



LegalMetric Federal Circuit Report

Patent Cases

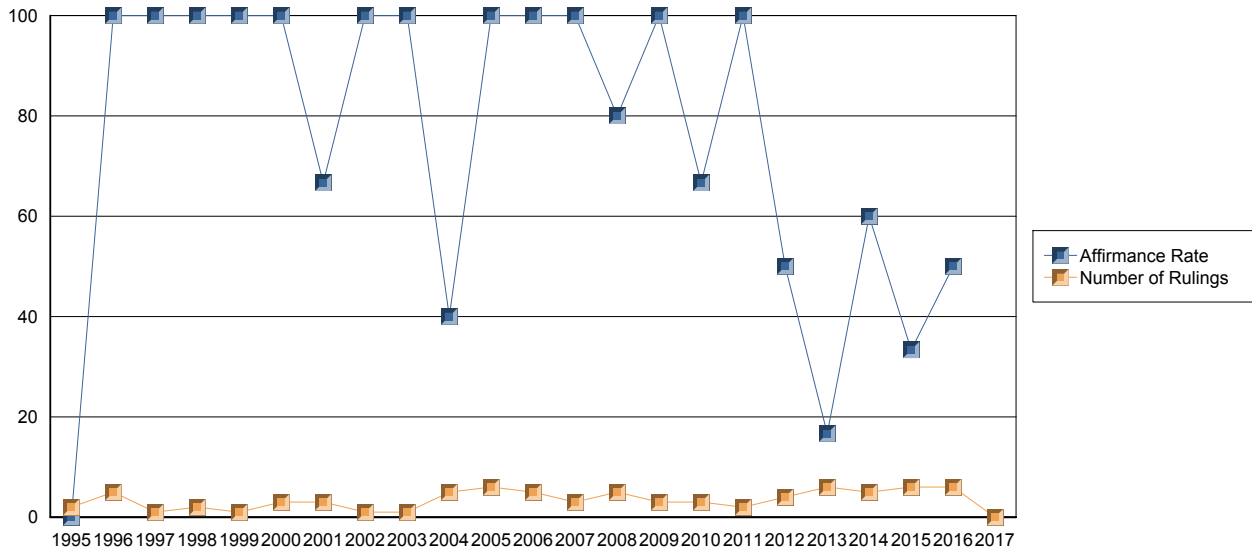
July 1995 through January 2017

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Willful Infringement: The number of willful infringement rulings and the affirmance rates for those rulings for each year from 1995 are shown in the chart below.



	Affirmance Rate	No. of Rulings	Reversal Rate
Total	69.2	78	14.1
1995	0.0	2	50.0
1996	100.0	5	0.0
1997	100.0	1	0.0
1998	100.0	2	0.0
1999	100.0	1	0.0
2000	100.0	3	0.0
2001	66.7	3	0.0
2002	100.0	1	0.0
2003	100.0	1	0.0
2004	40.0	5	20.0
2005	100.0	6	0.0
2006	100.0	5	0.0
2007	100.0	3	0.0
2008	80.0	5	0.0
2009	100.0	3	0.0
2010	66.7	3	33.3
2011	100.0	2	0.0
2012	50.0	4	0.0
2013	16.7	6	50.0

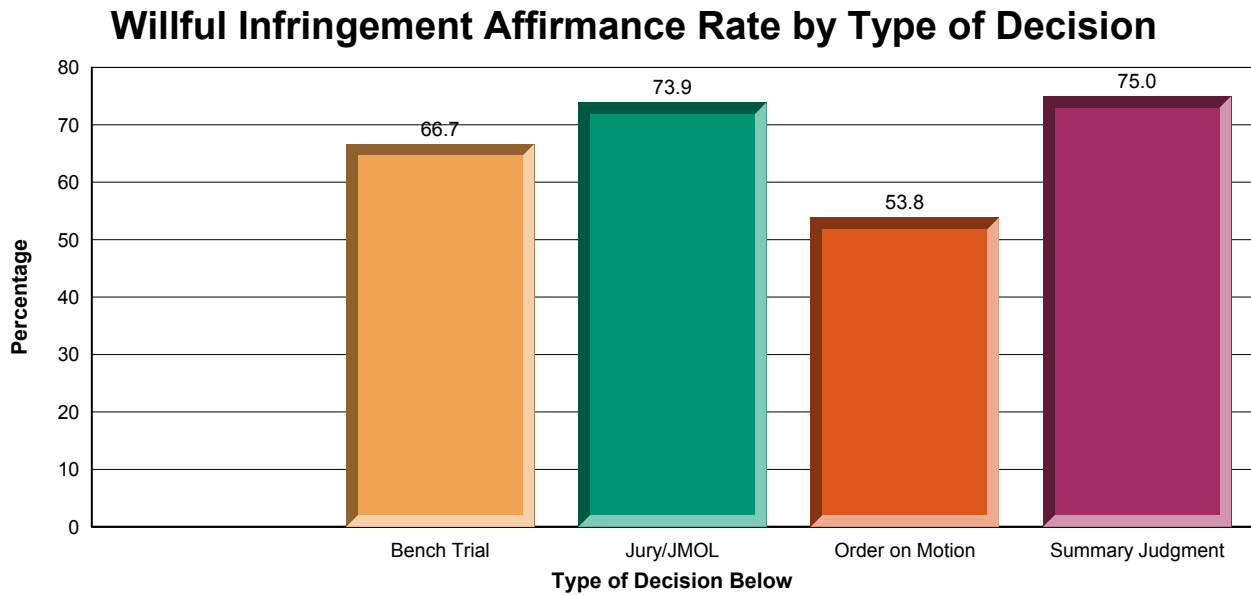
	Affirmance Rate	No. of Rulings	Reversal Rate
2014	60.0	5	20.0
2015	33.3	6	66.7
2016	50.0	6	0.0

The number of decisions and affirmance rates as a function of whether willful infringement was found or not below are shown in the following table.

		Total		
		Affirmance Rate	Number of Rulings	Reversal Rate
Total		69.2	78	14.1
Found Willful Below	Total	60.0	50	22.0
	1995	0.0	2	50.0
	1996	100.0	4	0.0
	1997	100.0	1	0.0
	1998	100.0	2	0.0
	2000	100.0	2	0.0
	2001	50.0	2	0.0
	2004	25.0	4	25.0
	2005	100.0	4	0.0
	2006	100.0	5	0.0
	2007	100.0	1	0.0
	2008	50.0	2	0.0
	2009	100.0	1	0.0
	2010	0.0	1	100.0
	2011	100.0	1	0.0
	2012	33.3	3	0.0
	2013	0.0	5	60.0
	2014	66.7	3	33.3
	2015	20.0	5	80.0
	2016	100.0	2	0.0
Not Found Willful Below	Total	85.7	28	0.0
	1996	100.0	1	0.0
	1999	100.0	1	0.0
	2000	100.0	1	0.0
	2001	100.0	1	0.0

		Total		
		Affirmance Rate	Number of Rulings	Reversal Rate
Not Found Willful Below	2002	100.0	1	0.0
	2003	100.0	1	0.0
	2004	100.0	1	0.0
	2005	100.0	2	0.0
	2007	100.0	2	0.0
	2008	100.0	3	0.0
	2009	100.0	2	0.0
	2010	100.0	2	0.0
	2011	100.0	1	0.0
	2012	100.0	1	0.0
	2013	100.0	1	0.0
	2014	50.0	2	0.0
	2015	100.0	1	0.0
	2016	25.0	4	0.0

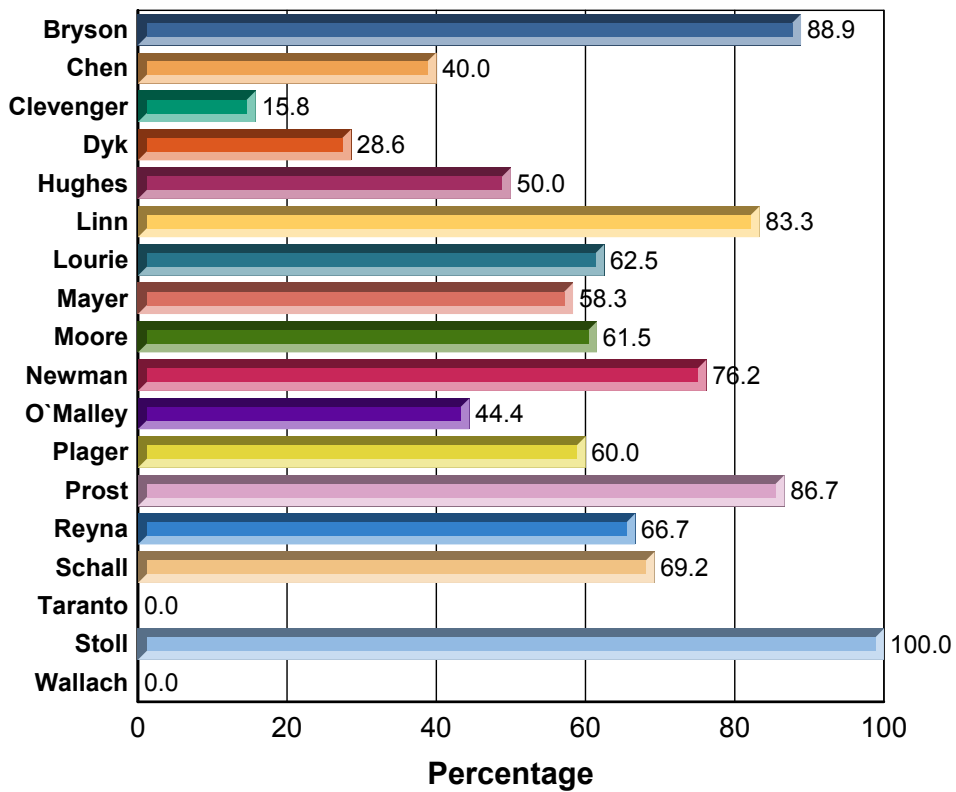
By Type of Decision Below: The affirmance rates as a function of the type of willful infringement decision below (summary judgment, bench trial, jury trial, order on motion, etc.) are illustrated in the chart below.



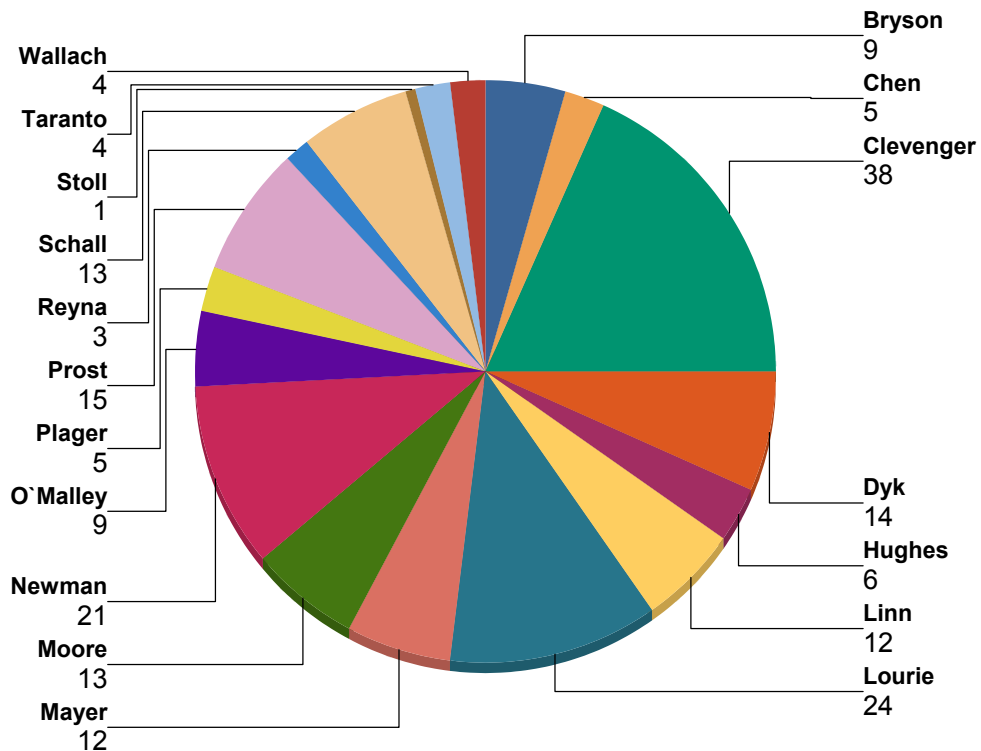
	Total		
	Affirmance Rate	Number of Rulings	Reversal Rate
Total	69.2	78	14.1
Bench Trial	66.7	15	20.0
Jury/JMOL	73.9	46	8.7
Order on Motion	53.8	13	23.1
Summary Judgment	75.0	4	25.0

By Judge: The affirmance rate for willful infringement rulings varied significantly from judge to judge. The following chart illustrates that variation. The second chart shows the number of willfulness rulings for each judge. Note that a single ruling in a case typically has three judges associated with it.

Willful Infringement Affirmance Rates, by Judge

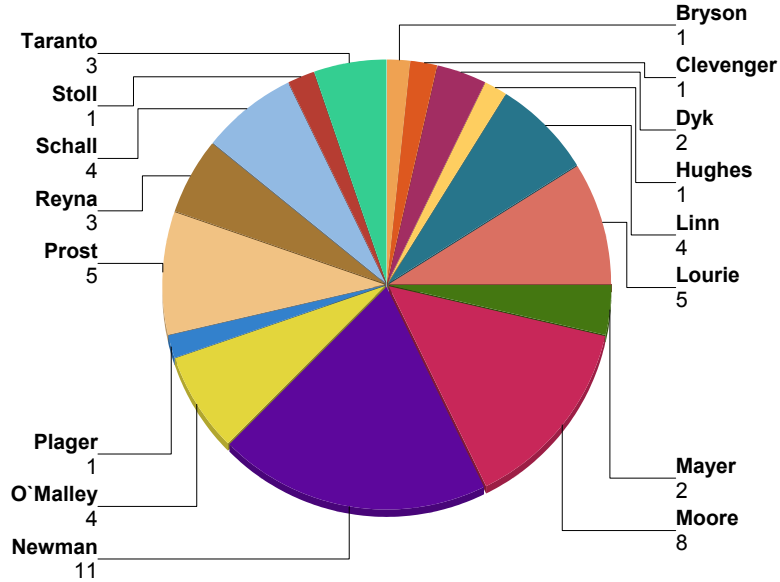


Willfulness Rulings, by Judge

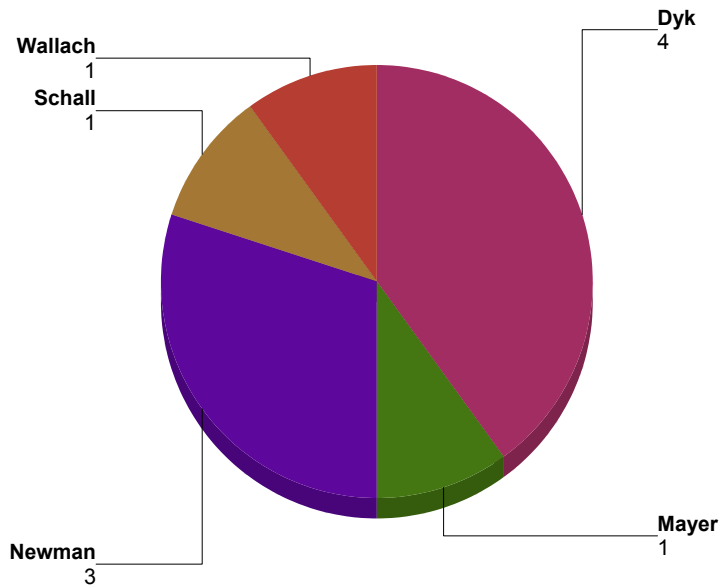


The number of opinions on willfulness, by judge, is shown below.

Number of Opinions on Willfulness



Number of Dissents on Willfulness



<u>Docket Number</u>	<u>Case Name</u>	<u>Judges</u>	<u>Issue Type</u>	<u>Issue Subtype</u>	<u>Issue Outcome</u>	<u>Lower Decision Type</u>
94-1450	Imazio v. Greenhouses	Lourie, Mayer, Rich	Willful Infringement		Vacated, Remanded	Jury Verdict
94-1109	National Presto v. West Bend	Lourie, Newman, Rader	Willful Infringement		Affirmed	Jury Verdict
94-1472	Hoechst Celanese v. BP Chemicals	Clevenger, Newman, Rader	Willfulness		Affirmed	Jury Verdict
95-1058	Sensonics v. Aerosonic	Bennett, Bryson, Newman	Willfulness		Affirmed	Bench Trial
96-1005	Minco, Inc. v. Combustion Engineering	Cowen, Rader, Schall	Willfulness		Affirmed	Bench Trial
96-1082	Stryker Corp. v. Intermedics	Bryson, Plager, Schall	Willfulness		Affirmed	Bench Trial
96-1437	SRI v. Advanced Technology	Lourie, Michel, Newman	Willfulness		Affirmed	Bench Trial
97-1495	John Hopkins University v. Cellpro, Inc	Lourie, Schall, Smith	Willfulness		Affirmed	Jury Verdict/JM OL
97-1537	Comark v. Harris Corp.	Gajarsa, Newman, Schall	Willfulness		Affirmed	Jury Verdict/JM OL
97-1238	Georgia-Pacific v. United States Gypsum	Archer, Bryson, Gajarsa	Willful Infringement		Affirmed	Order on Motion
99-1064	Embrex v. Service Engineering	Clevenger, Lourie, Rader	Willfulness		Affirmed	Jury Verdict/JM OL
99-1098	Ajinomoto v. Archer-Daniels-Midland	Newman, Rader, Smith	Willfulness		Affirmed	Bench Trial
99-1202	Stryker v. Davol	Mayer, Newman, Schall	Willfulness		Affirmed	Jury Verdict/JM OL
99-1558	Crystal Semiconductor v. TriTech Microelectronics	Clevenger, Mayer, Rader	Willfulness		Affirmed	Jury Verdict
99-1578	Biotec Biologische Naturverpackungen v. Biocorp	Mayer, Newman, Schall	Willfulness		Affirmed	Jury Verdict
99-1569	Viskase v. American National Can	Lourie, Newman, Rader	Willfulness		Vacated, Remanded	Jury Verdict
00-1533	Vulcan Engineering v. Fata Aluminium	Lourie, Newman	Willfulness		Affirmed	Order on Motion
02-1588	State Contracting & Engineering Corp. v. Condotte	Bryson, Dyk, Michel	Willfulness		Affirmed	Order on Motion
02-1608	Golight, Inc. v. Wal-Mart Stores, Inc., et al.	Prost, Schall	Willfulness		Affirmed	Bench Trial
02-1490	Norian Corp. v. Stryker Corp.	Friedman, Newman	Willfulness		Affirmed	JMOL
03-1575	Glaxo Group Limited, et al. v. Apotex, Inc.	Dyk, Gajarsa, Schall	Willfulness		Reversed	Bench Trial

01-1357	Knorr-Bremse Systeme Fuer Nutzfahrzeuge GMBH v. Da	Bryson, Clevenger, Gajarsa, Linn, Lourie, Mayer, N	Willfulness	Vacated, Remanded	Bench Trial
99-1584	Insituform Technologies, Inc., et al. v. CAT Contr	Mayer, Michel, Schall	Willfulness	Vacated, Remanded	Order on Motion
03-1324	Fuji Photo Film Co., LTD. v. Jazz Photo Corp., et	Clevenger, Linn, Rader	Willfulness	Affirmed	Jury Verdict/JM OL
04-1262	Imonex Services v. W.H. Munzprufer Dietmar Trenner	Archer, Bryson, Rader	Willfulness	Affirmed	Jury Verdict/JM OL
03-1625	Harris Corporation v. Ericsson, Inc.	Clevenger, Prost	Willfulness	Affirmed	Jury Verdict
04-1596	Engineered Products, Co. v. Donalson Co., Inc.	Archer, Newman, Schall	Willfulness	Affirmed	Jury Verdict/JM OL
04-1495	Mallinckrodt v. Masimo	Lourie, Michel, Prost	Willfulness	Affirmed	JMOL
04-1475	Union Carbide v. Shell Oil	Mayer, Prost, Rader	Willfulness	Affirmed	Jury Verdict/JM OL
03-1341	Ncube Corp. (now C-Cor, Inc.) v. Seachange Interna	Friedman, Rader	Willfulness	Affirmed	Jury Verdict/JM OL
04-1559	Lamps Plus, Inc, et al. v. Dolan, et al.	Mayer, Rader	Willfulness	Affirmed	Jury Verdict
05-1149	Applied Medical Resources Corp. v. United States S	Linn, Lourie, Rader	Willfulness	Affirmed	Jury Verdict/JM OL
04-1609	Golden Blount, Inc. v. Robert H. Peterson, Co.	Linn, Lourie, Michel	Willfulness	Affirmed	Bench Trial
05-1105	Liquid Dynamics Corp. v. Vaughan Company, Inc.	Dyk, Gajarsa, Prost	Willfulness	Affirmed	Jury Verdict
06-1260	Acumed LLC v. Stryker Corporation, et al.	Gajarsa, Linn	Willfulness	Affirmed	Jury Verdict
06-1120	Hildebrand v. Steck Manufacturing Company, Inc., e	Gajarsa, Mayer, Michel	Willfulness	Affirmed	Jury Verdict
09-1538	SPINE SOLUTIONS, INC. V. MEDTRONIC SOFAMOR DAN EK U	Dyk, Friedman, Moore	Willfulness	Reversed	JMOL
09-1556	TRANSOCEAN OFFSHORE DEEPWATER DRILLING V. MAERSK C	Gajarsa, Mayer, Moore	Willfulness	Affirmed	Summary Judgment
10-1035	UNILOC USA, INC. V. MICROSOFT CORP.	Linn, Moore, Rader	Willfulness	Affirmed	JMOL
11-1244	K-TEC, INC. V. VITA-MIX CORP.	Lourie, Newman, Prost	Willful Infringement	Affirmed	Jury Verdict/JM OL
M830.pd	In re Seagate Technology, LLC.	Bryson, Dyk, Gajarsa, Linn, Lourie, Mayer, Newman,	Willfulness	Explained	

07-1145	Innogenetics v. Abbott Laboratories	Bryson, Clevenger, Moore	Willful Infringement		Affirmed	JMOL
07-1183	MPT v. Marathon Labels	Moore, Moran*, Schall	Willful Infringement		Affirmed	JMOL
07-1023	Finisar Corp. v. The DirecTV Group	Michel, Moore, Rader	Willful Infringement		Affirmed	Order on Motion
07-1272	800 Adept, Inc. v. Murex Securities, Ltd.	Dyk, Gajarsa, Plager	Willful Infringement		Vacated, Remanded	Order on Motion
08-1029	Cohesive Tech. Inc. v. Waters Corp.	Linn, Prost	Willful Infringement		Affirmed	Bench Trial
07-1490	Minks v. Polaris Industries	Gajarsa, Newman, Plager	Willful Infringement		Affirmed	Jury Verdict/JM OL
08-1267	Revolution Eyewear, Inc. v. Aspek Eyewear, Inc.	Bryson, Michel, Posner*	Willful Infringement		Affirmed	Order on Motion
08-1240	Depuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.	Bryson, Linn, Newman	Willful Infringement		Affirmed	JMOL
08-1530	In Re Electro-Mechanical Industries	Moore, Newman, Plager	Willful Infringement		Affirmed	Bench Trial
08-1392	Trading Technologies International, Inc. v. Espeed	Clark*, Lourie, Rader	Willful Infringement		Affirmed	JMOL
10-1510	BARD PERIPHERAL VASCULAR, INC. V. W.L. GORE & ASSO	Gajarsa, Linn, Newman	Willfulness		Vacated	Order on Motion
12-1094	HARRIS CORP. V. FED EX CORP.	Clevenger, Lourie, Wallach	Willfulness		Vacated	Jury Verdict/JM OL
10-1409	POWELL V. THE HOME DEPOT U.S.A., INC.	Dyk, Linn, Prost	Willfulness		Affirmed	Jury Verdict/JM OL
11-1329	MEYER INTELLECTUAL PROPERTIES LTD. V. BODUM, INC.	Dyk, Moore, O'Malley	Willfulness		Vacated	Jury Verdict/JM OL
11-1243	ADVANCED FIBER TECHNOLOGIES (AFT) TRUST V. J&L FIB	Dyk, Lourie, Prost	Willfulness		Affirmed	Summary Judgment
11-1218	POWER INTEGRATIONS, INC. V. FAIRCHILD SEMICONDUCTO	Lourie, O'Malley, Reyna	Willfulness		Vacated	Jury Verdict/JM OL
8-1324	CALICO BRAND, INC. v. AMERITEK IMPORTS, INC. [OPIN	Dyk, Prost, Reyna	Willfulness		Affirmed	JMOL
12-1336	BENNETT MARINE, INC. v. LENCO MARINE, INC. [OPINIO	Lourie, Schall, Prost	Willful Infringement		Reversed	Bench Trial
12-1593	INTEGRATED TECHNOLOGY CORP. v. RUDOLPH TECHNOLOGIE	Clevenger, Moore, Rader	Willfulness		Reversed	Jury Verdict/JM OL
13-1049	LEE v. MIKE'S NOVELTIES [OPINION]	Dyk, Moore, Wallach	Willful Infringement	Objective Recklessness	Reversed	Order on Motion

14-1537	GLOBAL TRAFFIC TECHNOLOGIES v. MORGAN [OPINION]	Dyk, O'Malley, Taranto	Willful Infringement	Objective Recklessness	Reversed	Order on Motion
14-1731	INNOVENTION TOYS, LLC v. MGA ENTERTAINMENT, INC. [Lourie, Plager, Taranto	Willful Infringement	Objective Recklessness	Reversed	Jury Verdict/JM OL
13-1668	STRYKER V. ZIMMER [REVISED OPINION]	Hughes, Newman, Prost	Willful Infringement	Objective Recklessness	Reversed	Order on Motion
14-1114	BARD PERIPHERAL VASCULAR v. W.L. GORE & ASSOCIATES	Hughes, Newman, Prost	Willful Infringement	Objective Recklessness	Affirmed	JMOL
14-1263	AQUA SHIELD v. INTERPOOL POOL COVER TEAM [OPINION]	Chen, Taranto, Wallach	Willful Infringement	Objective Recklessness	Vacated	Bench Trial
13-1472	HALO ELECTRONICS, INC. v. PULSE ELECTRONICS, INC.	Hughes, Lourie, O'Malley	Willful Infringement	Objective Recklessness	Affirmed	Order on Motion
13-1419	SSL SERVICES, LLC v. CITRIX SYSTEMS, INC. [OPINION]	Linn, Lourie, O'Malley	Willful Infringement	Objective Recklessness	Affirmed	Order on Motion
13-1419	SSL SERVICES, LLC v. CITRIX SYSTEMS, INC. [OPINION]	Linn, Lourie, O'Malley	Willful Infringement	Subjective Prong	Affirmed	Jury Verdict/JM OL
13-1527	WESTERNGECO L.L.C. v. ION GEOPHYSICAL CORP. [OPINION ON REMAND]	Dyk, Hughes, Wallach	Willful Infringement		Vacated	JMOL
15-1580	ALFRED E. MANN FOUNDATION v. COCHLEAR CORPORATION [OPINION]	Chen, Hughes, Newman	Willful Infringement		Vacated	JMOL
15-1171	APPLE INC. v. SAMSUNG ELECTRONICS CO., LTD. [EN BANC OPINION]	Prost, Newman, Lourie, Dyk, Moore, O'Malley, Reyna	Willful Infringement		Vacated	JMOL
13-1668	STRYKER CORPORATION v. ZIMMER, INC. [OPINION 2016]	Hughes, Newman, Prost	Willful Infringement		Affirmed	Jury Verdict/JM OL
15-1804	VOCALTAG LTD. v. AGIS AUTOMATISERING B.V. [OPINION]	Chen, Prost, Stoll	Willful Infringement		Affirmed	Summary Judgment
14-1492	CARNEGIE MELLON UNIVERSITY v. MARVELL TECHNOLOGY GROUP, LTD [OPINION]	Chen, Taranto, Wallach	Willful Infringement		Reversed	Jury Verdict/JM OL
15-1038	WBIP, LLC v. KOHLER CO. [OPINION]	Chen, Moore, O'Malley	Willful Infringement		Affirmed	Jury Verdict/JM OL

14-1459	SYNQOR, INC. v. ARTESYN TECHNOLOGIES, INC. [OPINION]	Lourie, Moore, Reyna	Willful Infringement		Affirmed	Bench Trial
12-1575	UNIVERSITY OF PITTSBURGH v. VARIAN MEDICAL SYSTEMS	Dyk, Lourie, O'Malley	Willful Infringement	Objective Recklessness	Reversed	Summary Judgment