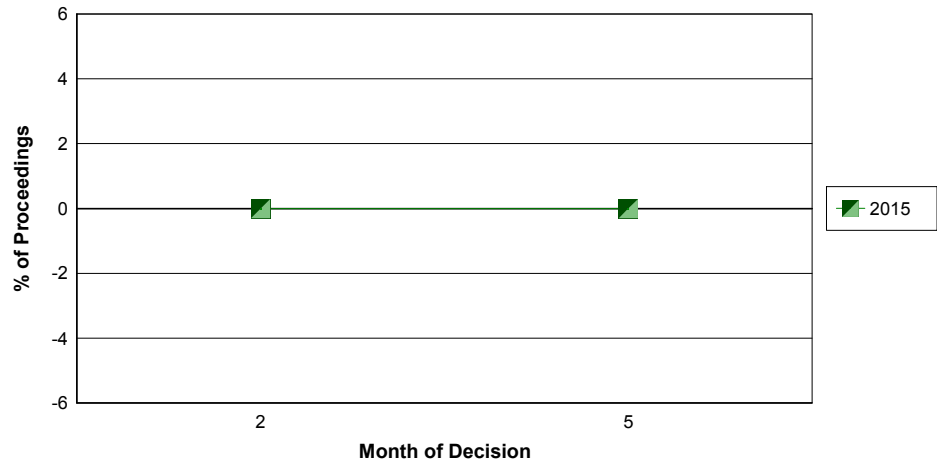
Institution Rates by Month and Year: The rates at which IPRs are instituted is shown in the chart to the left, by month and year. Note that many Tech Centers have very few institution decisions.

All Claims Unpatentable:

The fraction of **proceedings** where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable

For Tech Center 2100



Final Written Decisions with All Claims Unpatentable

For Tech Center 2100



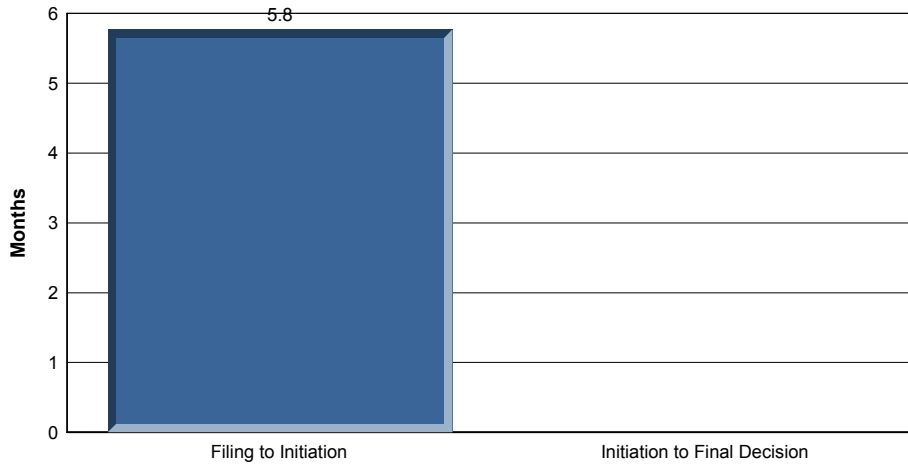
All Claims Unpatentable in Final Written Decision:

In those cases that proceed to a final written decision, the probability of a finding of unpatentability of all claims is quite high. Note that some Tech Centers have no final written decisions.

Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision

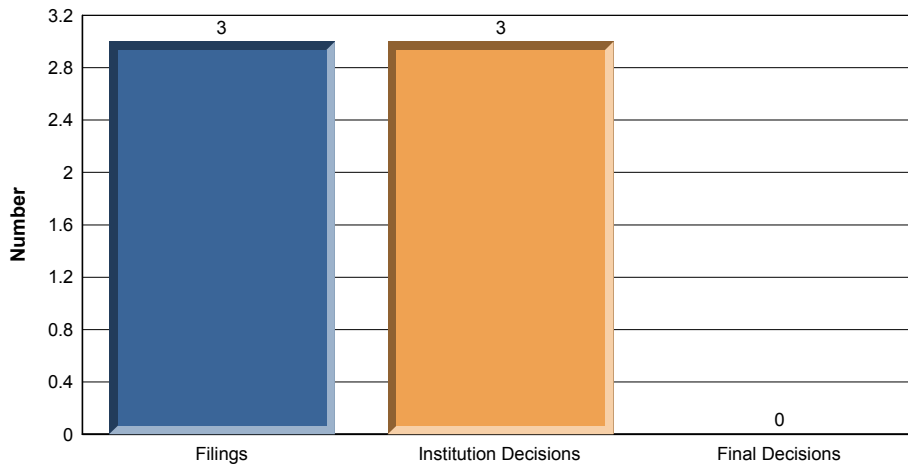
For Tech Center 2100



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 2100

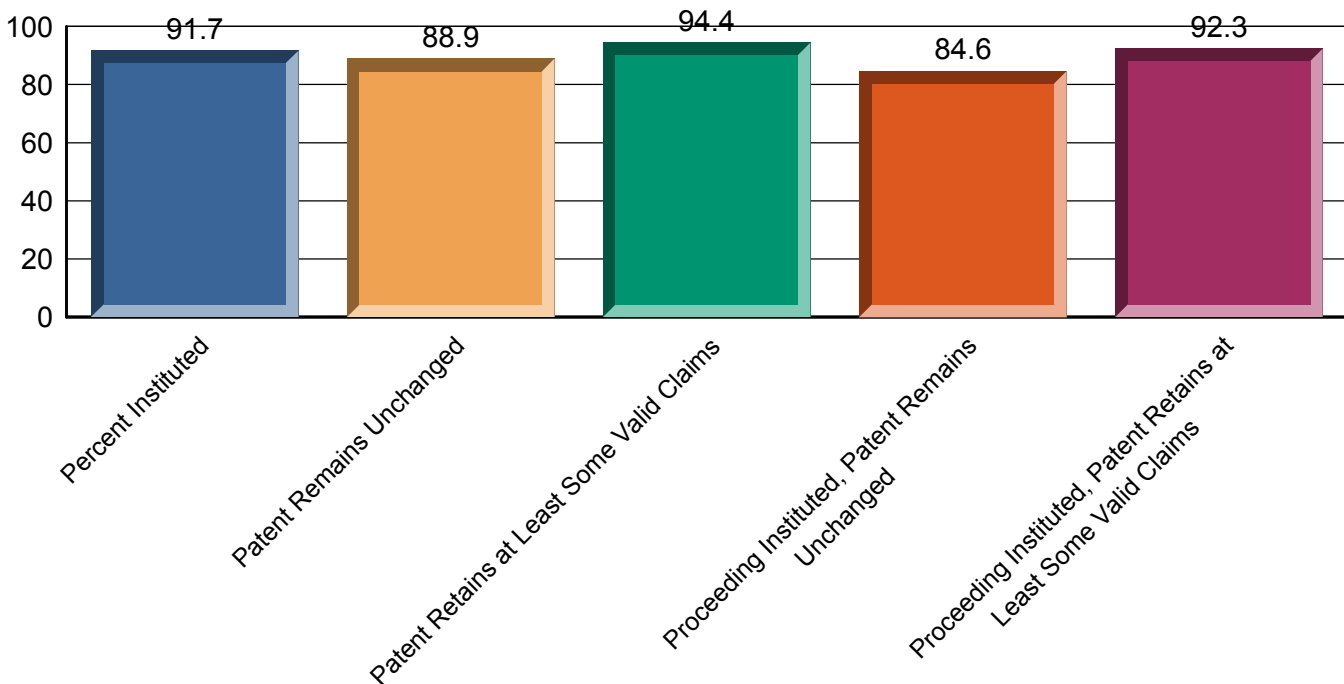


Tech Center 2800

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

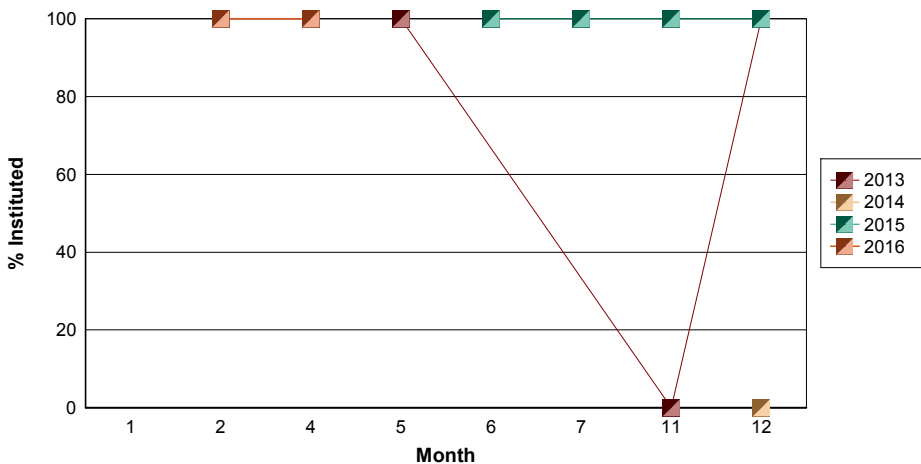
Petition Rates

For Tech Center 2800



Institution Rates by Year and Month of Decision

For Tech Center 2800



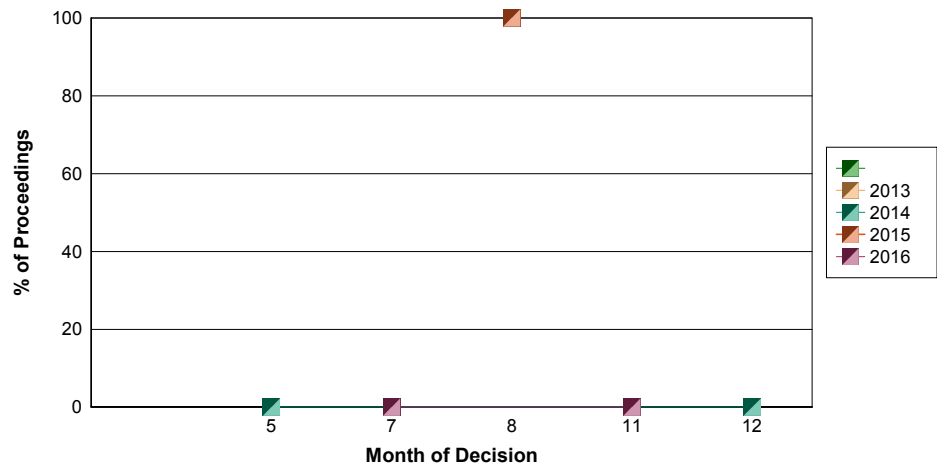
Institution Rates by Month and Year: The rates at which IPRs are instituted is shown in the chart to the left, by month and year. Note that many Tech Centers have very few institution decisions.

All Claims Unpatentable:

The fraction of **proceedings** where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

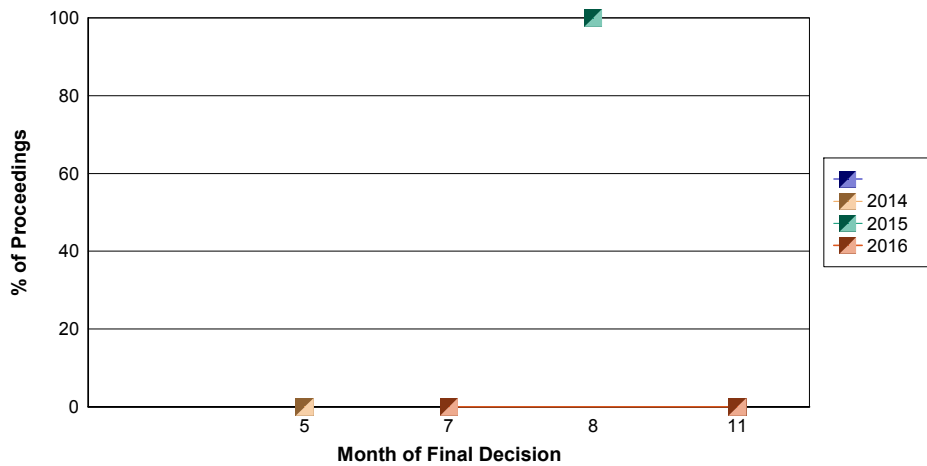
Proceedings with All Claims Unpatentable

For Tech Center 2800



Final Written Decisions with All Claims Unpatentable

For Tech Center 2800



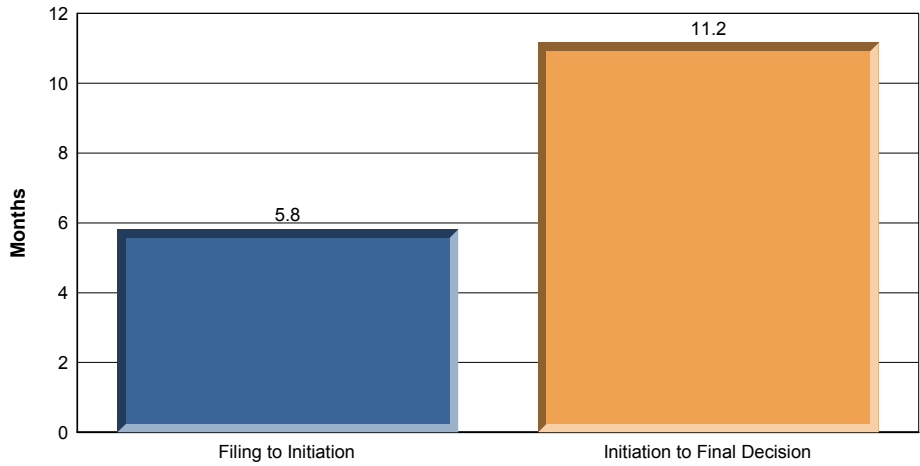
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Time from Filing to Institution and to Final Decision

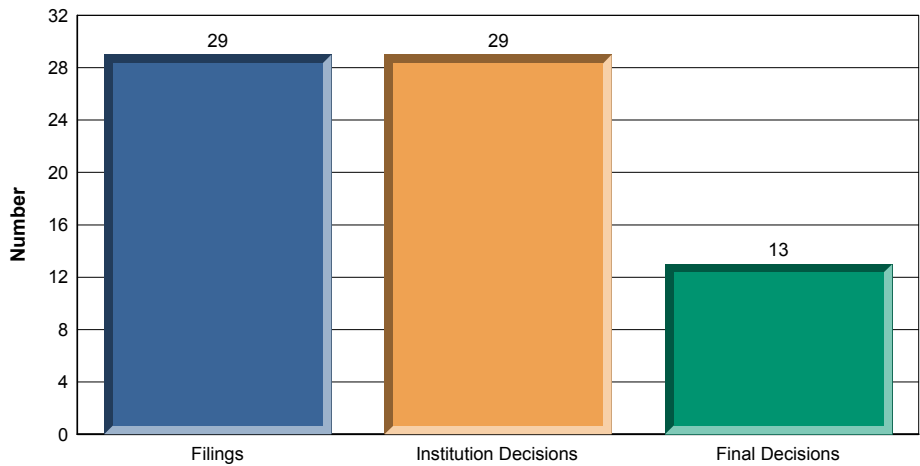
For Tech Center 2800



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 2800

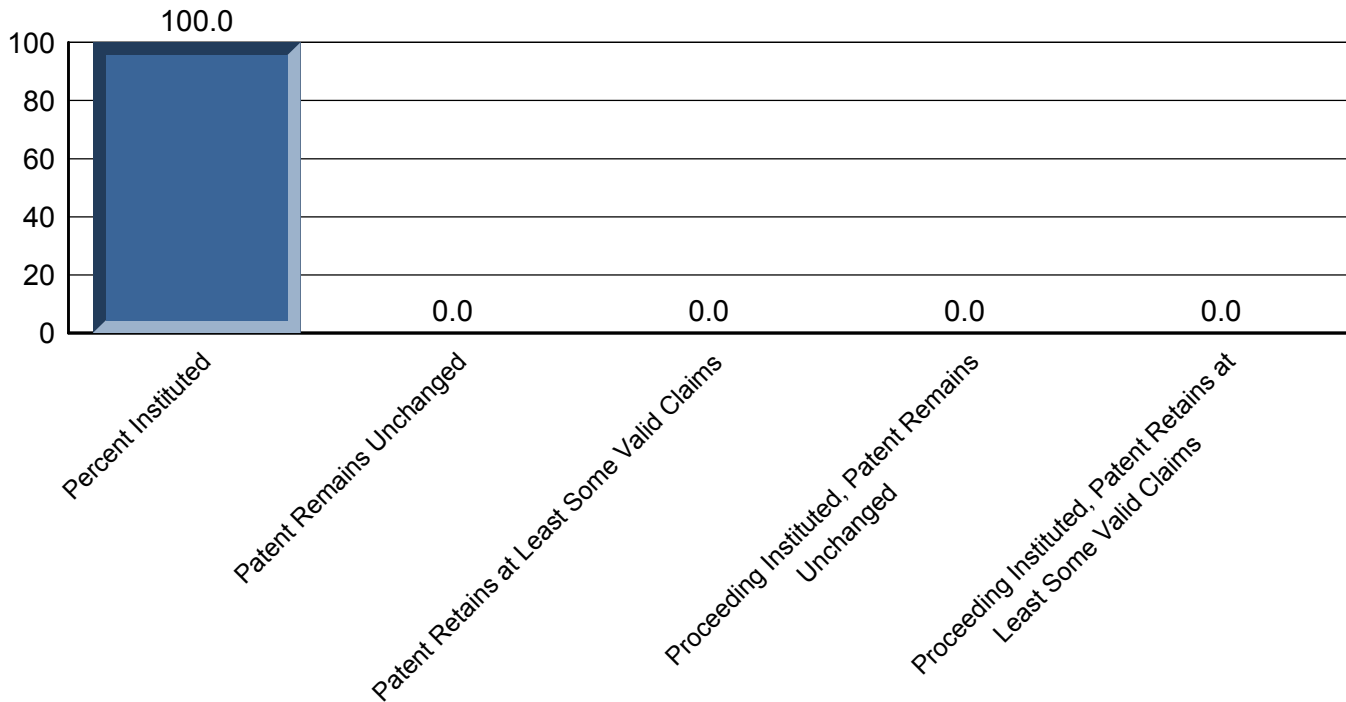


Tech Center 3600

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 3600



Institution Rates by Year and Month of Decision

For Tech Center 3600



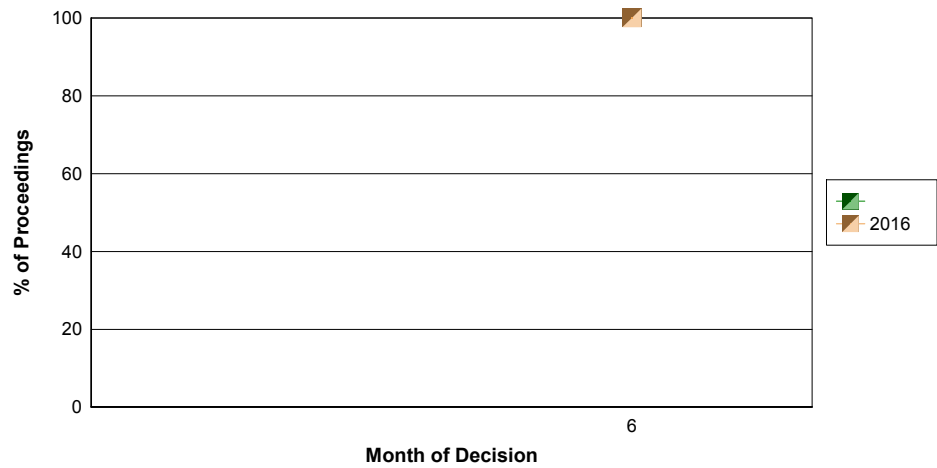
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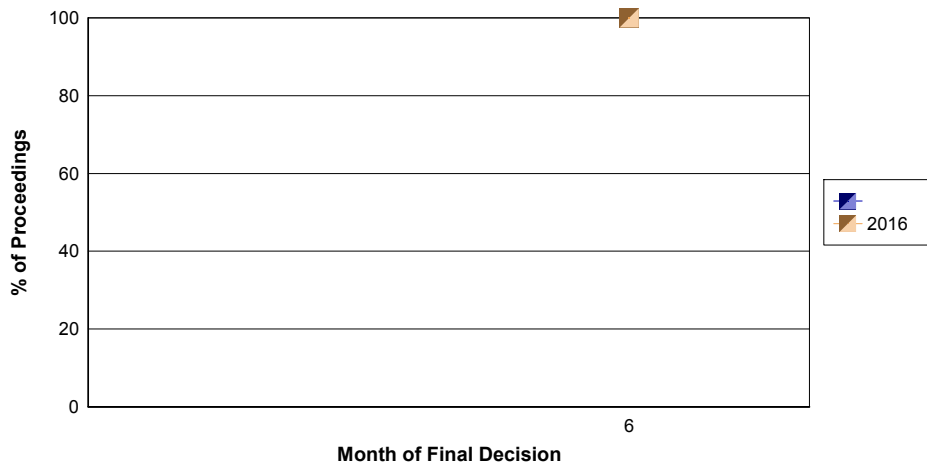
Proceedings with All Claims Unpatentable

For Tech Center 3600



Final Written Decisions with All Claims Unpatentable

For Tech Center 3600



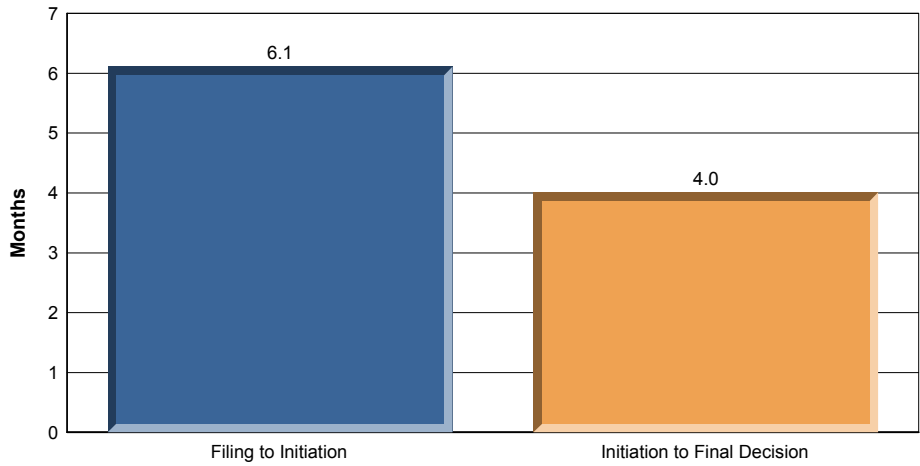
All Claims Unpatentable in Final Written Decision:

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Time from Filing to Institution and to Final Decision

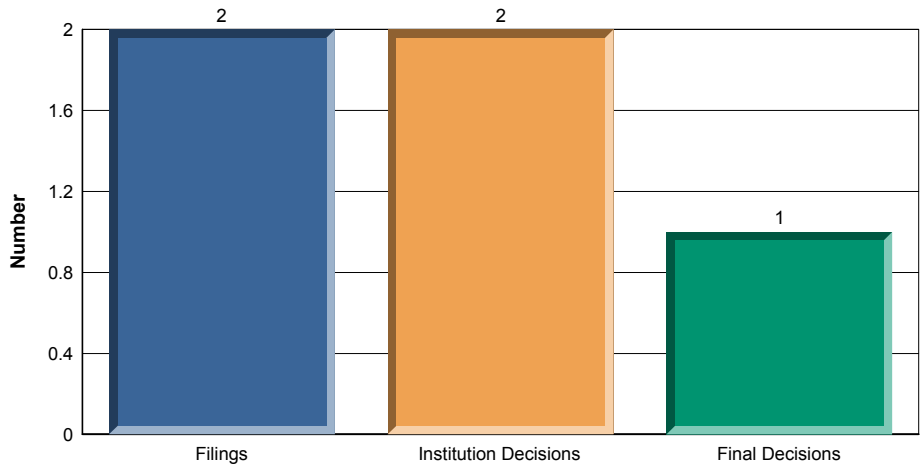
For Tech Center 3600



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

For Tech Center 3600

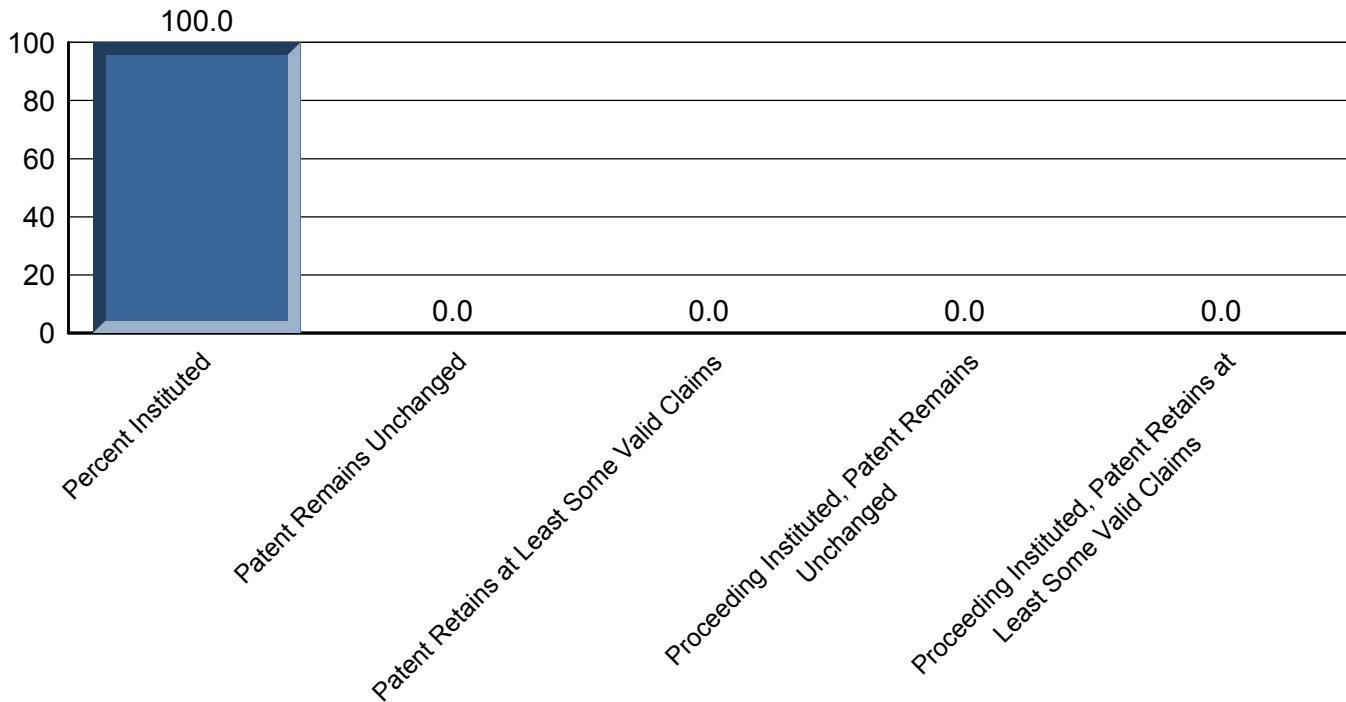


Tech Center 3700

Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

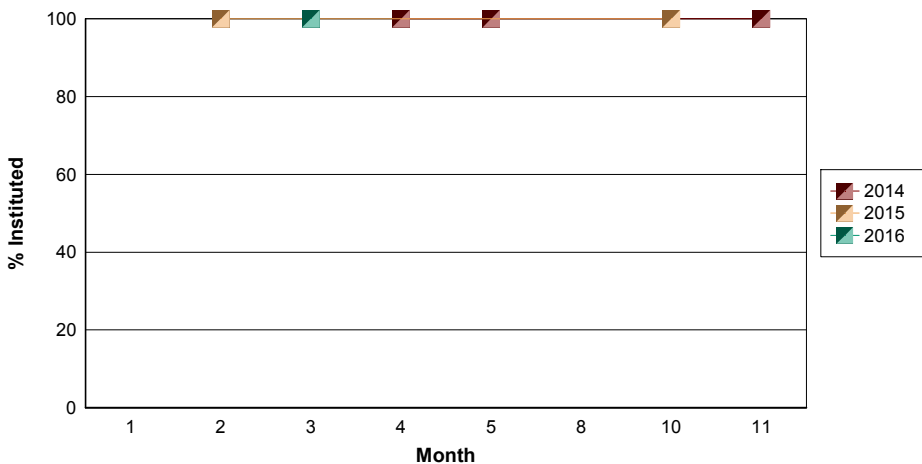
Petition Rates

For Tech Center 3700



Institution Rates by Year and Month of Decision

For Tech Center 3700

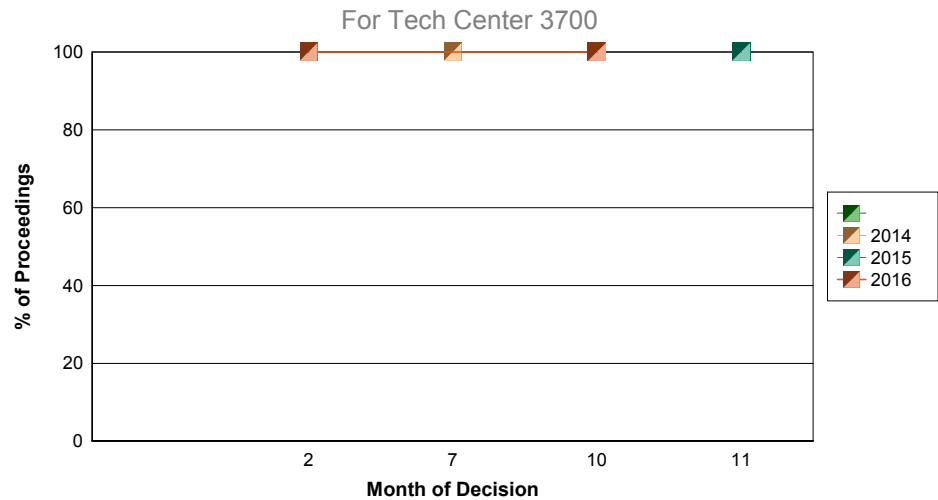


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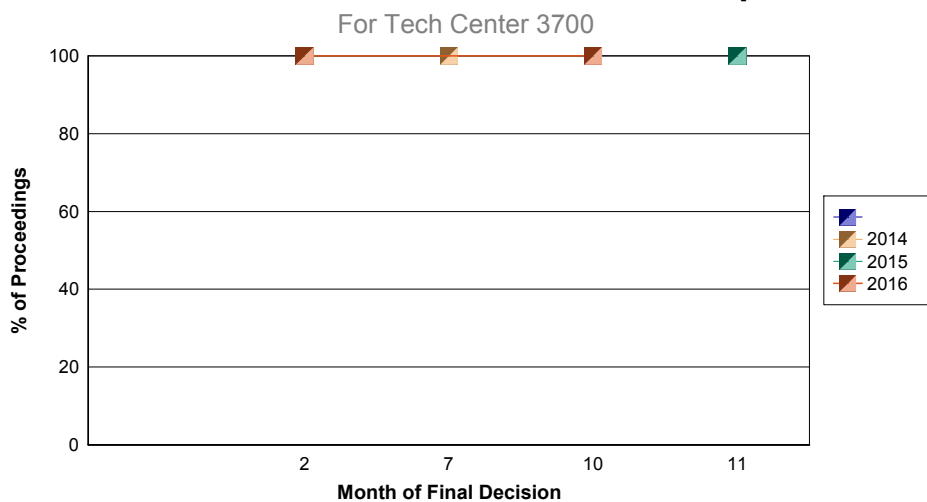
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Proceedings with All Claims Unpatentable



Final Written Decisions with All Claims Unpatentable



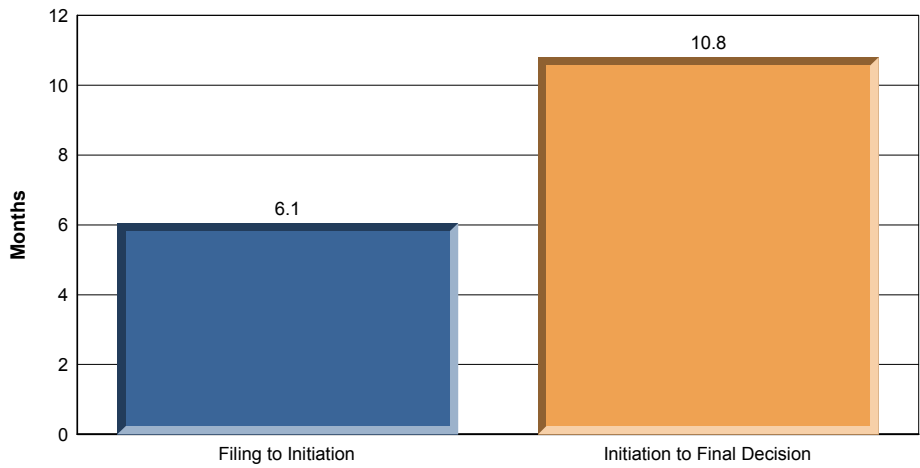
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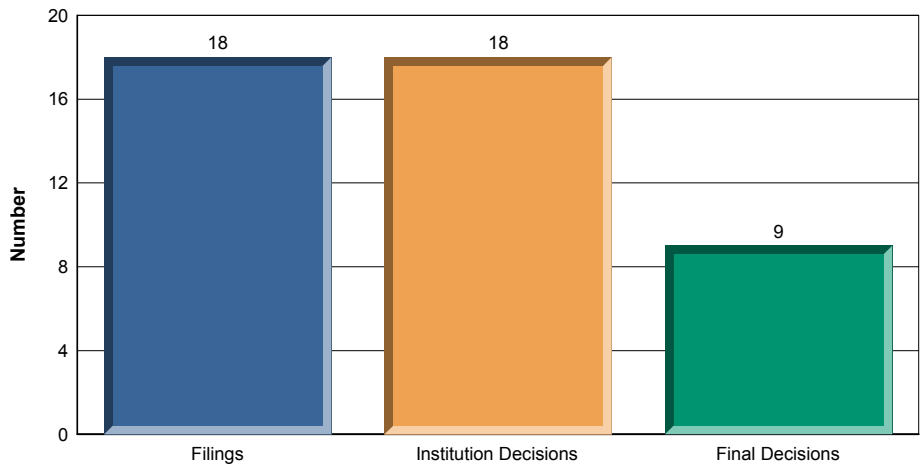
For Tech Center 3700



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Filings, Institution Decisions, and Final Decisions

For Tech Center 3700

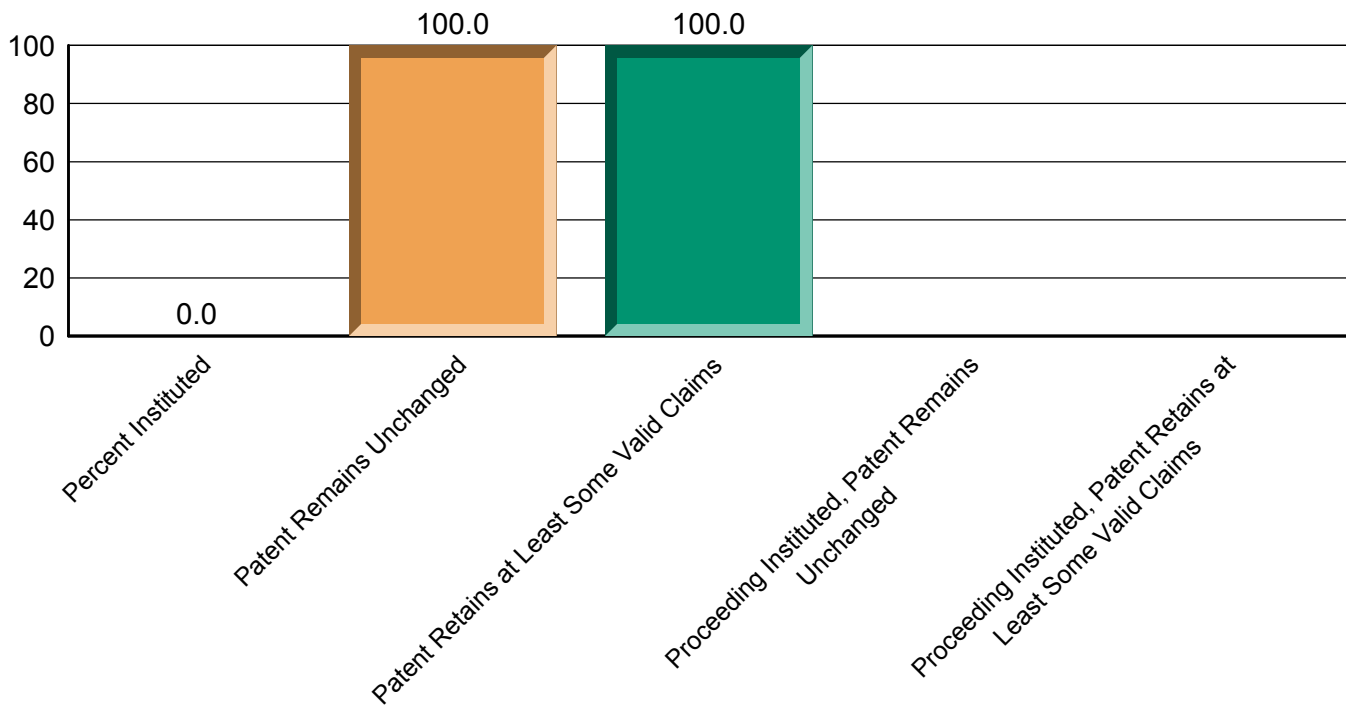


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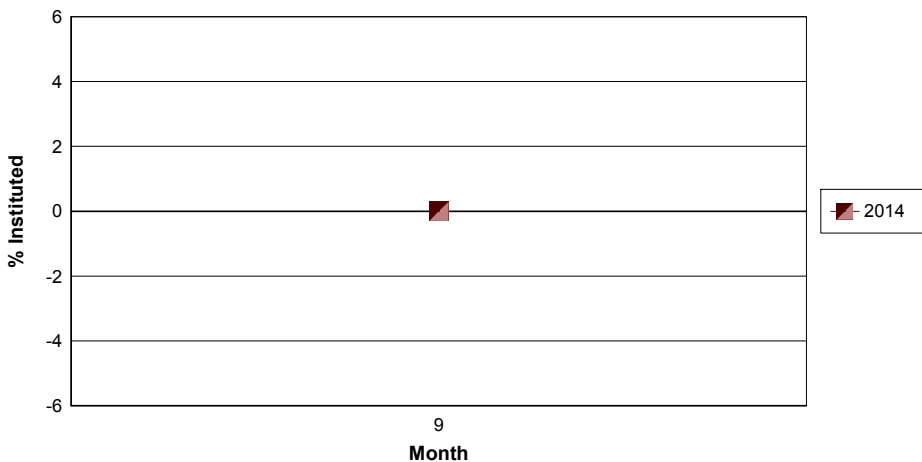
Petition Rates

For Tech Center 3900



Institution Rates by Year and Month of Decision

For Tech Center 3900



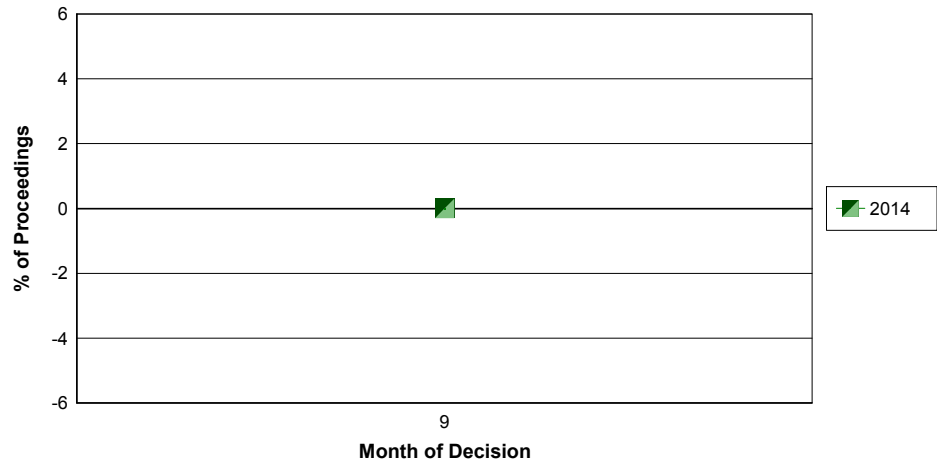
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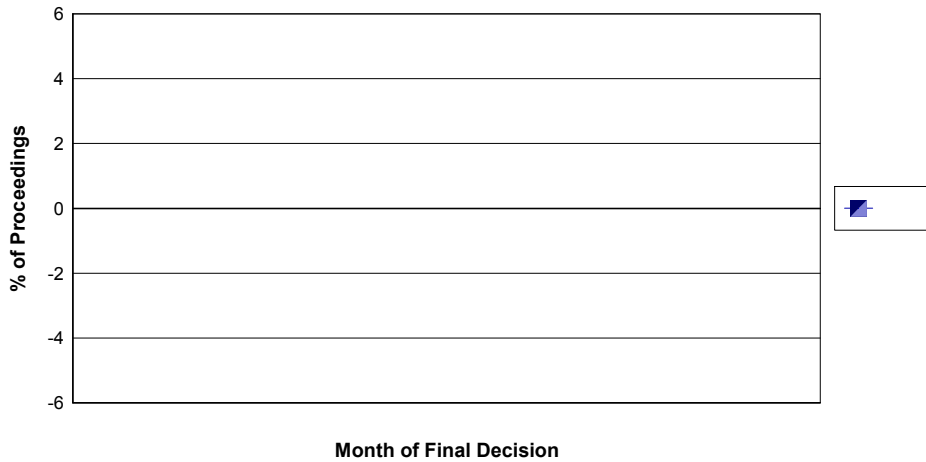
Proceedings with All Claims Unpatentable

For Tech Center 3900



Final Written Decisions with All Claims Unpatentable

For Tech Center 3900



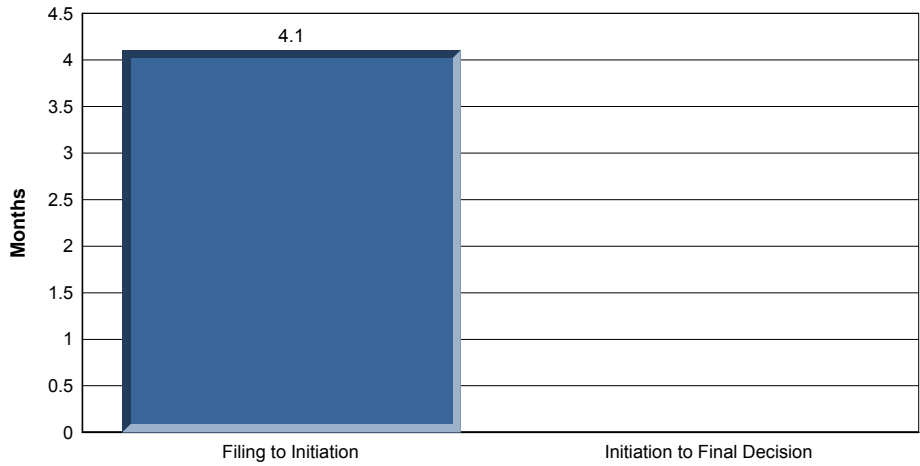
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For Tech Center 3900



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Filings, Institution Decisions, and Final Decisions

For Tech Center 3900

