



**LegalMetric District Report  
South Carolina District Court  
in Patent Cases**

**January 2000-February 2017**

This report contains confidential and proprietary information of LegalMetric, Inc. Use of this information by anyone other than the purchaser or, if the purchaser is a law firm, the purchaser's client, or disclosure of this information to persons other than the purchaser or, if the purchaser is a law firm, the purchaser's client, without the consent of LegalMetric, Inc. is prohibited.

The information contained in this report is obtained from the official docket records of the federal courts. No attempt has been made to correct that data. For example, cases may be misclassified in the official docket records. In addition, cases are classified only by the primary cause of action. Cases having multiple causes of action are analyzed only under the primary cause of action identified on the official court docket.

LegalMetric, Inc. is not a law firm, does not provide legal advice, and is not engaged in the practice of law. No attorney-client relationship exists between LegalMetric, Inc. and any user of its products. LegalMetric provides statistical and analytical information to anyone who desires to purchase that information. Any purchaser of LegalMetric products who wants legal advice should hire an attorney.

# Overview

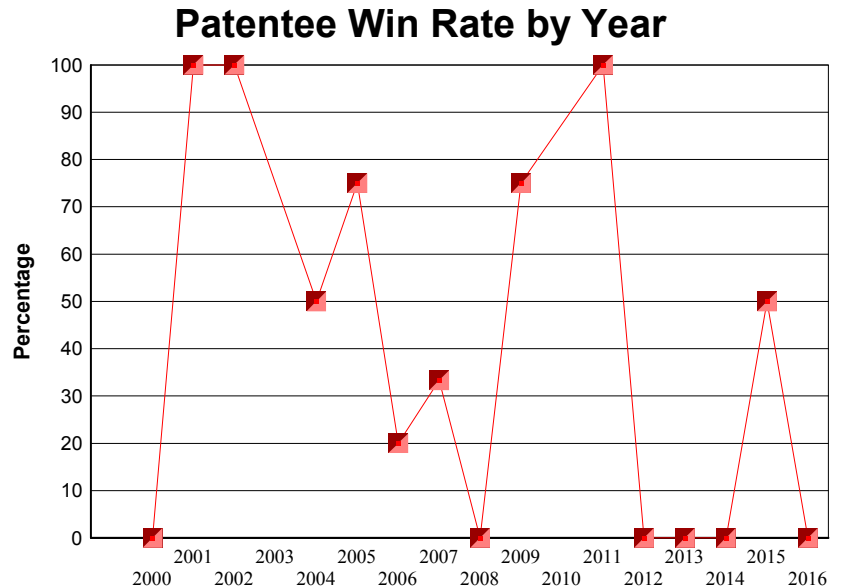
This report covers the patent cases of the active judges in the South Carolina District Court as of February 2017 (the date of the most recent LegalMetric docket download for this court). Cases of inactive judges are not included.

The number of cases, judgments, contested judgments, and trials for this court are shown below.

	Number
<b>Total Cases</b>	221
<b>Open Cases</b>	8
<b>Closed Cases</b>	213
<b>Judgments</b>	41
<b>Contested Judgmnts</b>	25
<b>Trials</b>	9
<b>Bench</b>	5
<b>Jury</b>	4

The overall win rate, contested win rate, and trial win rate for the patentee are shown below. Note that contested win rate does not include consent and default judgments.

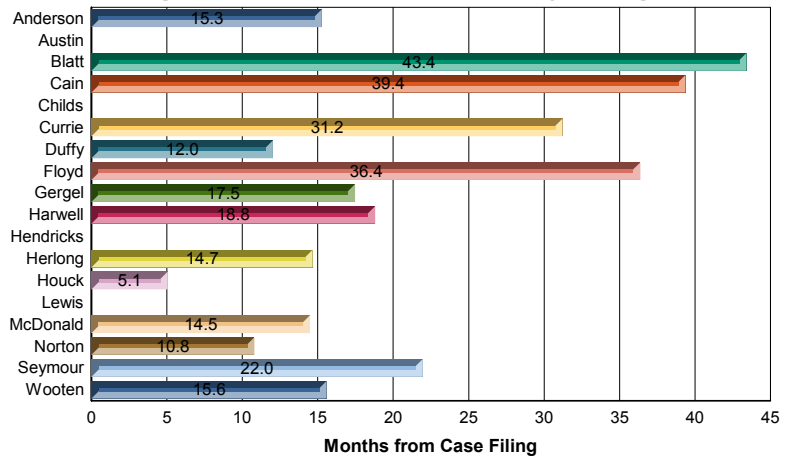
	Pat. Win Rate
<b>Overall</b>	48.8
<b>Contested</b>	24.0
<b>Trial</b>	44.4
<b>Bench</b>	40.0
<b>Jury</b>	50.0



The average times to termination for all cases, for all cases terminated by judgment, for all contested judgments, and for all cases terminated by trials are shown below.

	Months
<b>All Cases</b>	13.1
<b>Judgments</b>	22.3
<b>Contested</b>	26.5
<b>Trial</b>	29.7
<b>Bench</b>	33.3
<b>Jury</b>	25.1

### Average Time to Termination by Judgment



Larger Version in Body of Report

The average and median award amounts for this district are:

Average: \$564,464  
Median: \$43,472

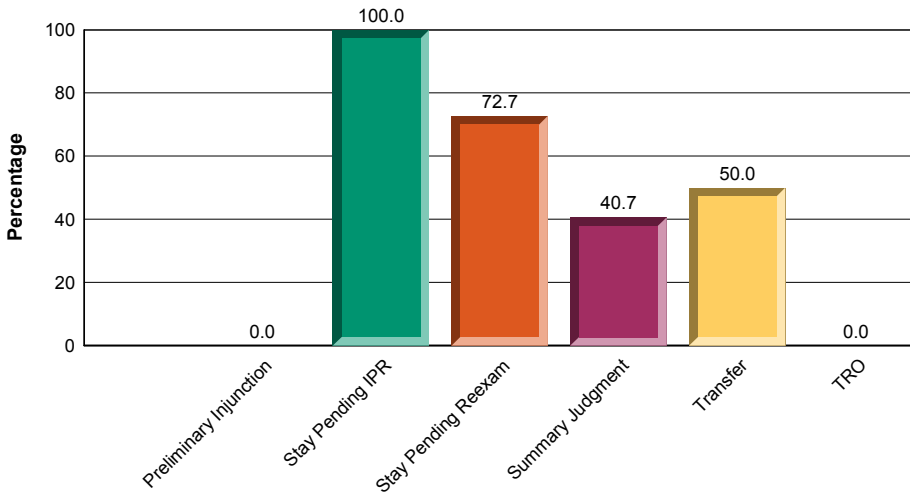
Appeals:

	Number of Appeals	Complete Affirmance Rate
<b>Total</b>	16	55.6

**Motions and Claim Construction:**

The win rates on various motions for the district (if any), along with the number of decisions and the number of claim construction decisions are shown below.

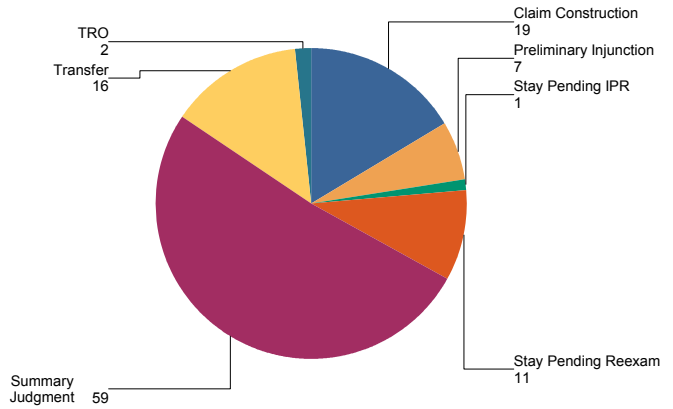
**Win Rates on Contested Motions**



	Win Rate
Stay Pending IPR	100.0
Stay Pending Reexam	72.7
Summary Judgment	40.7
Transfer	50.0

	Number of Decisions
Claim Construction	19
Preliminary Injunction	7
Stay Pending IPR	1
Stay Pending Reexam	11
Summary Judgment	59
Transfer	16
TRO	2

**Number of Decisions**



## Home Field Advantage?

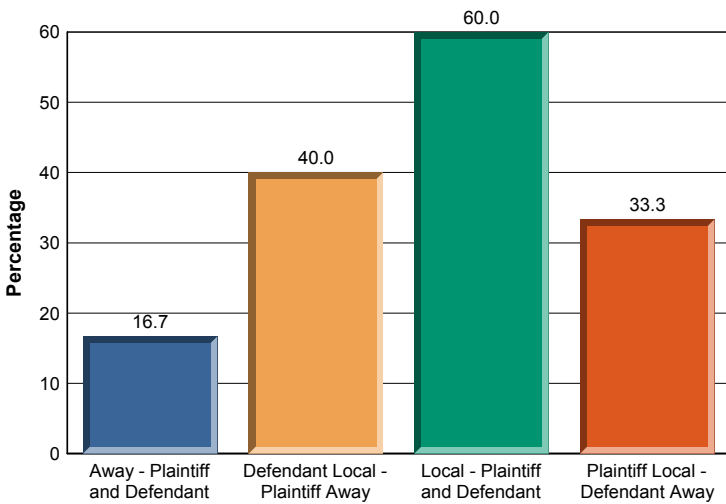
The plaintiff and defendant contested win rates in South Carolina District Court are shown below, broken out by party location:

(Away - Plaintiff and Defendant (neither side located in the forum), Defendant Local - Plaintiff Away (only defendant located in the forum), Local - Plaintiff and Defendant (both sides located in the forum) and Plaintiff Local - Defendant Away (plaintiff local - defendant not).

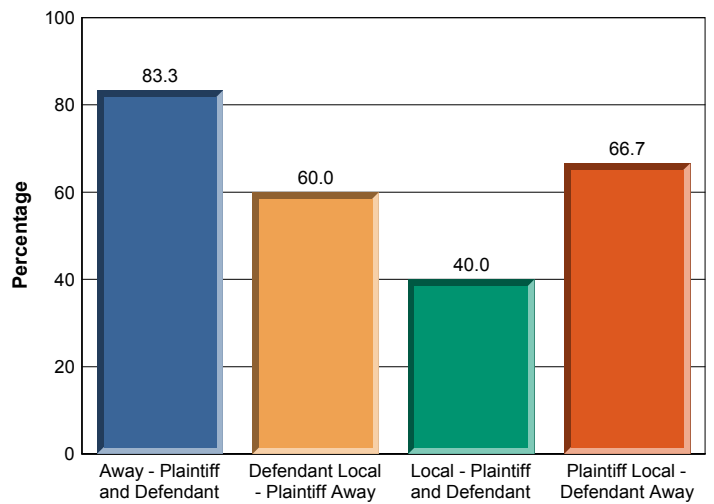
Not all courts fit the expected pattern of favoring local plaintiffs. Many courts in fact show a distinct preference for non-local plaintiffs.

The win rate charts are followed by a chart illustrating the fractions of contested judgment cases (cases in which a judgment is entered in favor of a party, but excluding consent and default judgments) for each category (all local plaintiffs, etc.). Many well-known patent venues tend to have a large segment of cases in the "Away - Plaintiff and Defendant" category.

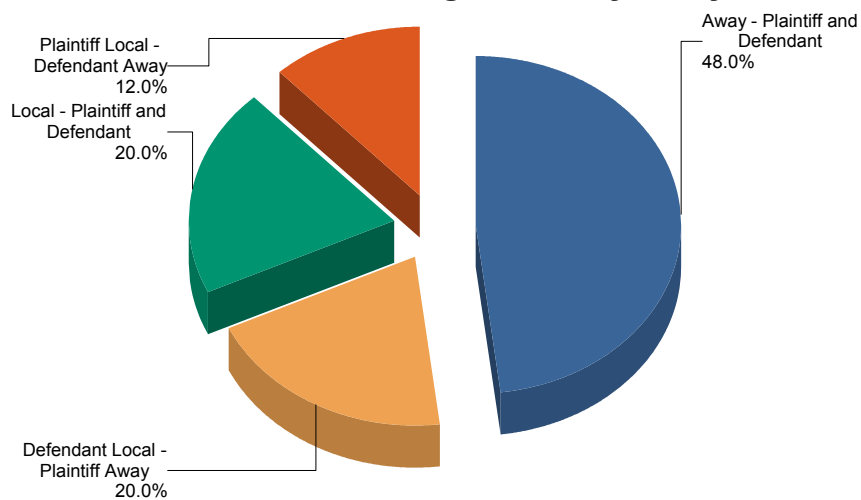
### Plaintiff Win Rate, by Party Location



### Defendant Win Rate, by Party Location



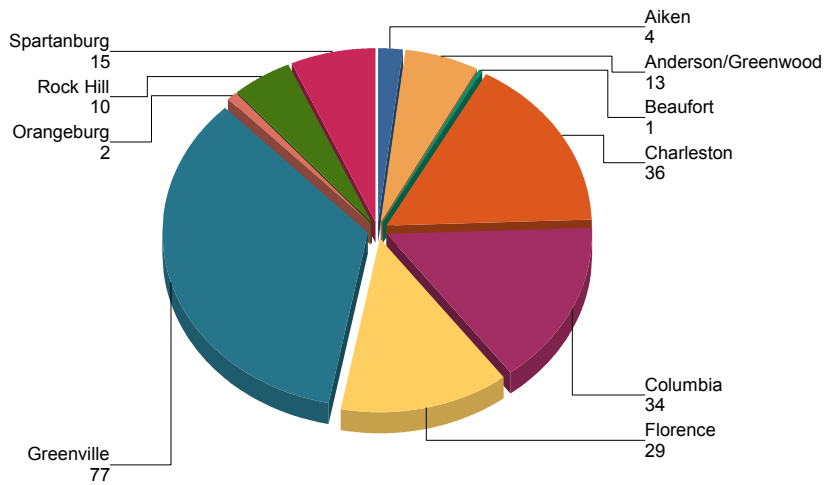
### Fraction of Contested Judgments, by Party Location



## Breakdown by Division

The breakdown of patent cases by division is illustrated in the following chart:

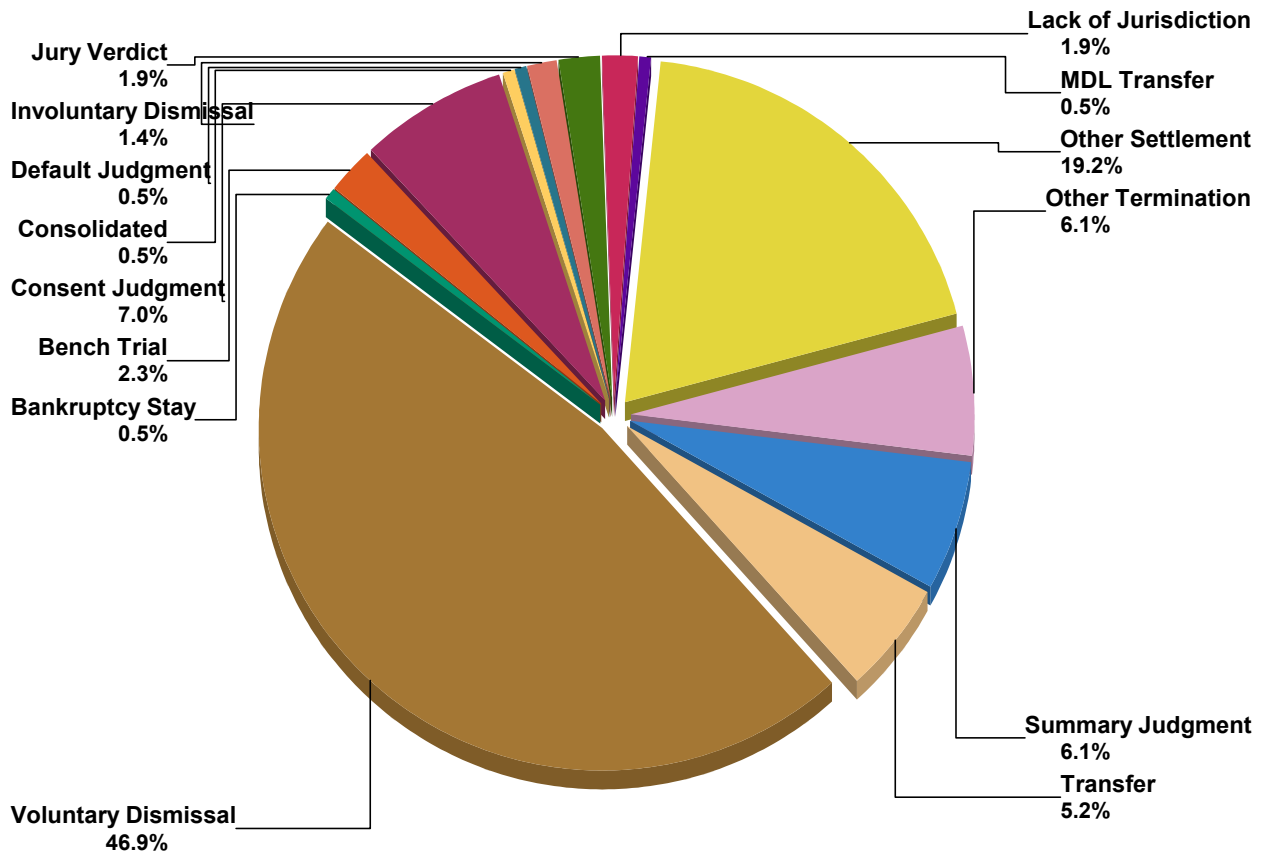
### Total Patent Cases, by Division



## Breakdown by Case Outcome

The breakdown of patent cases by case outcome is illustrated in the following chart:

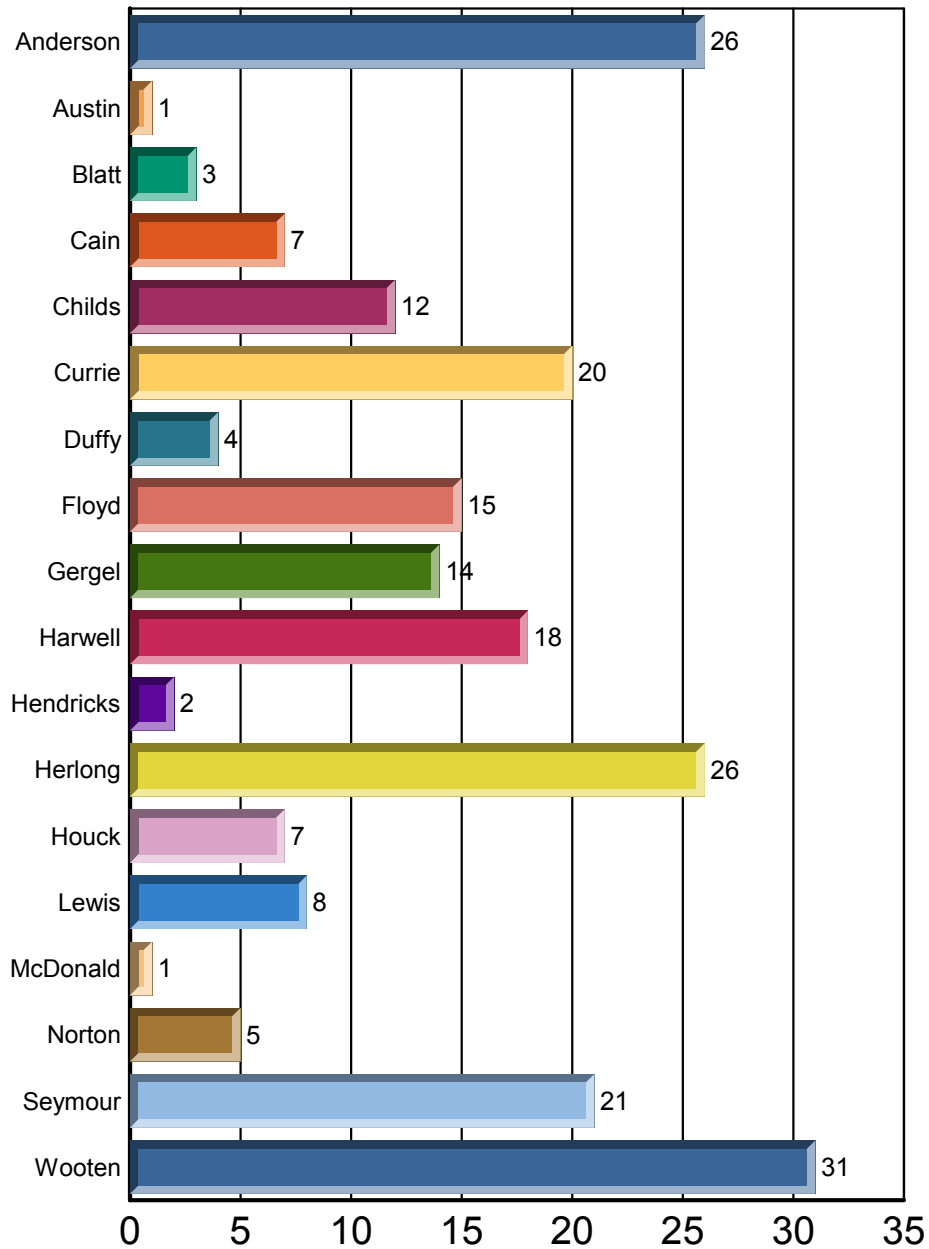
### Case Outcomes by Type



## Breakdown by Judge

The chart and table below illustrates the total number of patent cases for each of the active judges in the district. In addition, the table shows the number of patent cases for the past three years assigned to each judge.

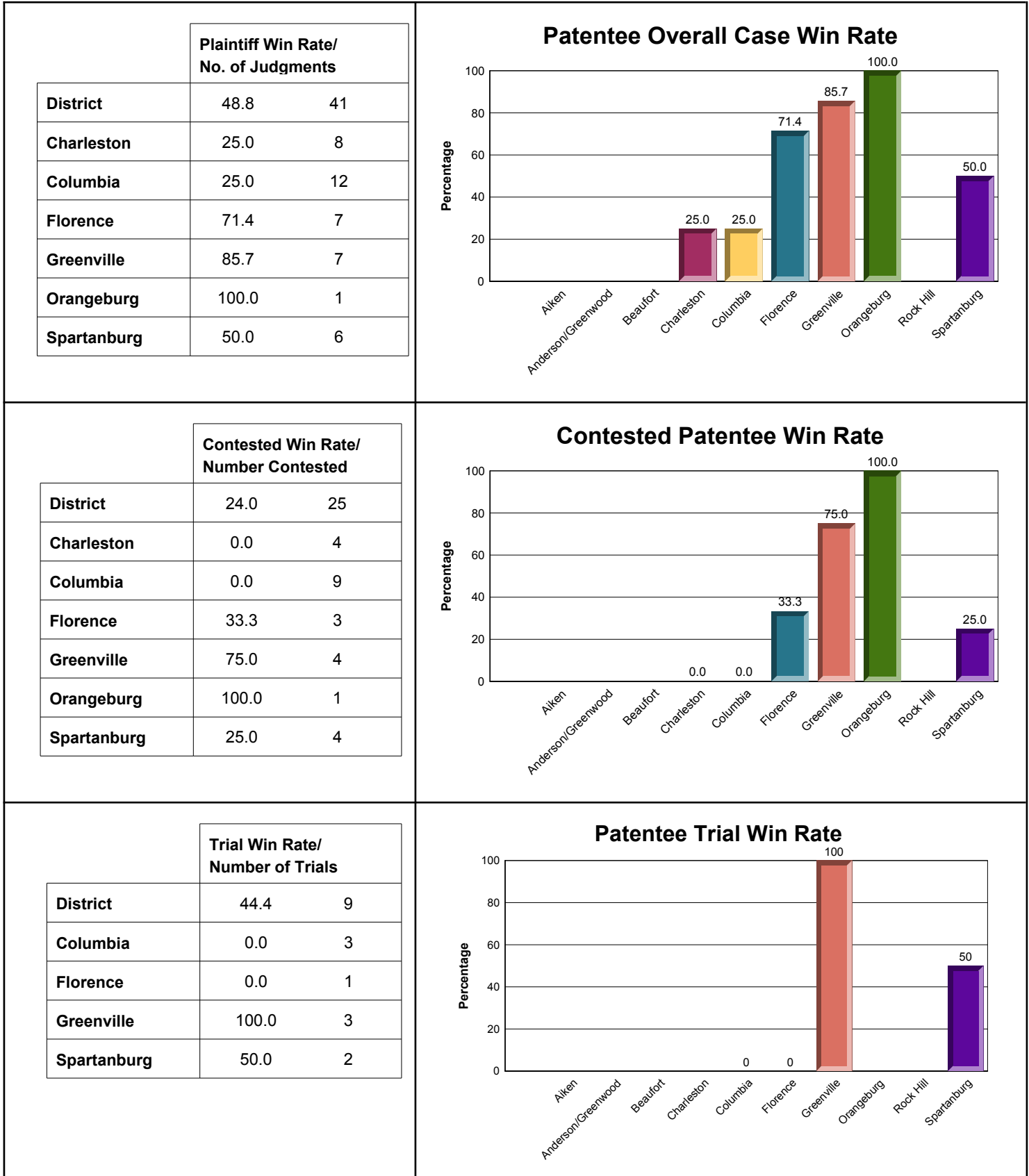
### Number of Cases, by Judge



	<b>All Cases</b>	<b>Last Three Years</b>
<b>District</b>	221	23
<b>Anderson</b>	26	1
<b>Austin</b>	1	0
<b>Blatt</b>	3	1
<b>Cain</b>	7	3
<b>Childs</b>	12	3
<b>Currie</b>	20	0
<b>Duffy</b>	4	1
<b>Floyd</b>	15	0
<b>Gergel</b>	14	5
<b>Harwell</b>	18	0
<b>Hendricks</b>	2	2
<b>Herlong</b>	26	0
<b>Houck</b>	7	0
<b>Lewis</b>	8	6
<b>McDonald</b>	1	0
<b>Norton</b>	5	0
<b>Seymour</b>	21	1
<b>Wooten</b>	31	0

## Divisional Comparisons

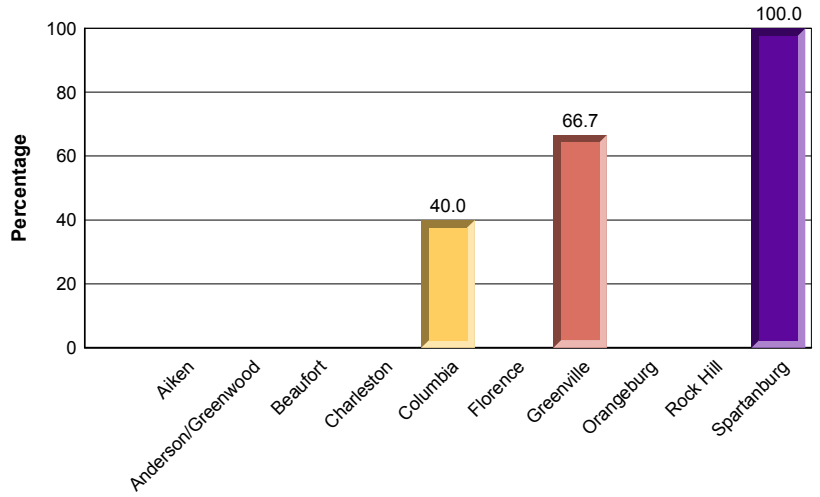
The overall patentee case win rate (includes consent and default judgments), contested win rate (does NOT include consent and default judgments), trial win rate, complete affirmance rate (appeals affirmed with no other action, divided by the total number of appeals except for dismissed and pending appeals), and average time to termination by judgment (includes consent and default judgments) are shown below for each division.





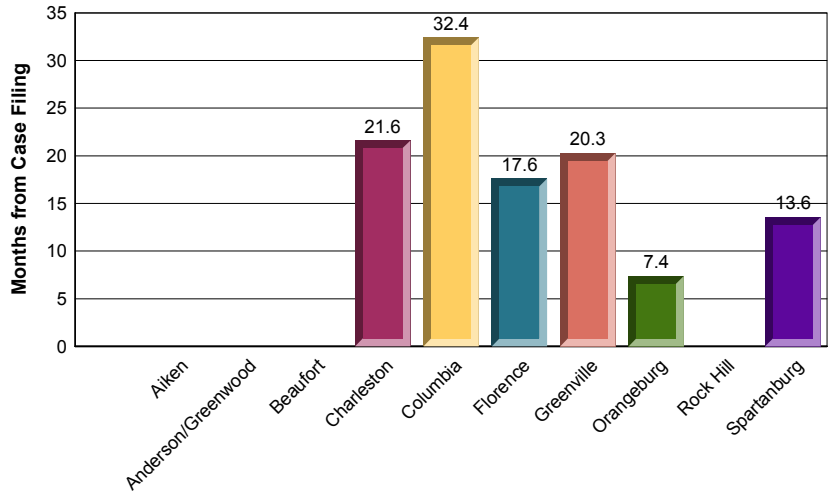
	Complete Aff. Rate/ Number of Appeals	
District	55.6	9
Columbia	40.0	5
Greenville	66.7	3
Spartanburg	100.0	1

### Complete Affirmance Rate



	Time to Term./ Number of Judgmts.	
District	22.3	41
Charleston	21.6	8
Columbia	32.4	12
Florence	17.6	7
Greenville	20.3	7
Orangeburg	7.4	1
Spartanburg	13.6	6

### Average Time to Termination by Judgment

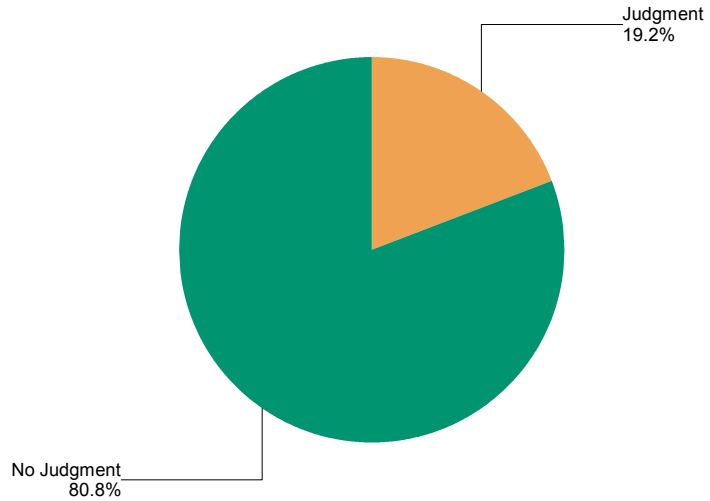


## What are the Odds: Termination by Judgment

The percentage of closed patent cases terminated by judgment are shown in the chart to the right.

Terminations by judgments include terminations resulting from trials, from dispositive summary judgment motions, from involuntary dismissals, from consent judgments, and from default judgments.

**Cases Closed by Judgment**

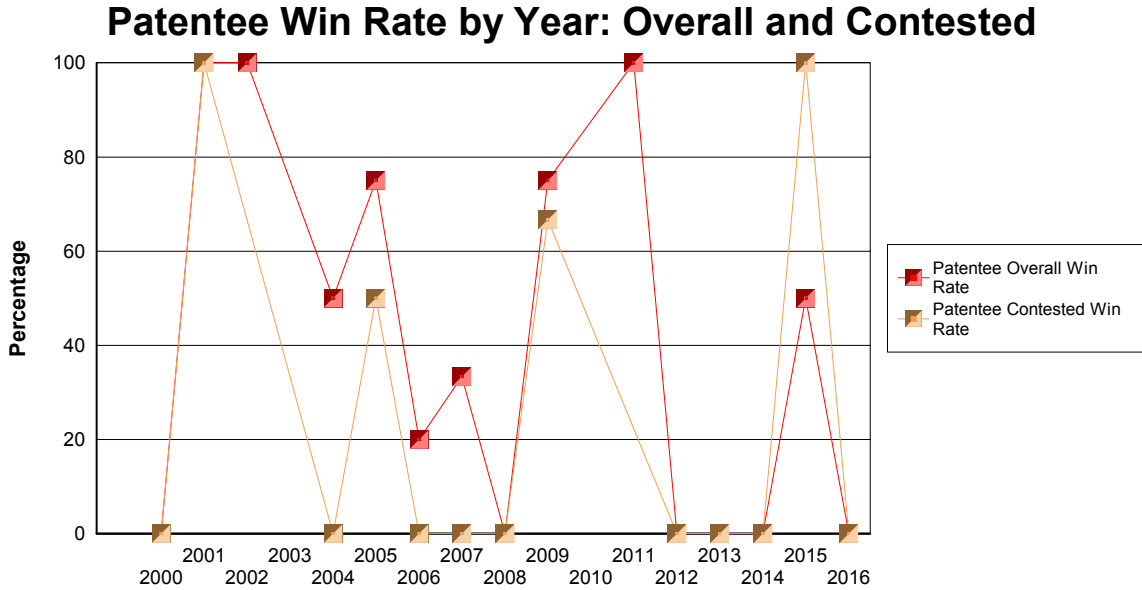


The number of judgments by each outcome, the overall patentee win rate, the contested patentee win rate, and the trial win rate for each outcome are shown below. Note that the overall win rate includes consent and default judgments, whereas the contested win rate does not include consent and default judgments. The figures given are for "patentees", rather than "plaintiffs". These figures take into account those declaratory judgment cases where the plaintiff is not the patentee.

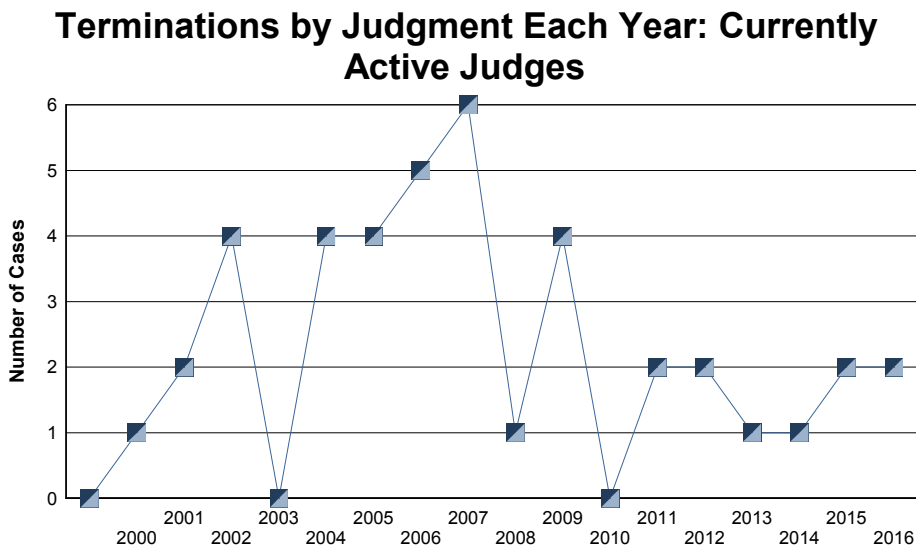
	Number of Judgments	Overall Win Rate	Contested Win Rate	Trial Win Rate
<b>Bench Trial</b>	5	40.0	40.0	40.0
<b>Consent Judgment</b>	15	86.7		
<b>Default Judgment</b>	1	100.0		
<b>Involuntary Dismissal</b>	3	0.0	0.0	
<b>Jury Verdict</b>	4	50.0	50.0	50.0
<b>Summary Judgment</b>	13	15.4	15.4	

## Win Rates by Year

The following chart shows the patentee overall win rate and contested win rate for the active judges in the South Carolina District Court by year. The overall win rate should be compared with the historical nationwide overall win rate of 59%, and the contested win rate should be compared with the historical nationwide patentee contested win rate of 25.1%. A chart with a considerable amount of "jitter" reflects relatively few data points. Note that the contested win rates are usually much lower than the overall win rates since they exclude consent and default judgments.



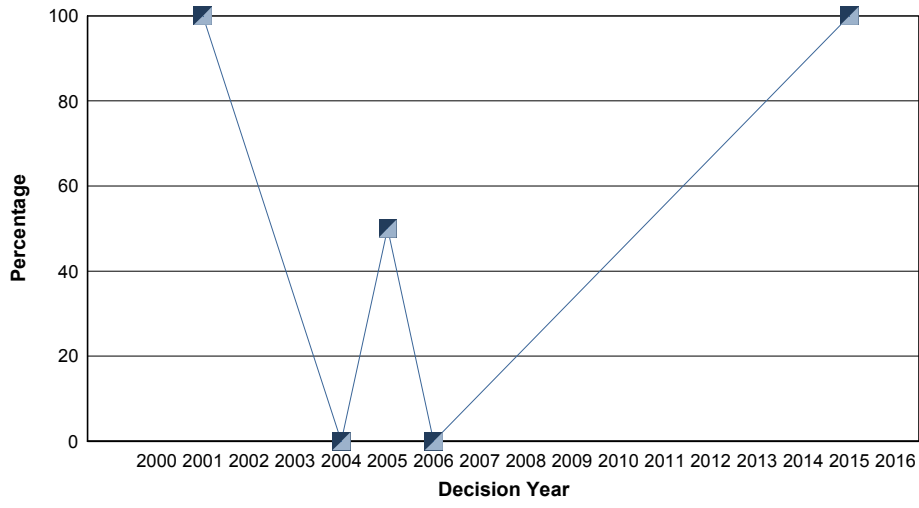
The total number of terminations by judgment per year by the currently active judges during the same period in the South Carolina District Court is shown in the following chart:



The actual number of judgments, number of patentee "wins", and the corresponding win rates are shown below. In this report, a judgment entered in favor of both the plaintiff and the defendant on their respective patent infringement claims is counted as "1/2" a win for each party. This could happen, for example, where the plaintiff files a patent infringement action, the defendant files a patent infringement counterclaim on its own patents, and both prevail on their respective claims.

	<b>Total</b>						
	<b>No. of Patentee Judgments</b>	<b>No. of All Judgments</b>	<b>Patentee Overall Win Rate</b>	<b>Patentee Contested Win Rate</b>	<b>No. of Contested Judgment</b>	<b>Patentee Trial Win Rate</b>	<b>No. of Trial Judgments</b>
<b>Total</b>	20.0	41	48.8	24.0	25	44.4	9
<b>2000</b>	0	1	0.0	0.0	1		0
<b>2001</b>	2	2	100.0	100.0	2	100.0	2
<b>2002</b>	4	4	100.0		0		0
<b>2004</b>	2	4	50.0	0.0	2	0.0	1
<b>2005</b>	3	4	75.0	50.0	2	50.0	2
<b>2006</b>	1	5	20.0	0.0	4	0.0	3
<b>2007</b>	2	6	33.3	0.0	4		0
<b>2008</b>	0	1	0.0	0.0	1		0
<b>2009</b>	3	4	75.0	66.7	3		0
<b>2011</b>	2	2	100.0		0		0
<b>2012</b>	0	2	0.0	0.0	1		0
<b>2013</b>	0	1	0.0	0.0	1		0
<b>2014</b>	0	1	0.0	0.0	1		0
<b>2015</b>	1	2	50.0	100.0	1	100.0	1
<b>2016</b>	0	2	0.0	0.0	2		0

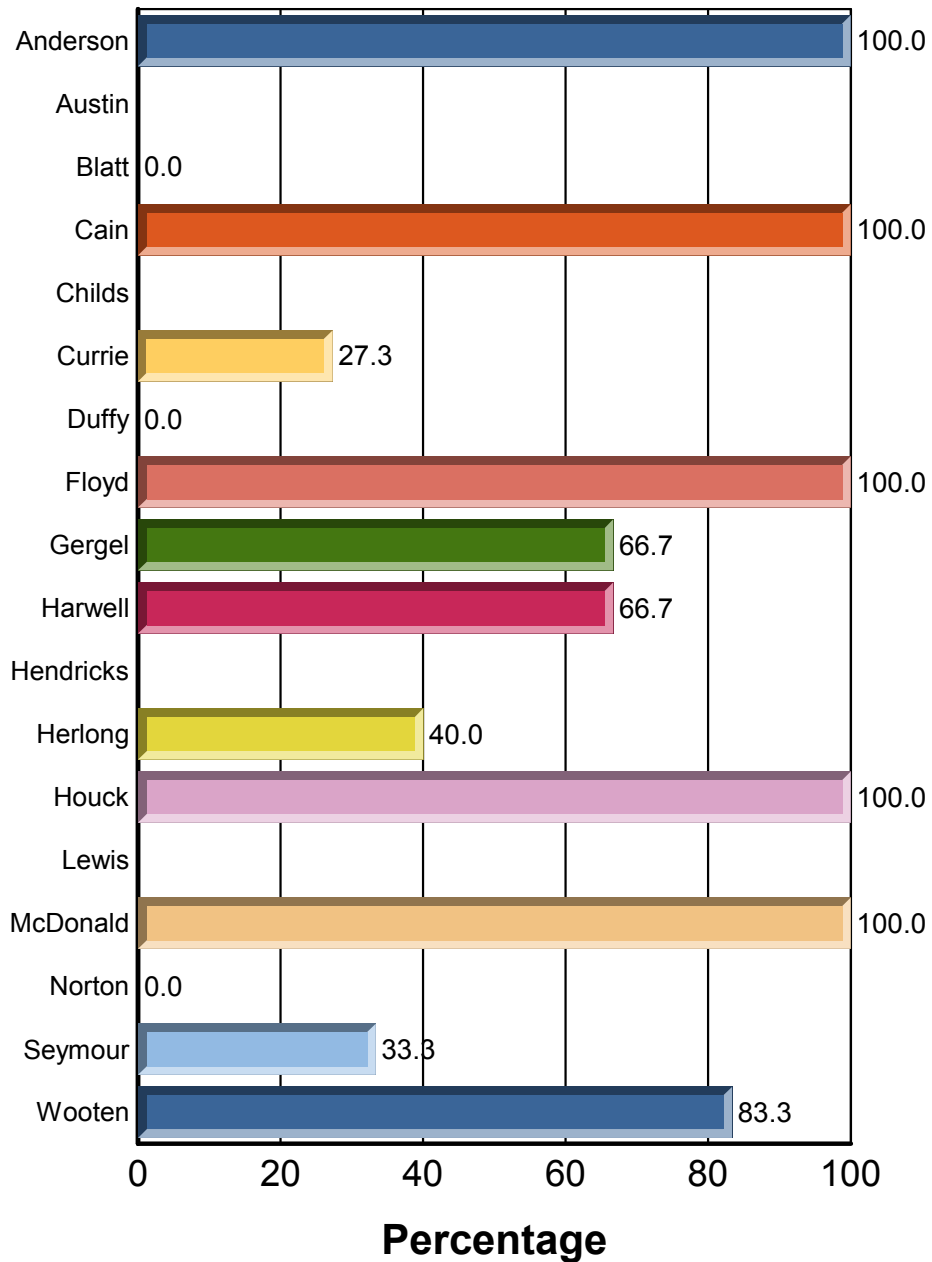
### Trial Win Rates



## Patentee Overall and Contested Win Rates: By Judge

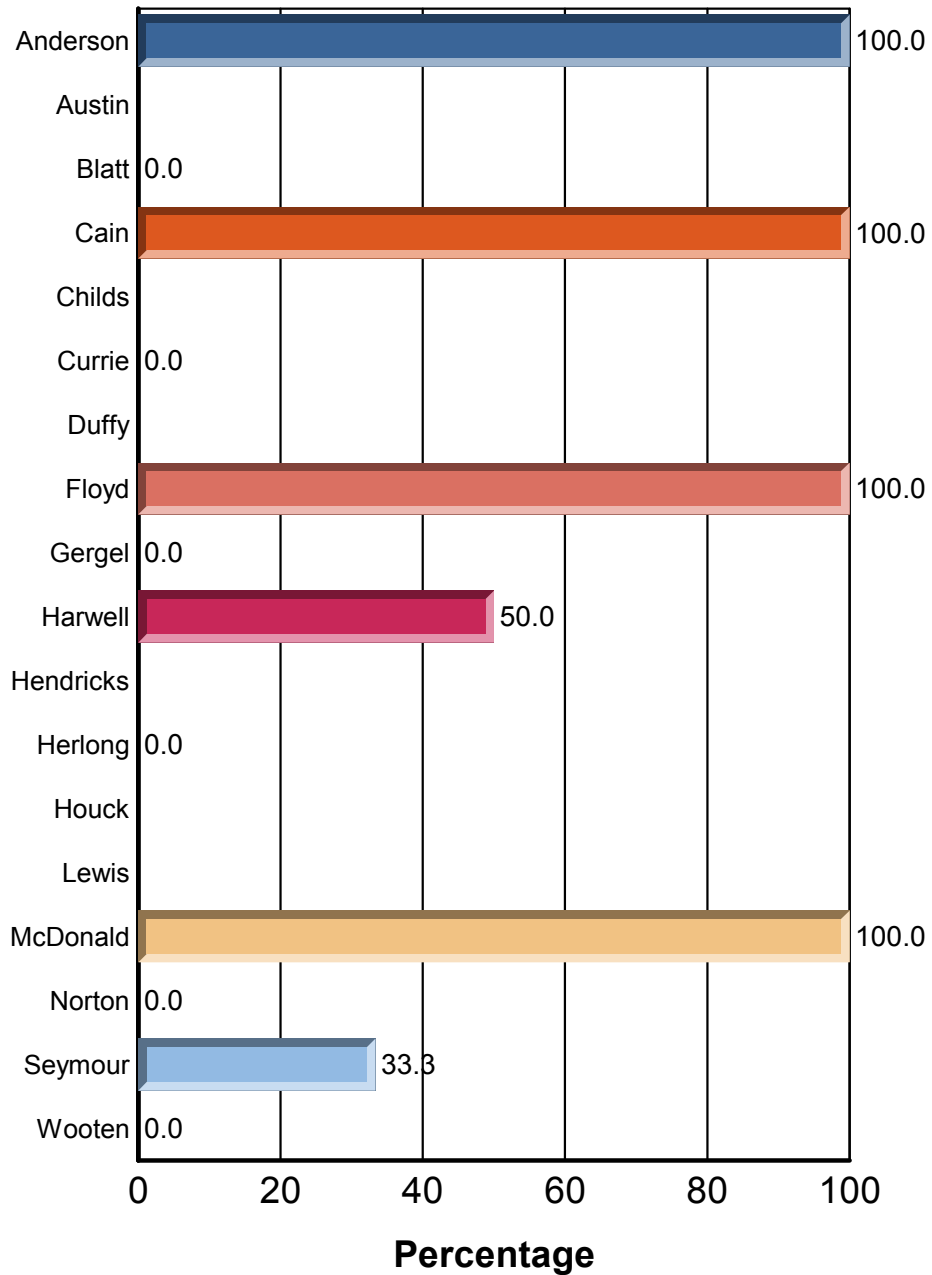
The overall patentee win rate varies significantly from judge to judge over the period covered by this report. The chart below illustrates these win rates for these judges. The win rate for judges with no terminations by judgment is left blank.

### Patentee Overall Win Rate: By Judge



The patentee contested win rate for these judges is shown below. Note that contested win rates do not include consent and default judgments. The win rate for judges with no contested judgments is left blank.

## Patentee Contested Win Rate: By Judge



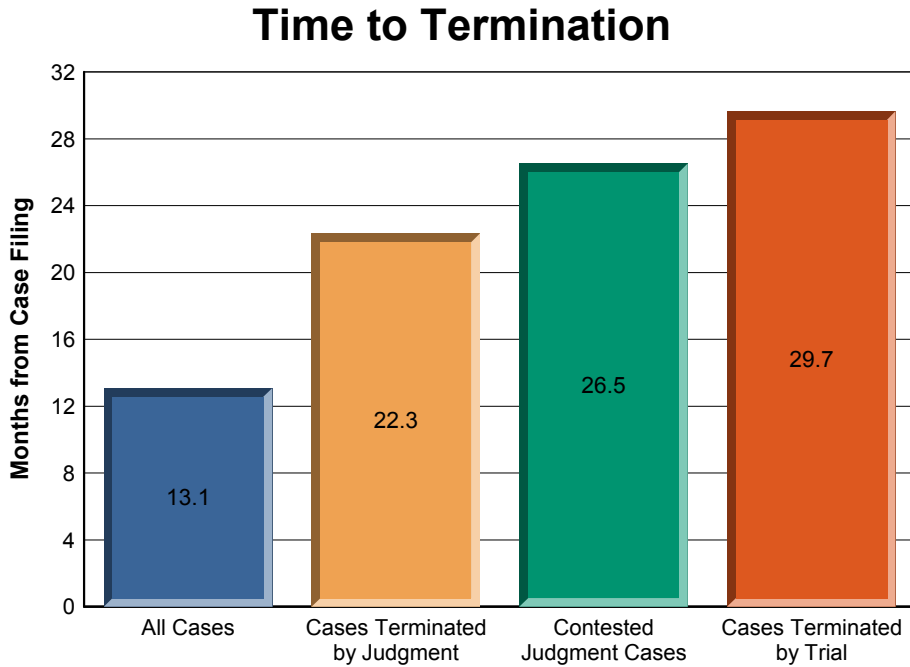
The table below includes the patentee overall and contested win rates for each active judge, along with the number of terminations by judgment and by contested judgment by that judge in patent cases during the period covered by this report.

	<b>Overall Win Rate</b>	<b>Number of Judgments</b>	<b>Contested Win Rate</b>	<b>Contested Judgments</b>
<b>Total</b>	48.8	41	24.0	25
<b>Anderson</b>	100.0	1	100.0	1
<b>Austin</b>		0		0
<b>Blatt</b>	0.0	2	0.0	1
<b>Cain</b>	100.0	1	100.0	1
<b>Childs</b>		0		0
<b>Currie</b>	27.3	11	0.0	8
<b>Duffy</b>	0.0	1		0
<b>Floyd</b>	100.0	1	100.0	1
<b>Gergel</b>	66.7	3	0.0	1
<b>Harwell</b>	66.7	3	50.0	2
<b>Hendricks</b>		0		0
<b>Herlong</b>	40.0	5	0.0	3
<b>Houck</b>	100.0	1		0
<b>Lewis</b>		0		0
<b>McDonald</b>	100.0	1	100.0	1
<b>Norton</b>	0.0	2	0.0	2
<b>Seymour</b>	33.3	3	33.3	3
<b>Wooten</b>	83.3	6	0.0	1

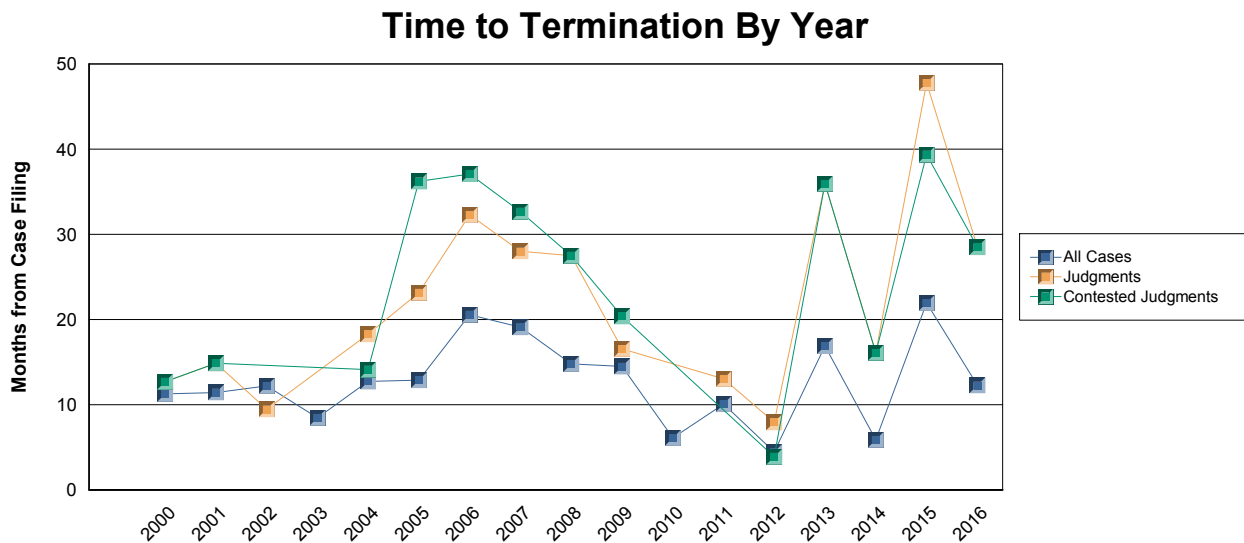


## How Long? Time to Termination

The average time from case filing to termination for all closed cases, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.



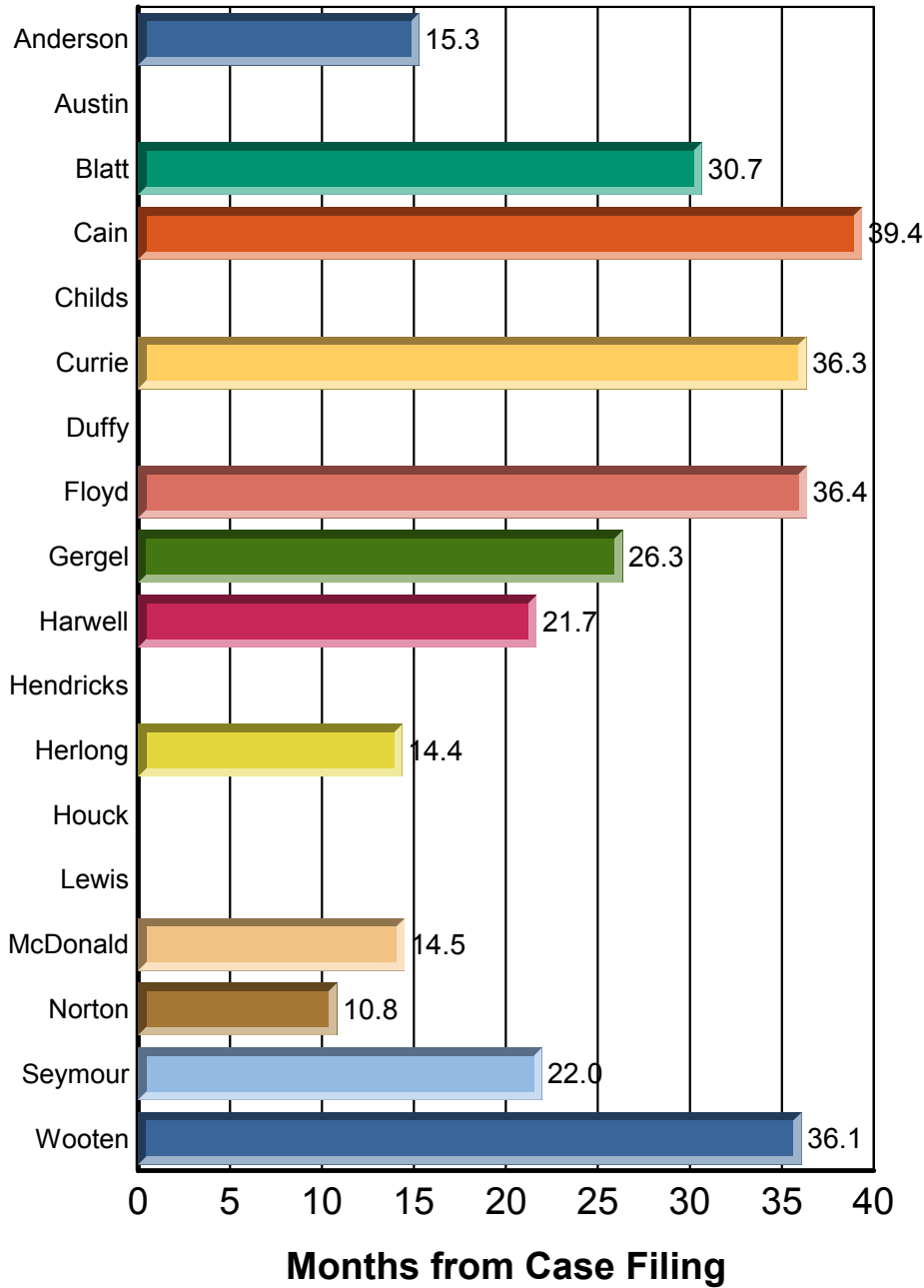
The average time from case filing to termination for all closed cases by year, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.



## Time to Contested Judgment: By Judge

The average time from case filing to contested judgment for the active judges in this district is shown in the chart below.

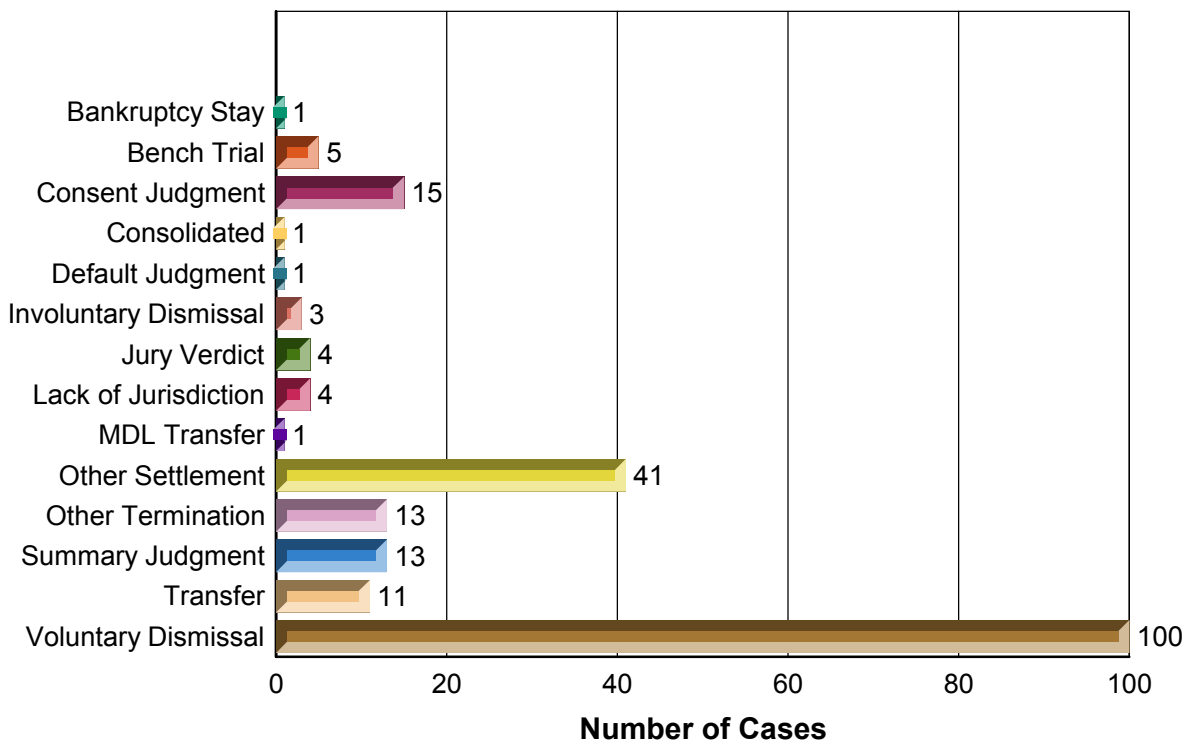
## Average Time to Contested Judgment: By Judge



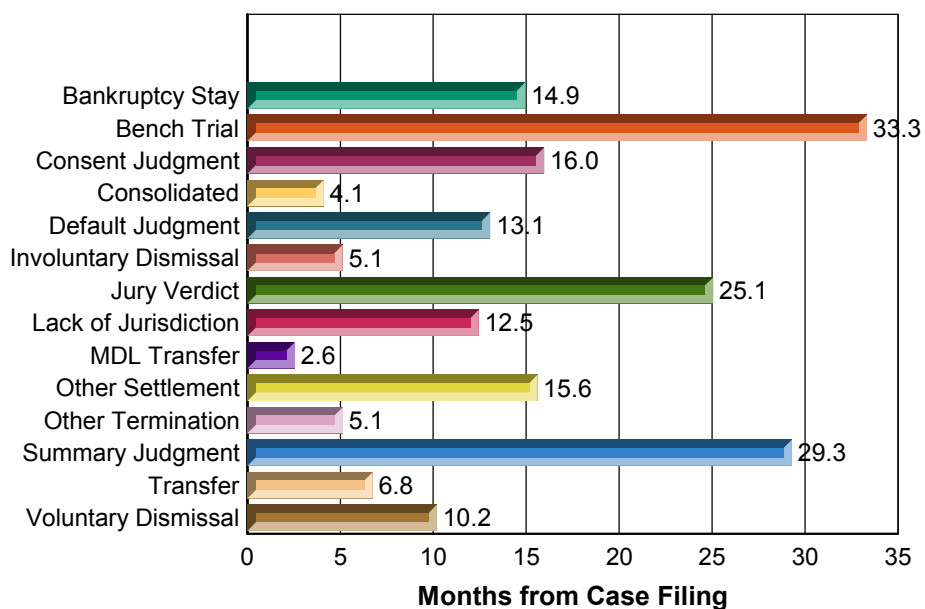
## Average Time to Termination by Case Outcomes

The number of cases terminated by each outcome for the active judges in this district is shown in the chart below, and the average time to termination for each outcome is shown in the second chart below.

### Case Outcomes



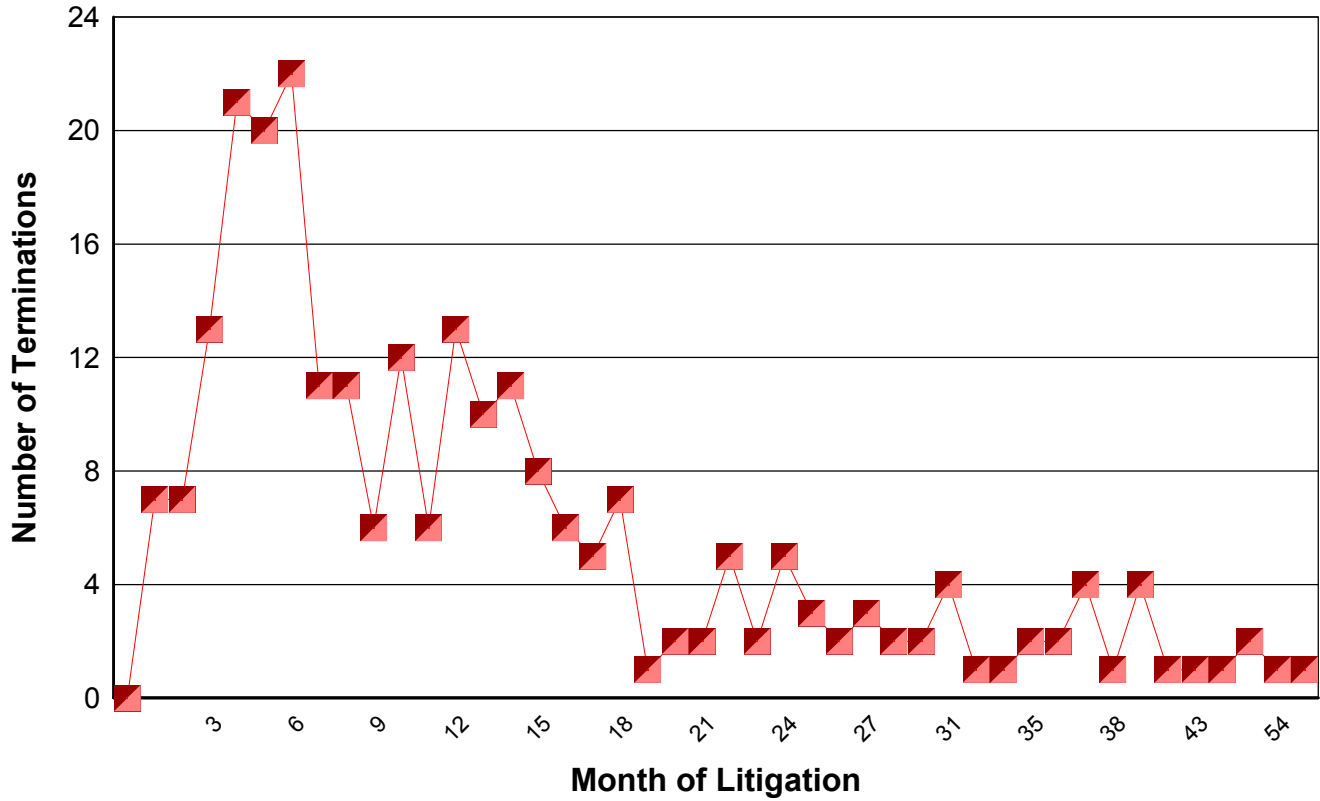
### Average Time to Termination by Outcome



## Termination by Month of Litigation

An overview of when terminations typically occur is found in the following chart, which shows the number of patent cases in the South Carolina District Court that were terminated each month of litigation. The first month of litigation is labeled "1", etc. Months with no case terminations are omitted from the chart.

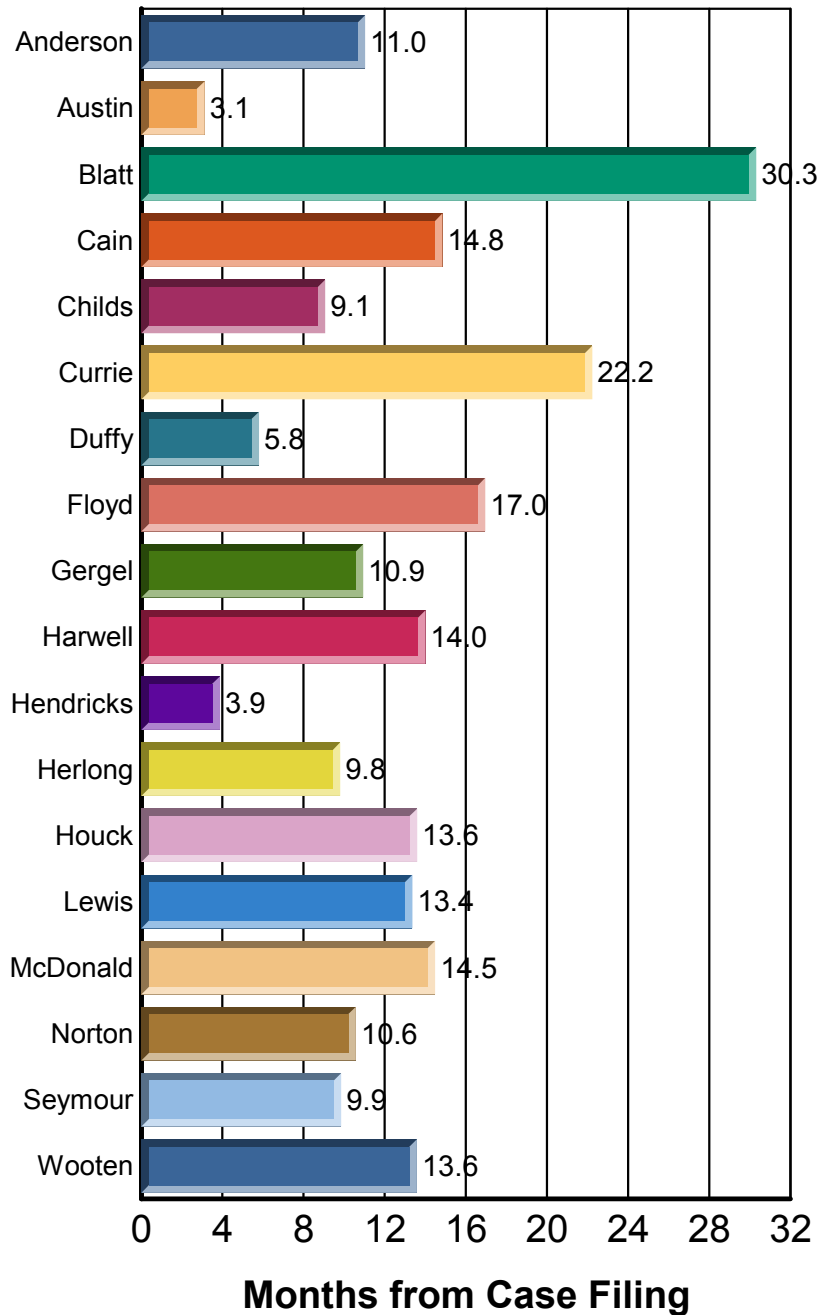
### Closed Cases Each Month



## Average Pendency for All Cases: By Judge

The variation in pendency for all closed cases is shown below.

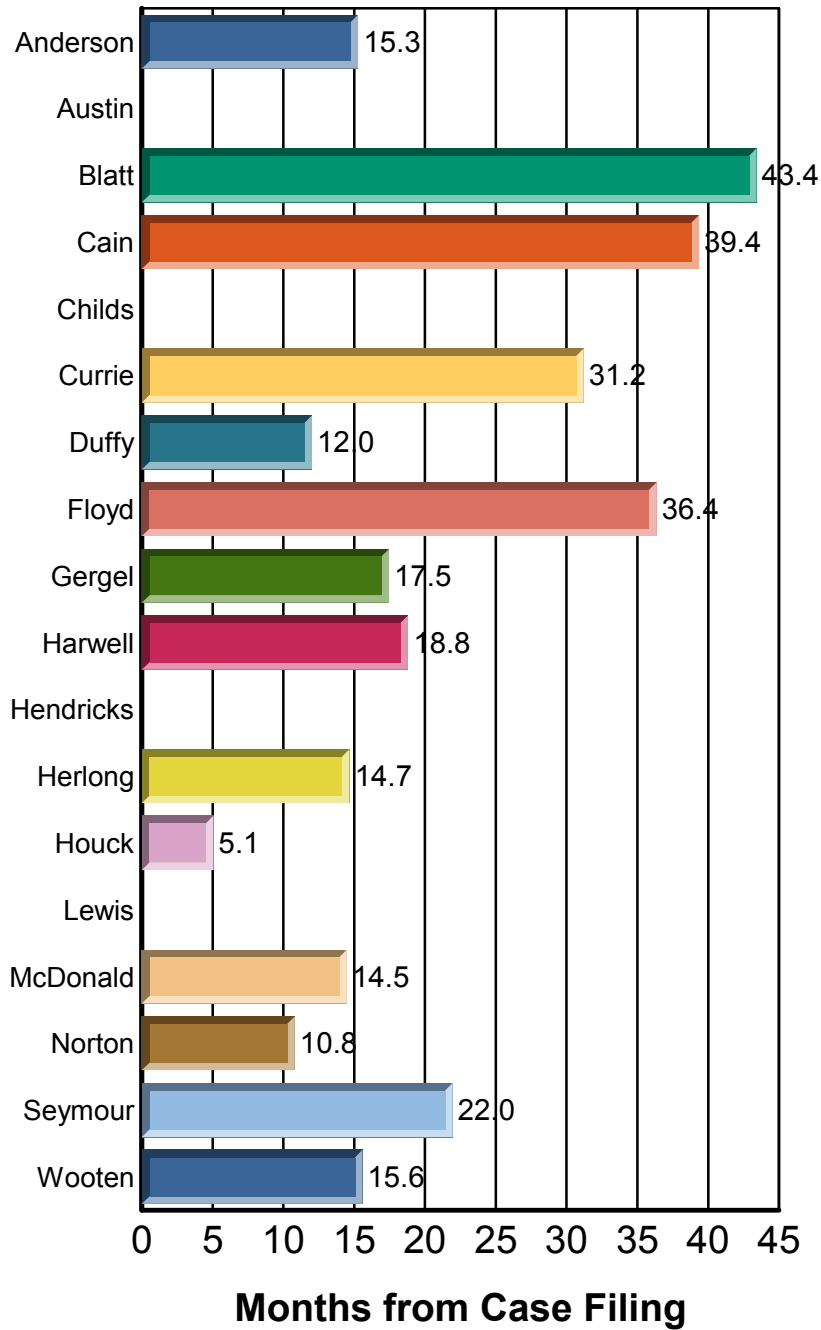
### Average Time to Termination for All Cases



## Average Pendency for Cases Terminated by Judgment: By Judge

The variation in pendency for all cases terminated by judgment is shown below.

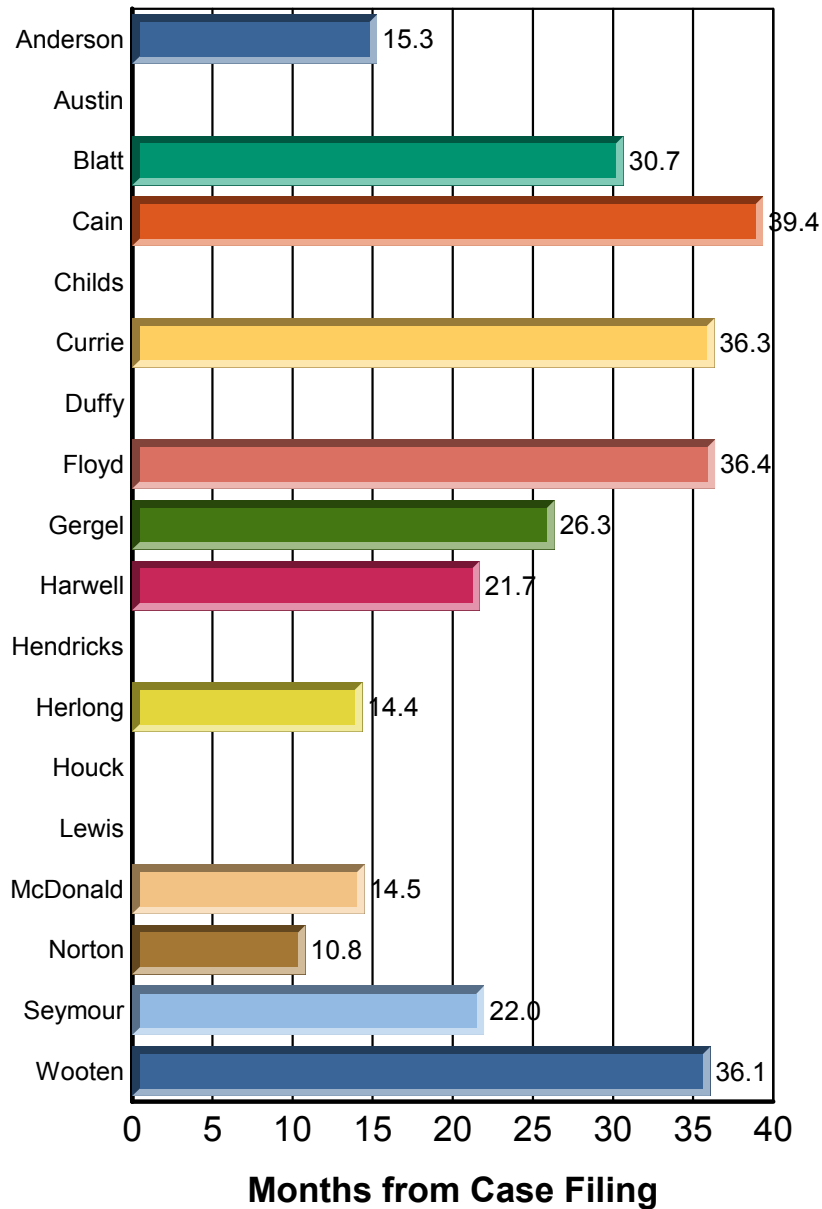
### Average Time to Termination by Judgment



## Average Pendency for Cases Terminated by Contested Judgment: By Judge

The variation in pendency for all cases terminated by contested judgment is shown below.

### Average Time to Termination by Contested Judgment



## Case and Judgment Outcomes

The number of outcomes by judgment, the patentee win rate for those outcomes, and the average time to termination for those outcomes for this court are shown below, broken out by type of outcome.

	Number of Judgments	Pat. Win Rate	Average Time to Termination
<b>Total</b>	41	48.8	22.3
<b>Bench Trial</b>	5	40.0	33.3
<b>Consent Judgment</b>	15	86.7	16.0
<b>Default Judgment</b>	1	100.0	13.1
<b>Involuntary Dismissal</b>	3	0.0	5.1
<b>Jury Verdict</b>	4	50.0	25.1
<b>Summary Judgment</b>	13	15.4	29.3

Detailed information about these cases, broken out by type of outcome, is shown in the following sections.

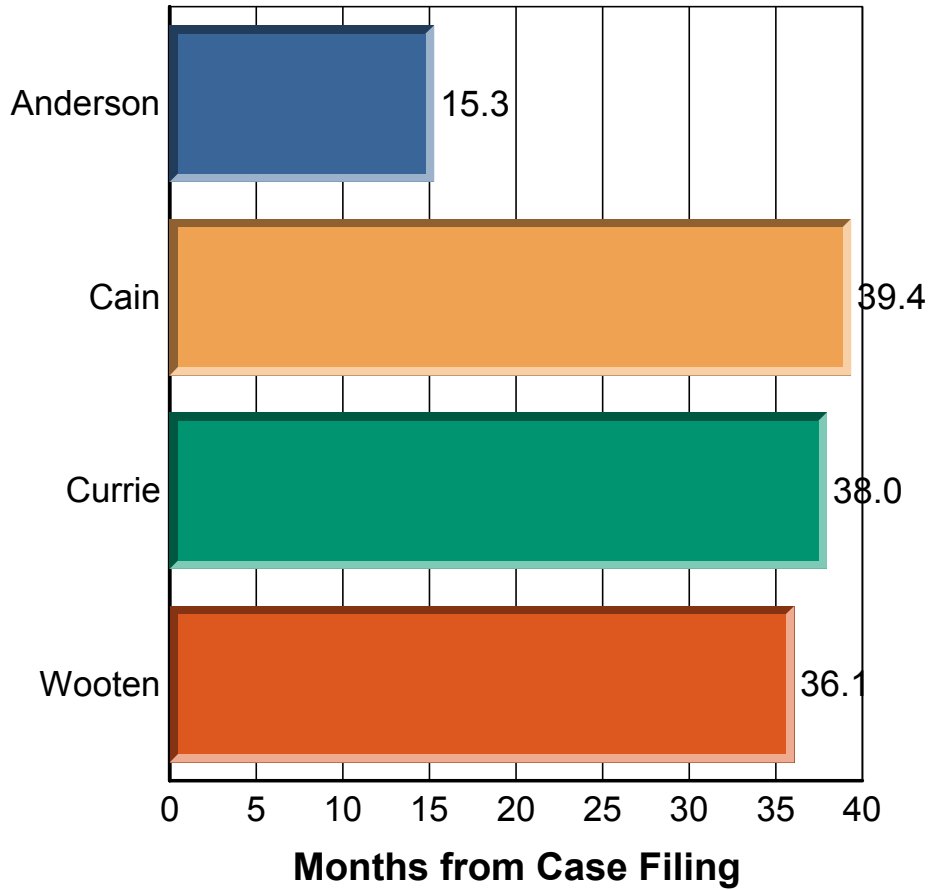


## Bench Trial

The number of Bench Trial outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

For Bench Trial

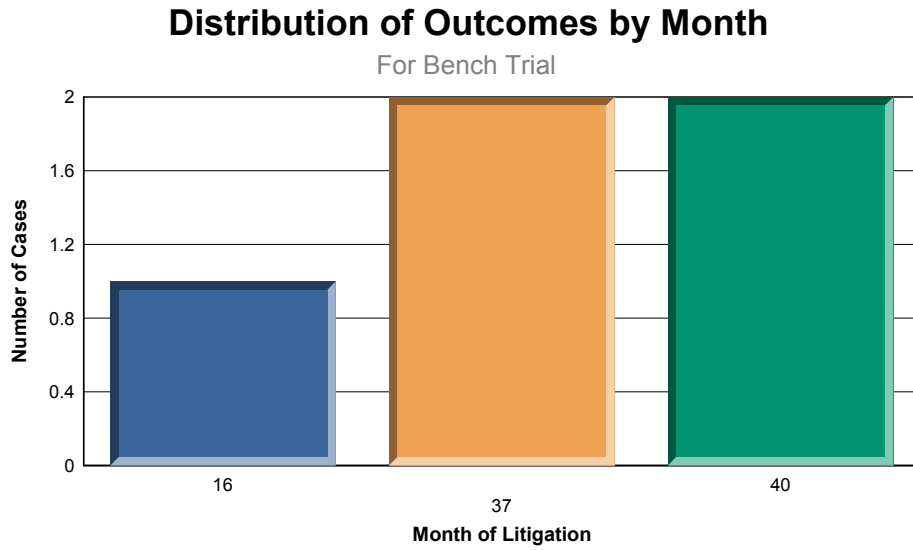


**Bench Trial**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	33.3	5
<b>Anderson</b>	15.3	1
<b>Cain</b>	39.4	1
<b>Currie</b>	38.0	2
<b>Wooten</b>	36.1	1

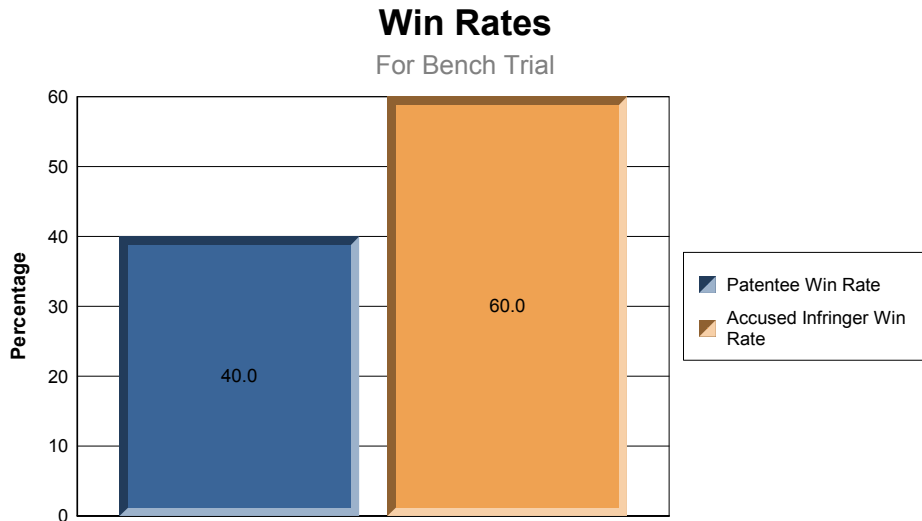
## Bench Trial

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Bench Trial

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

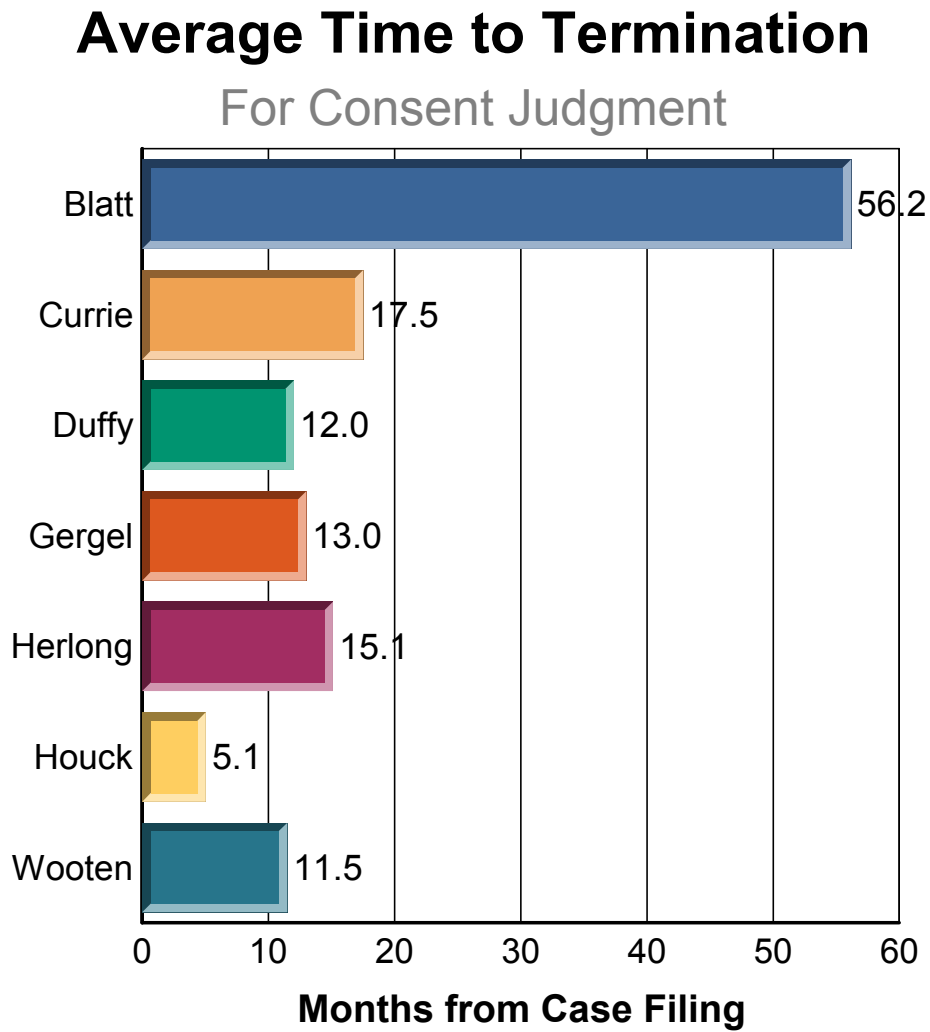


## Bench Trial

<u>Case Number</u>	<u>Judge</u>	<u>Prevailing Party</u>	<u>Pendency</u>	<u>Case Name</u>
7:00cv00800	Anderson	Patentee	15.3	Welding Services Inc v. Thermal Engineering
4:02cv02951	Wooten	Accused Infringer	36.1	Brown Mfg Corp v. Alpha Lawn & Garden, et al
3:03cv00442	Currie	Accused Infringer	36.7	Chem-Nuclear Systems, et al v. Avantech Inc
3:03cv00441	Currie	Accused Infringer	39.2	Chem-Nuclear Systems, et al v. Braun, et al
6:12cv01682	Cain	Patentee	39.4	Ethox Chemical LLC et al v. Coca-Cola Company, The

## Consent Judgment

The number of Consent Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

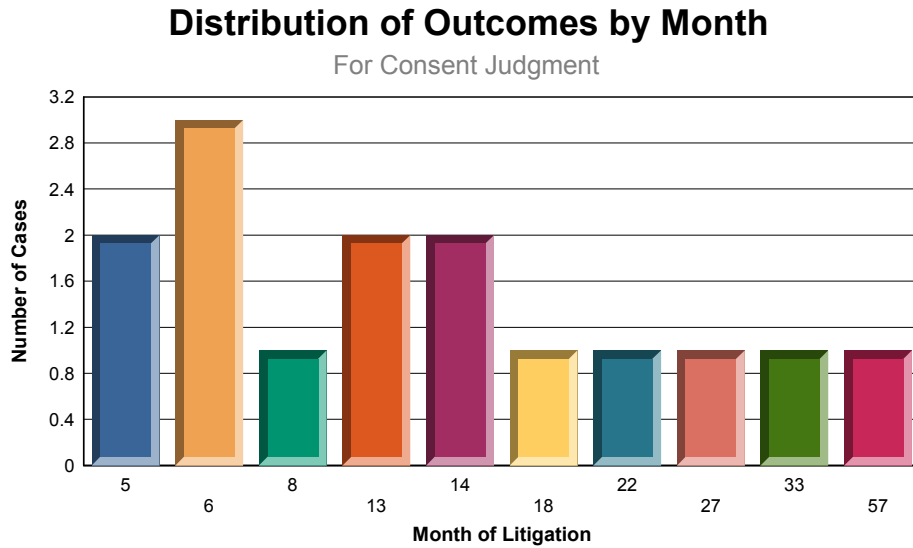


**Consent Judgment**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	16.0	15
<b>Blatt</b>	56.2	1
<b>Currie</b>	17.5	3
<b>Duffy</b>	12.0	1
<b>Gergel</b>	13.0	2
<b>Herlong</b>	15.1	2
<b>Houck</b>	5.1	1
<b>Wooten</b>	11.5	5

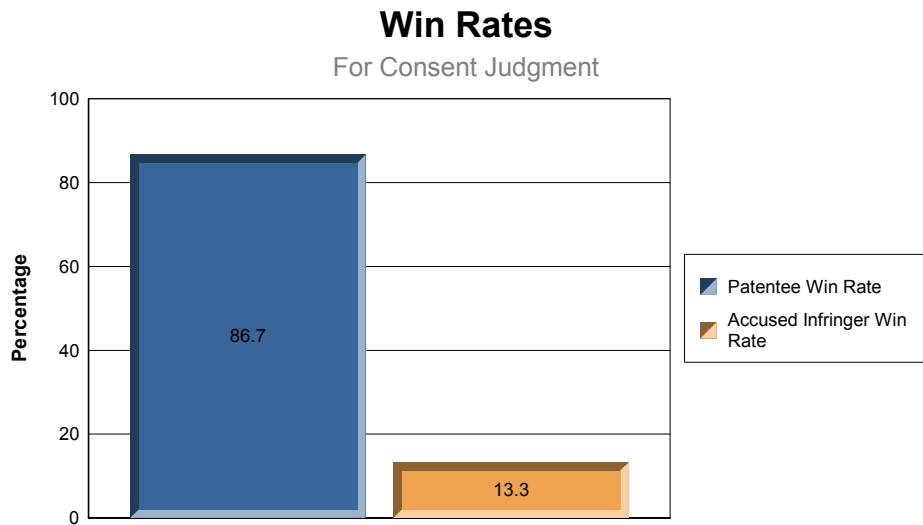
## Consent Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Consent Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

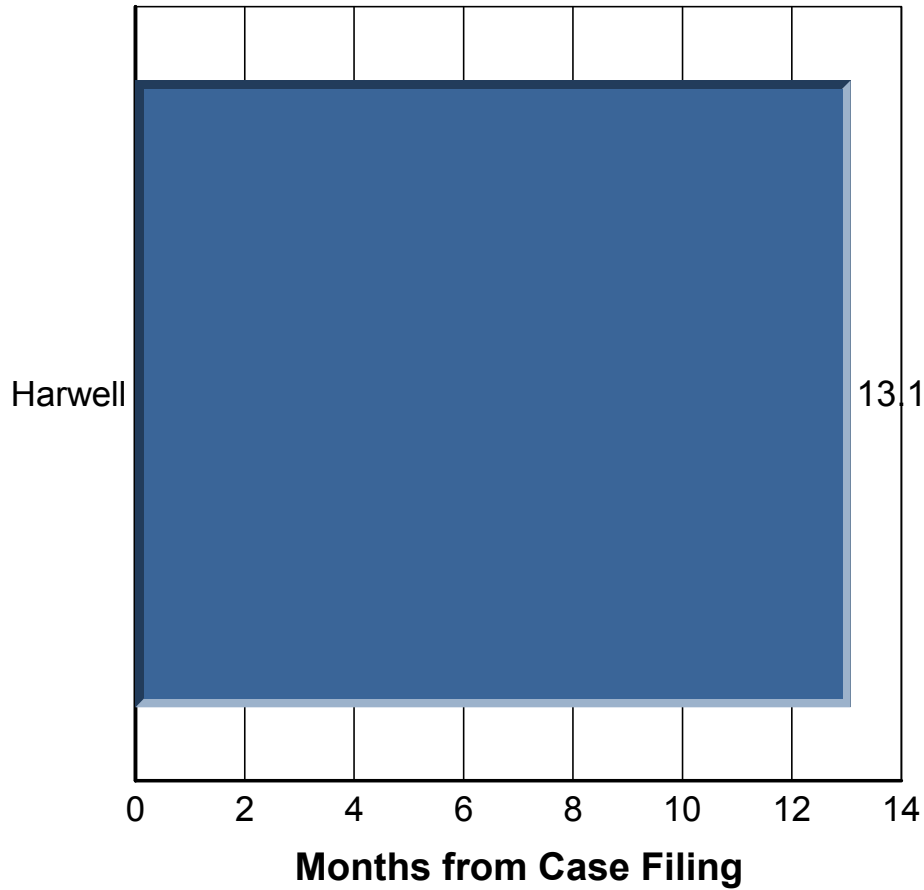


## Default Judgment

The number of Default Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

For Default Judgment



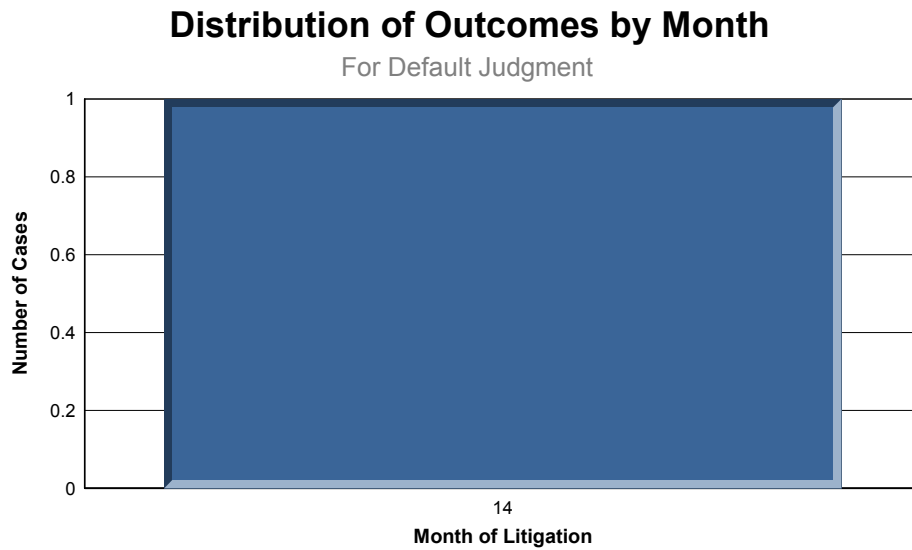


**Default Judgment**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	13.1	1
<b>Harwell</b>	13.1	1

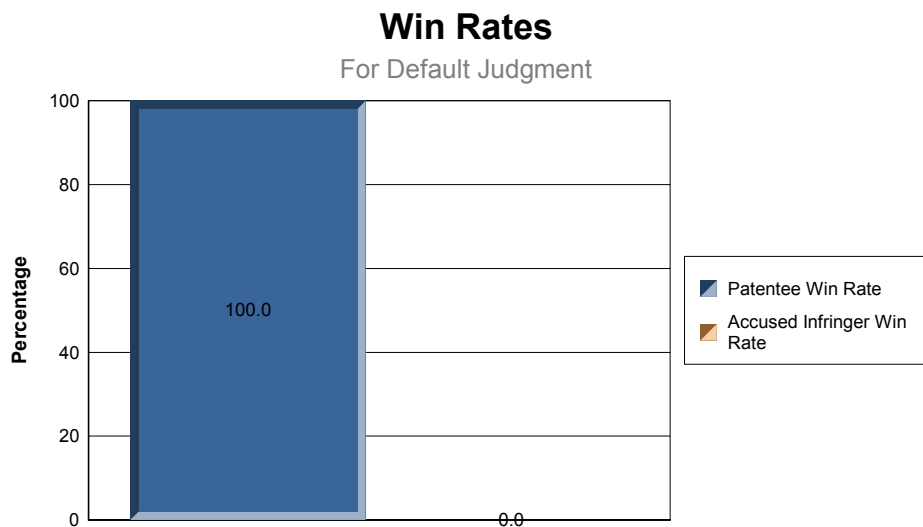
## Default Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Default Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

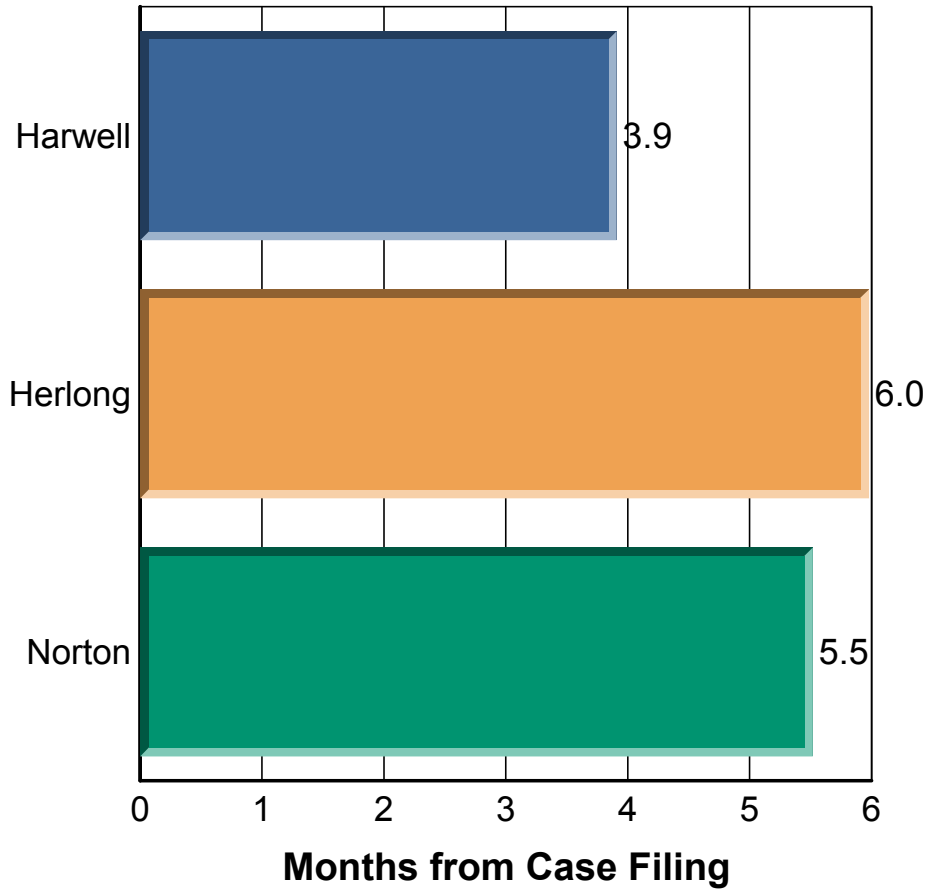


## Involuntary Dismissal

The number of Involuntary Dismissal outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

For Involuntary Dismissal

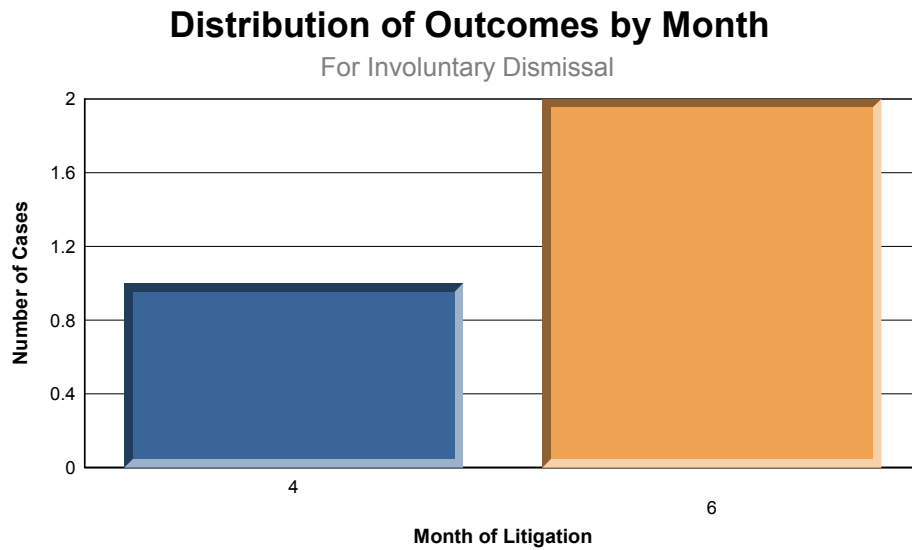


**Involuntary Dismissal**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	5.1	3
<b>Harwell</b>	3.9	1
<b>Herlong</b>	6.0	1
<b>Norton</b>	5.5	1

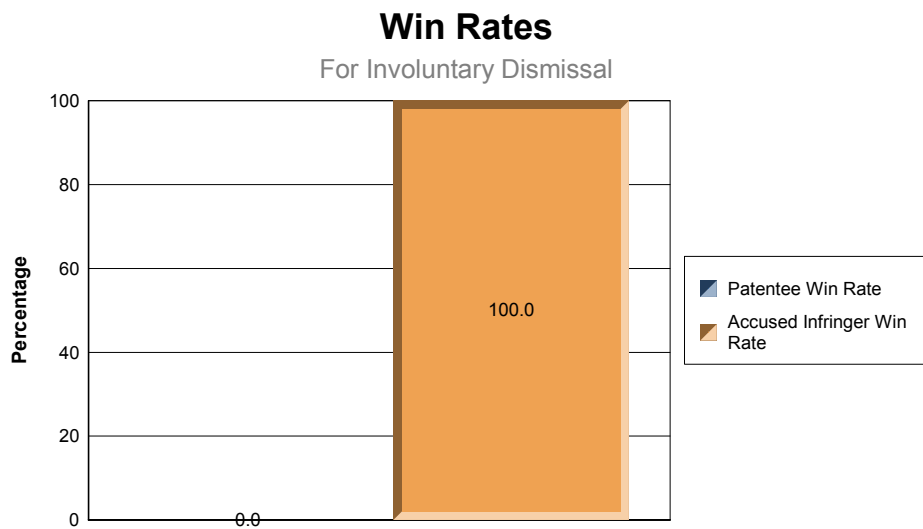
## Involuntary Dismissal

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Involuntary Dismissal

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

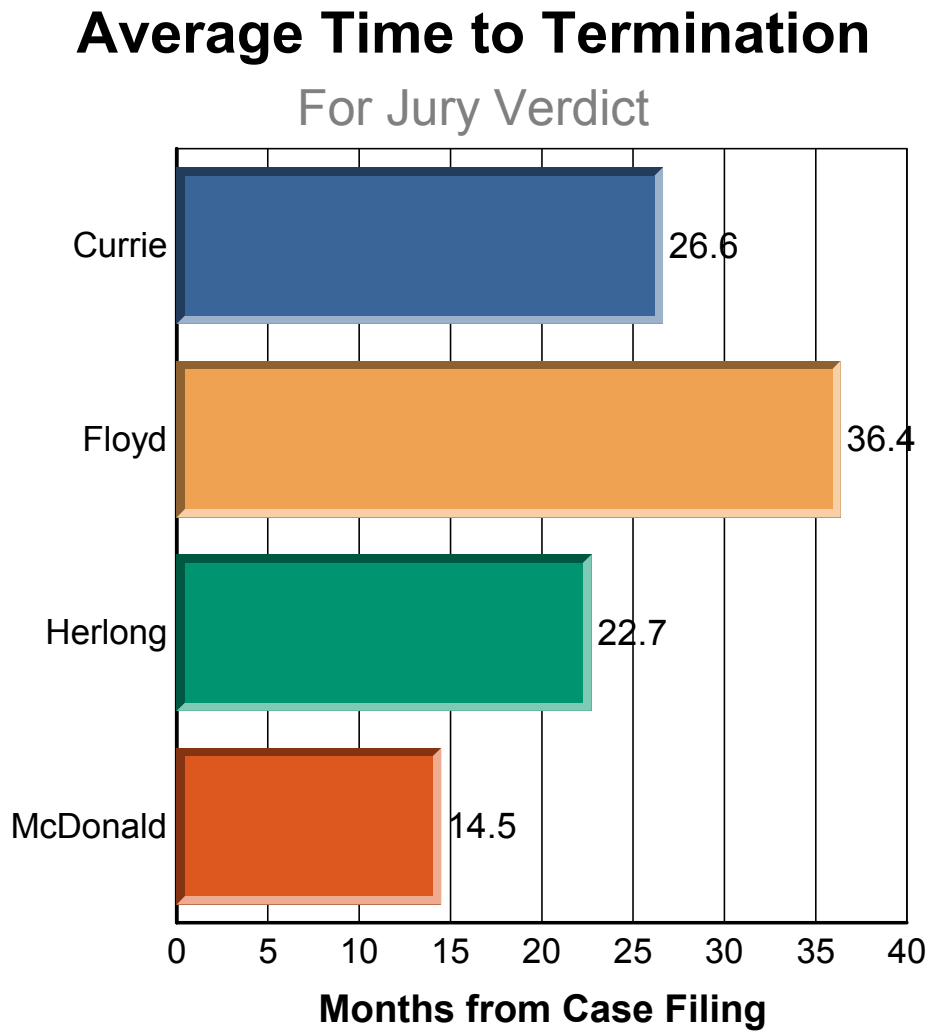


## Involuntary Dismissal

<u>Case Number</u>	<u>Judge</u>	<u>Prevailing Party</u>	<u>Pendency</u>	<u>Case Name</u>
4:12cv02516	Harwell	Accused Infringer	3.9	Gerard v. Lee et al
2:03cv03725	Norton	Accused Infringer	5.5	Monolith Software, et al v. B-50 Data Solutions, et al
7:07cv00511	Herlong	Accused Infringer	6.0	DAF Inc v. Bandit Industries

## Jury Verdict

The number of Jury Verdict outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.



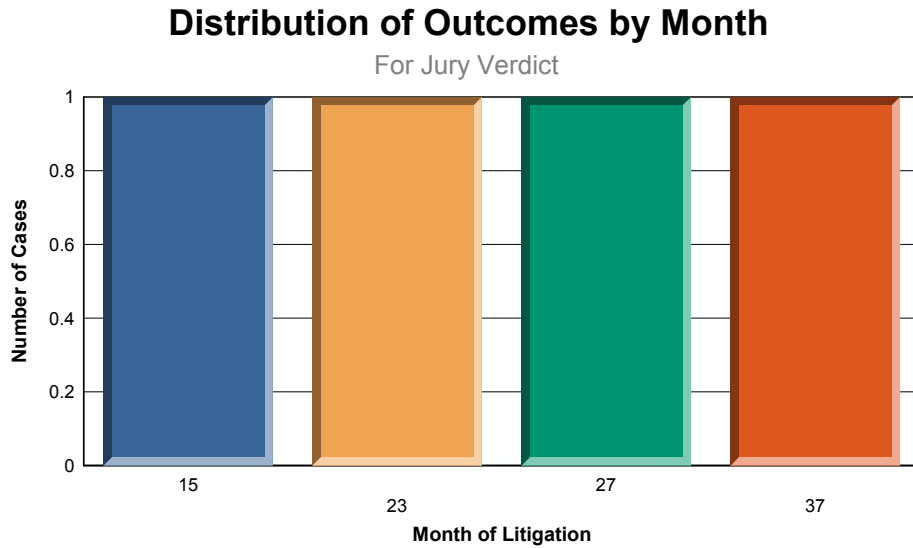
**Jury Verdict**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	25.1	4
<b>Currie</b>	26.6	1
<b>Floyd</b>	36.4	1
<b>Herlong</b>	22.7	1
<b>McDonald</b>	14.5	1



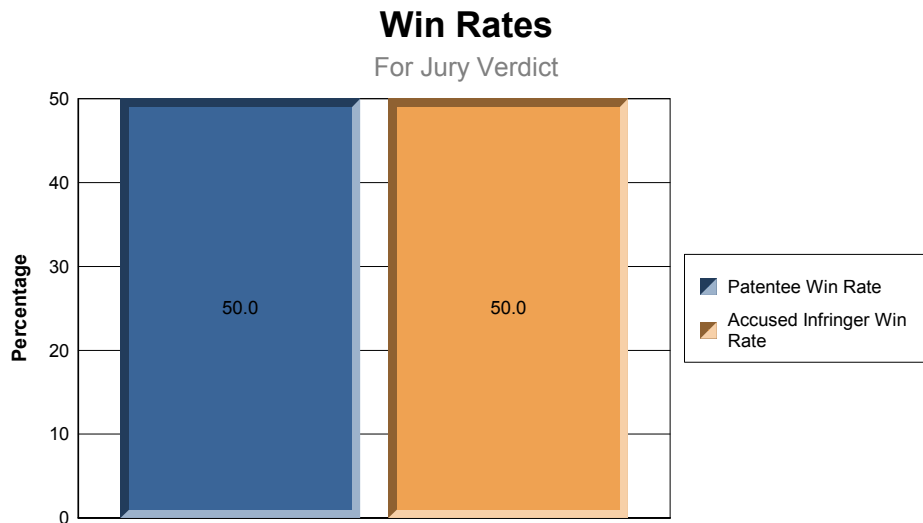
## Jury Verdict

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Jury Verdict

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



## Jury Verdict

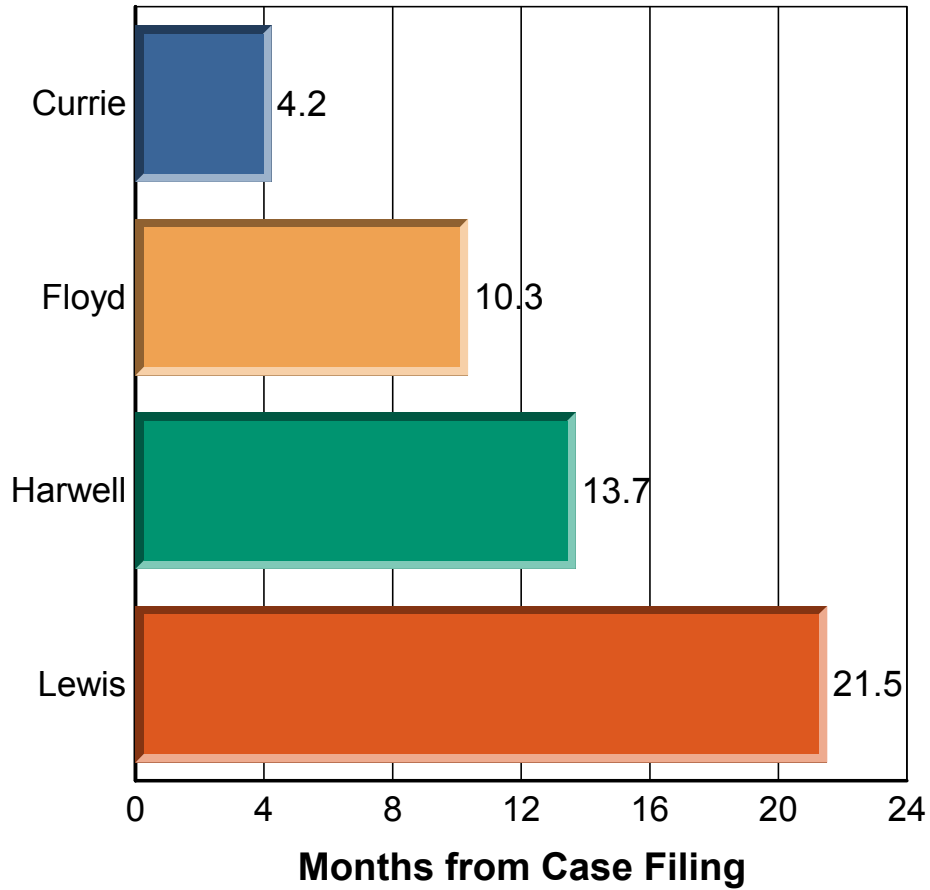
<u>Case Number</u>	<u>Judge</u>	<u>Prevailing Party</u>	<u>Pendency</u>	<u>Case Name</u>
6:00cv02764	McDonald	Patentee	14.5	BBA Nowovens, et al v. Superior Nonwovens, et al
7:02cv03631	Herlong	Accused Infringer	22.7	Milliken & Company v. Mohawk Industries, et al
3:03cv03915	Currie	Accused Infringer	26.6	Chem-Nuclear Systems, et al v. Abernethy, et al
6:02cv02946	Floyd	Patentee	36.4	Dystar Textilfarben v. CH Patrick Co Inc, et al

## Lack of Jurisdiction

The number of Lack of Jurisdiction outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

## For Lack of Jurisdiction

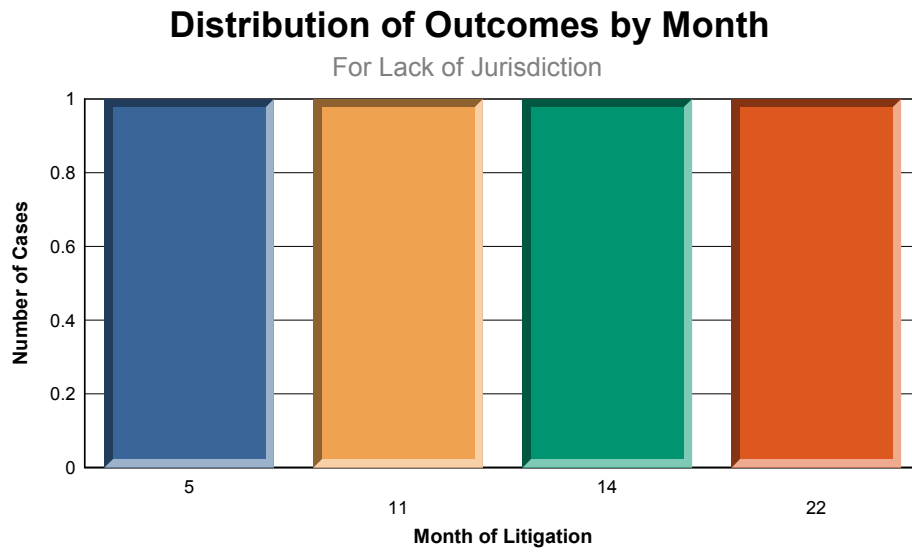


**Lack of Jurisdiction**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	12.5	4
<b>Currie</b>	4.2	1
<b>Floyd</b>	10.3	1
<b>Harwell</b>	13.7	1
<b>Lewis</b>	21.5	1

## Lack of Jurisdiction

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.

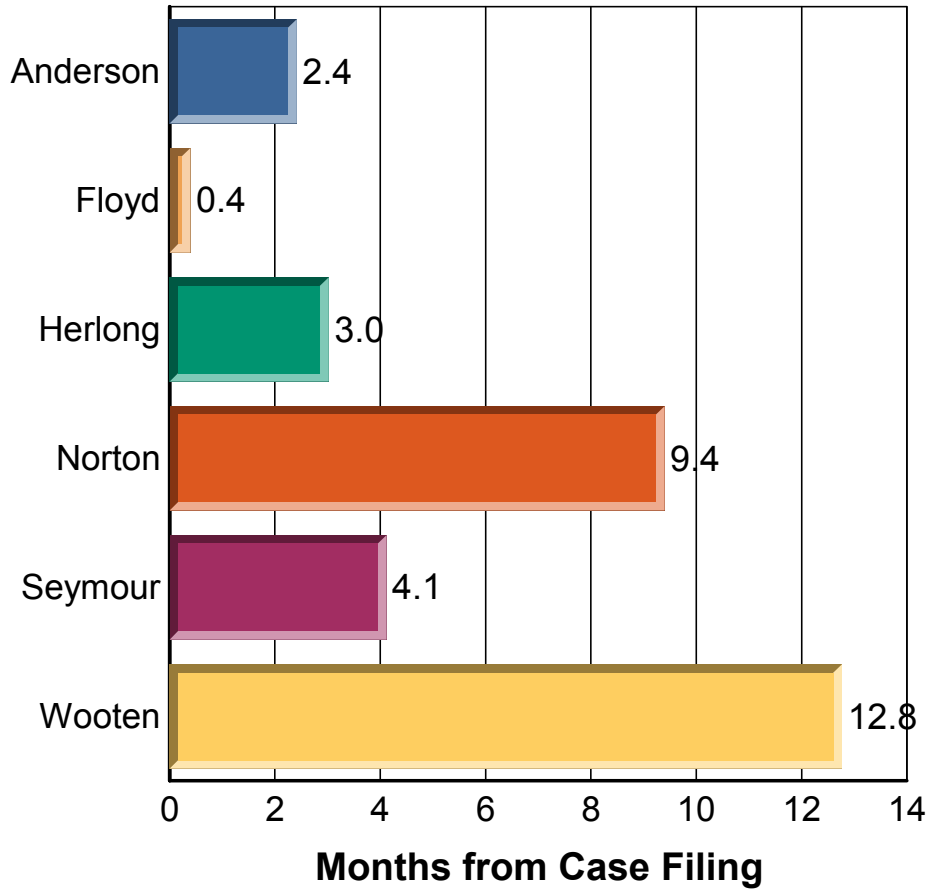


## Other Termination

The number of Other Termination outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

## For Other Termination

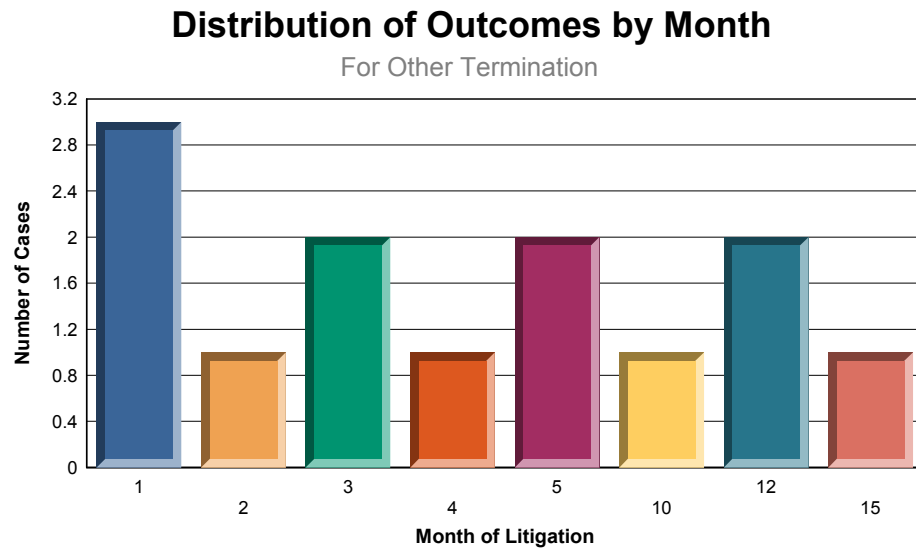


**Other Termination**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	5.1	13
<b>Anderson</b>	2.4	2
<b>Floyd</b>	0.4	1
<b>Herlong</b>	3.0	2
<b>Norton</b>	9.4	1
<b>Seymour</b>	4.1	5
<b>Wooten</b>	12.8	2

## Other Termination

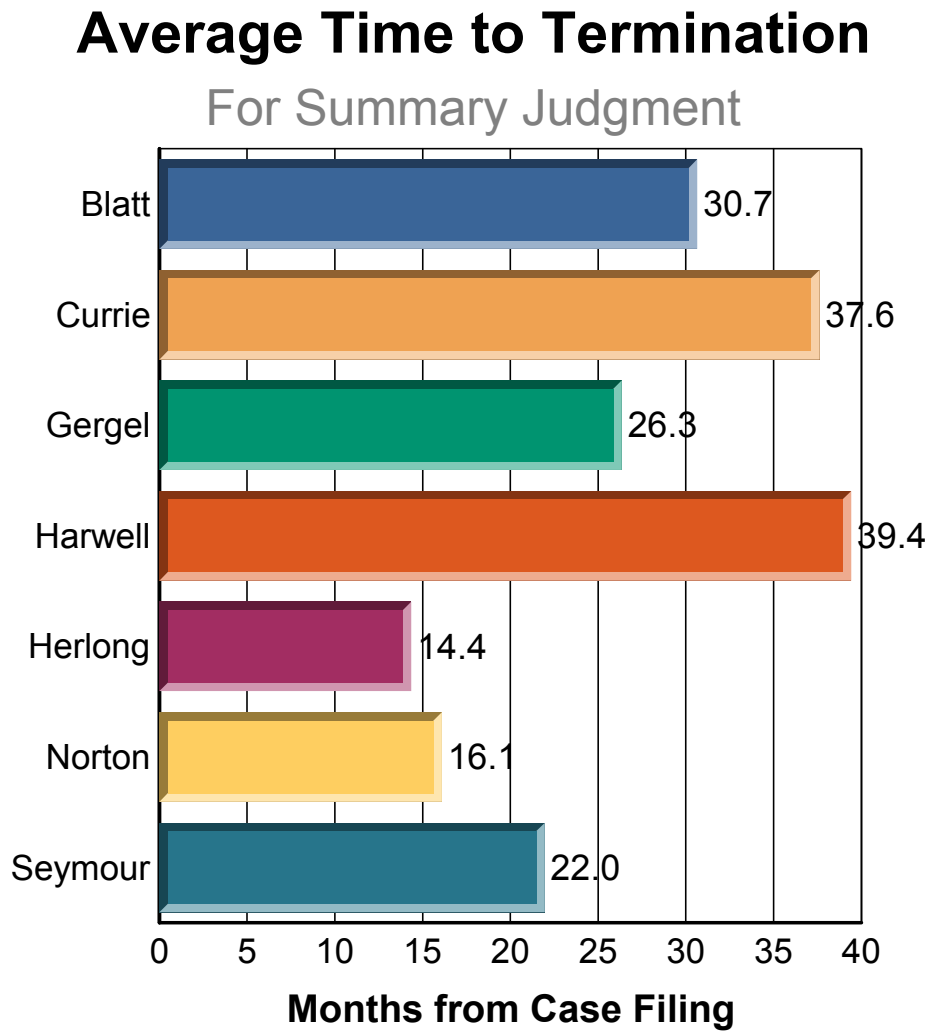
The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.





## Summary Judgment

The number of Summary Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

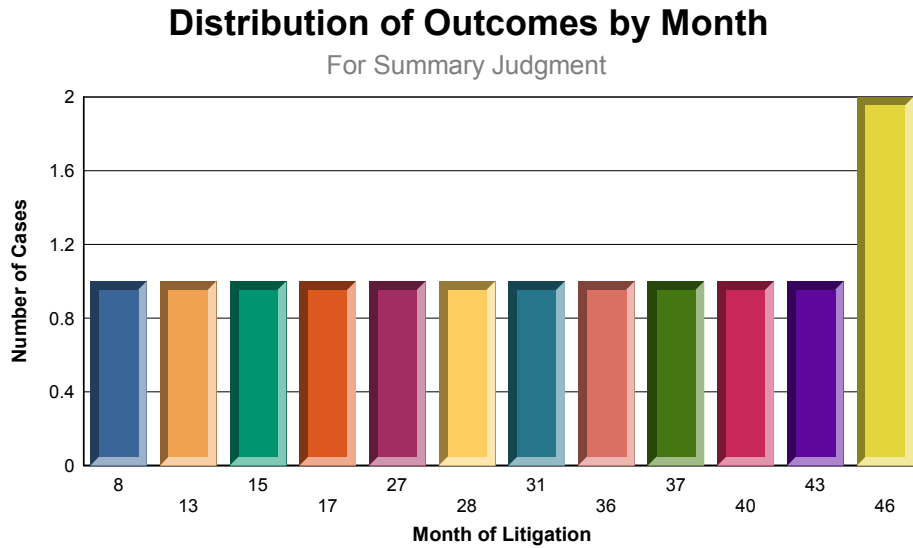


## Summary Judgment

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	29.3	13
<b>Blatt</b>	30.7	1
<b>Currie</b>	37.6	5
<b>Gergel</b>	26.3	1
<b>Harwell</b>	39.4	1
<b>Herlong</b>	14.4	1
<b>Norton</b>	16.1	1
<b>Seymour</b>	22.0	3

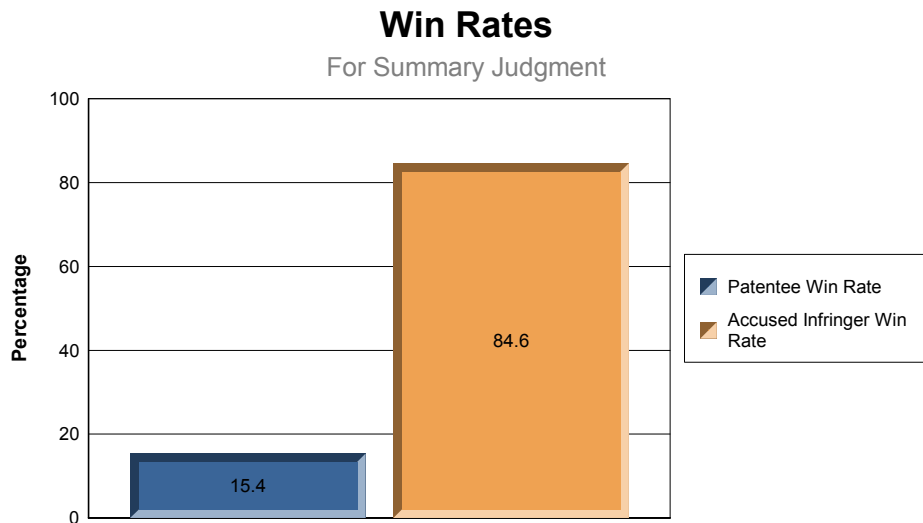
## Summary Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Summary Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



## Summary Judgment

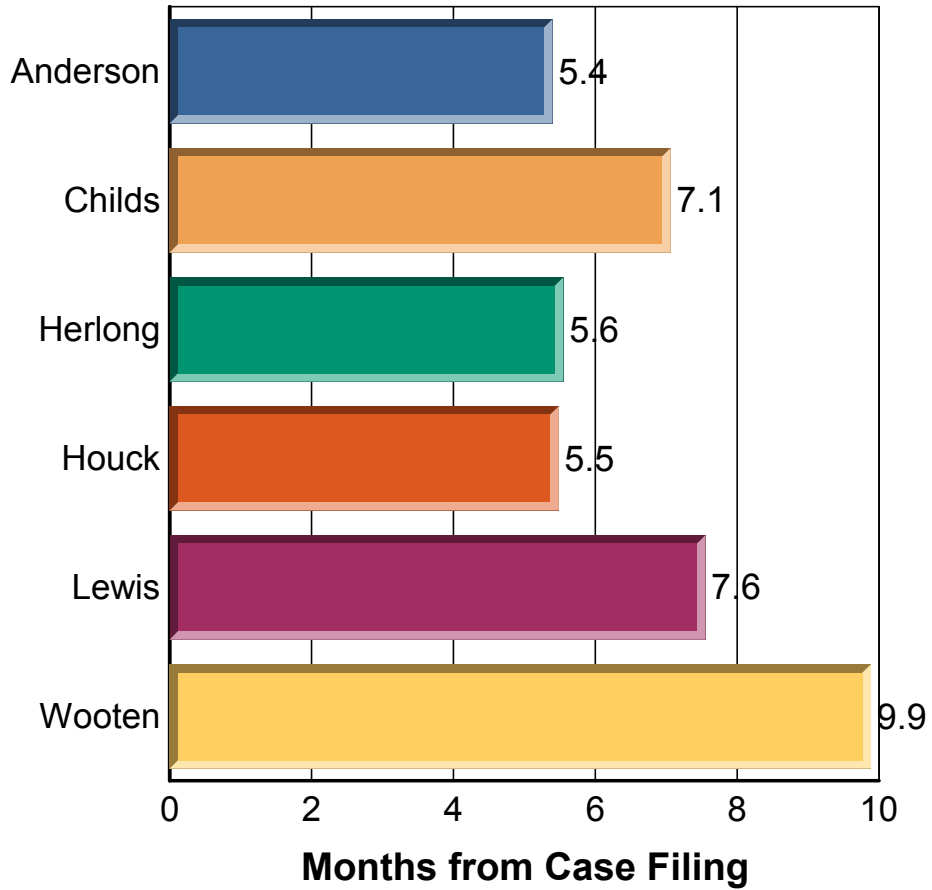
<u>Case Number</u>	<u>Judge</u>	<u>Prevailing Party</u>	<u>Pendency</u>	<u>Case Name</u>
5:09cv00312	Seymour	Patentee	7.4	Hubbell Incorporated et al v. Dynamic Lighting Inc et al
6:99cv01824	Seymour	Accused Infringer	12.7	Day International v. Reeves Brothers Inc
7:08cv02880	Herlong	Accused Infringer	14.4	Channelbind International Corporation v. Esselte Corporation et al
2:12cv02568	Norton	Accused Infringer	16.1	Carolina Waterworks Inc v. Taylor Made Group LLC et al
2:13cv03438	Gergel	Accused Infringer	26.3	MUSC Foundation for Research Development et al v. AstraZeneca Pharmaceuticals LP
3:06cv02566	Currie	Accused Infringer	27.5	Garcia v. SCANA Corporation
2:13cv02078	Blatt	Accused Infringer	30.7	MUSC Foundation for Research Development et al v. AstraZeneca Pharmaceuticals LP
3:10cv02140	Currie	Accused Infringer	35.9	Pure Fishing Inc v. Normark Corporation
3:04cv01200	Currie	Accused Infringer	36.3	Household Intl Inc v. Decisioning.com Inc
4:05cv03062	Harwell	Patentee	39.4	Monsanto Company v. Strickland
3:03cv02837	Currie	Accused Infringer	42.8	Decisioning.com Inc v. Ameritrade Holding, et al
3:03cv01924	Currie	Accused Infringer	45.6	Decisioning.com Inc v. Federated Dept Store, et al
3:02cv03440	Seymour	Accused Infringer	45.8	Green v. Snavelly Forest Prod

## Transfer

The number of Transfer outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

# Average Time to Termination

## For Transfer

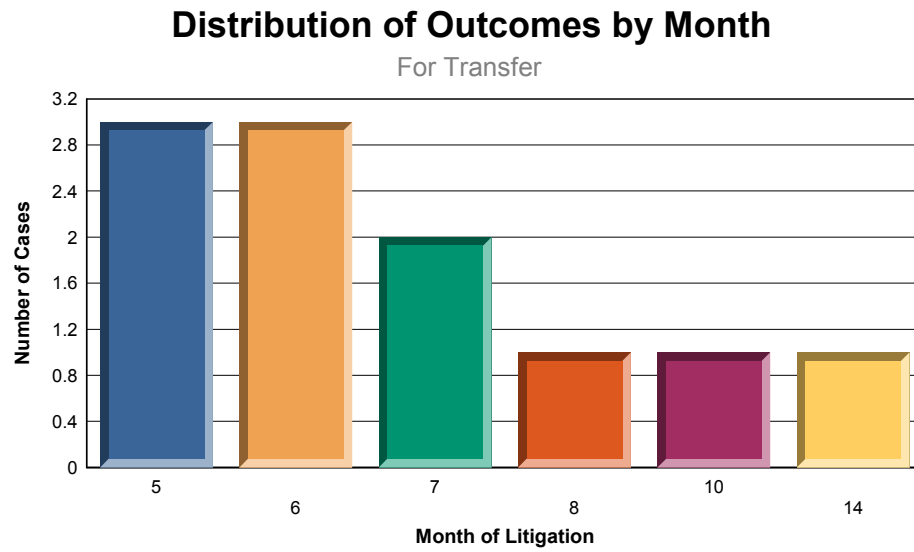


**Transfer**

	<b>Average Time to Termination</b>	<b>Number of Cases</b>
<b>District</b>	6.8	11
<b>Anderson</b>	5.4	3
<b>Childs</b>	7.1	2
<b>Herlong</b>	5.6	2
<b>Houck</b>	5.5	1
<b>Lewis</b>	7.6	1
<b>Wooten</b>	9.9	2

## Transfer

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



## Awards and Settlement Amounts

The case names and judges for each award or settlement amount found (if any) are shown in the following tables. Caution: Awards and settlement amounts not shown in the dockets are not included.

	Average	Median
<b>Total</b>	564464	43472
<b>Consent Judgment</b>	136606	42725
<b>Default Judgment</b>	1260	1260
<b>Jury Verdict</b>	2015206	2015206
<b>Summary Judgment</b>	37110	37110

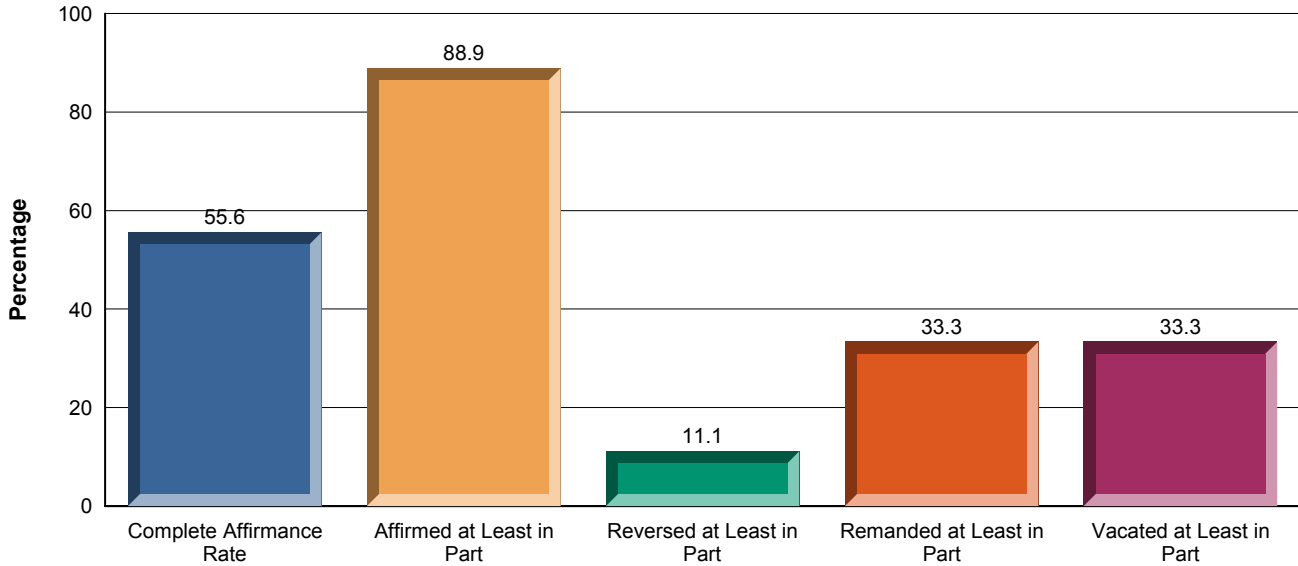
<u>Case Number</u>	<u>Case Name</u>	<u>Date of Award or Settlement</u>	<u>Judge</u>	<u>Case Outcomes</u>	<u>Award Amounts</u>
4:02cv00032	Monsanto Company v. Meekins, et al	7/8/2002	Wooten	Consent Judgment	41,795.60
4:02cv00033	Monsanto Company v. Meekins	7/8/2002	Wooten	Consent Judgment	42,724.80
5:09cv00312	Hubbell Incorporated et al v. Dynamic Lighting Inc et al	9/18/2009	Seymour	Summary Judgment	30,000.00
6:05cv00112	O'Donnell v. Zhenyi Wang and Pets	2/15/2006	Harwell	Default Judgment	1,260.00
6:00cv02764	BBA Nowovens, et al v. Superior Nonwovens, et al	11/21/2001	McDonald	Jury Verdict	3,940,412.00
4:02cv00358	Monsanto Company v. Rogers, et al	5/6/2004	Wooten	Consent Judgment	325,298.00
6:02cv02946	Dystar Textilfarben v. CH Patrick Co Inc, et al	9/16/2005	Floyd	Jury Verdict	90,000.00
4:05cv03062	Monsanto Company v. Strickland	2/9/2009	Harwell	Summary Judgment	44,220.00



## Appeals

The number of rulings on appeal in these cases and the rulings themselves are found in the table below. The Complete Affirmance Rate (the number of appeals which were affirmed with no other ruling, divided by the total number of appeals decision-not counting dismissed and pending appeals), the percentage of appeal rulings which affirmed the lower court at least in part, the percentage which reversed this court at least in part, the percentage which remanded this court at least in part, and the percentage which vacated this court at least in part are shown in the chart immediately below.

### Appeal Outcomes

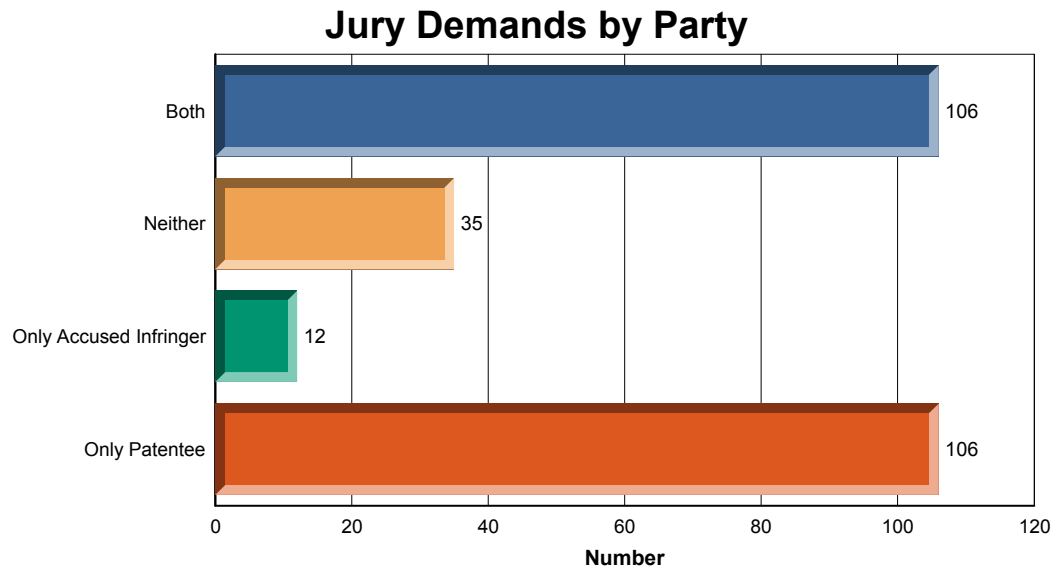


	Total
<b>Affirmed</b>	5
<b>Affirmed, Vacated, Remanded</b>	3
<b>Dismissed</b>	6
<b>Pending</b>	1
<b>Reversed</b>	1

<u>Case Name</u>	<u>Case Number</u>	<u>Judge</u>	<u>Result of Appeal</u>
Welding Services Inc v. Thermal Engineering	7:00cv00800	Anderson	Affirmed
Pure Fishing Inc v. Normark Corporation	3:10cv02140	Currie	Affirmed
Green v. Snavelly Forest Prod	3:02cv03440	Seymour	Affirmed
Day International v. Reeves Brothers Inc	6:99cv01824	Seymour	Affirmed
BBA Nowovens, et al v. Superior Nonwovens, et al	6:00cv02764	McDonald	Affirmed
Decisioning.com Inc v. Federated Dept Store, et al	3:03cv01924	Currie	Affirmed, Vacated, Remanded
Decisioning.com Inc v. Ameritrade Holding, et al	3:03cv02837	Currie	Affirmed, Vacated, Remanded
Household Intl Inc v. Decisioning.com Inc	3:04cv01200	Currie	Affirmed, Vacated, Remanded
Chem-Nuclear Systems, et al v. Braun, et al	3:03cv00441	Currie	Dismissed
Chem-Nuclear Systems, et al v. Avantech Inc	3:03cv00442	Currie	Dismissed
Chem-Nuclear Systems, et al v. Abernethy, et al	3:03cv03915	Currie	Dismissed
Milliken & Company v. Mohawk Industries, et al	7:02cv03631	Herlong	Dismissed
Carolina Waterworks Inc v. Taylor Made Group LLC et al	2:12cv02568	Norton	Dismissed
Sawgrass Technologies Inc v. Texas Original Graphics Inc et al	2:05cv01696	Wooten	Dismissed
Ethox Chemical LLC et al v. Coca-Cola Company, The	6:12cv01682	Cain	Pending
Dystar Textilfarben v. CH Patrick Co Inc, et al	6:02cv02946	Floyd	Reversed

## Jury Demands

The number of jury demands by party type is shown below.



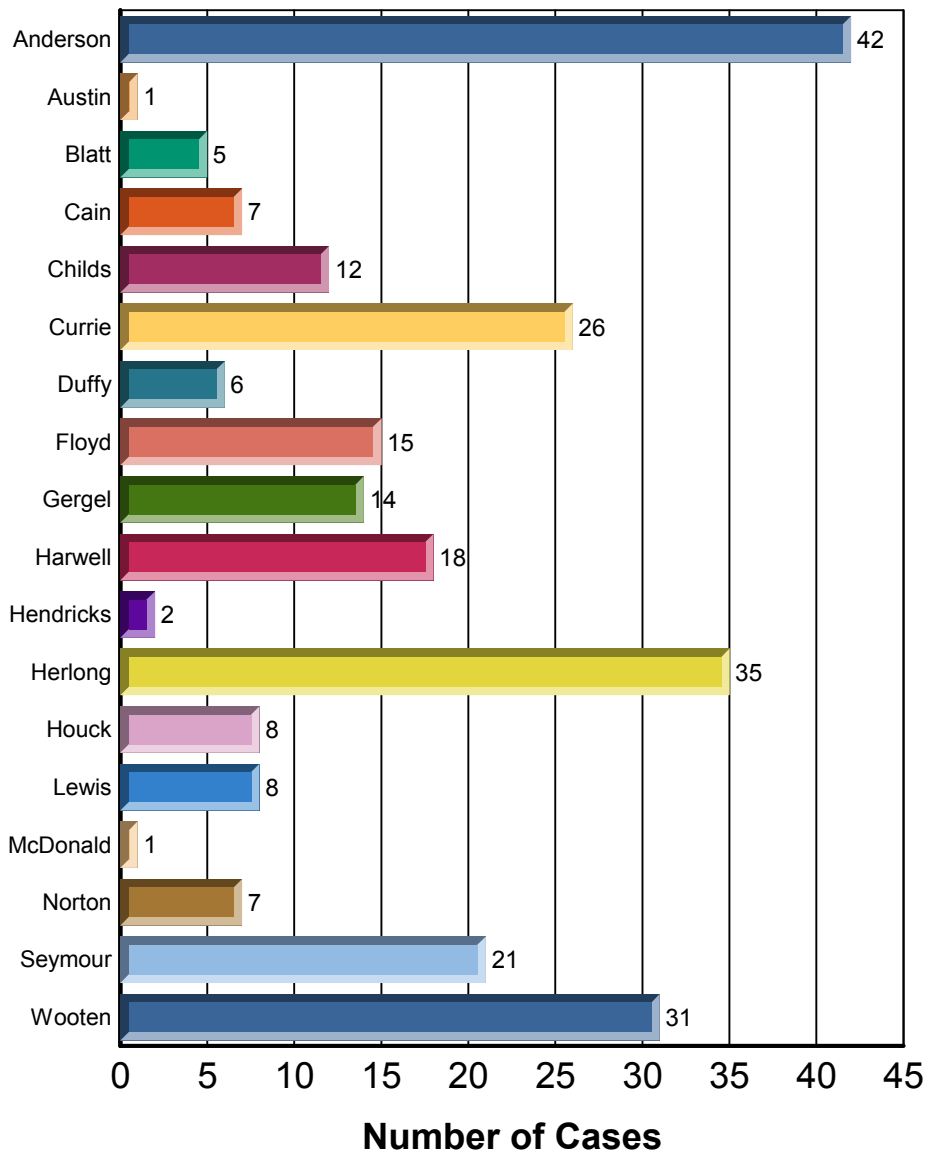
## Experience

The active judges in the South Carolina District Court vary considerably in their exposure to patent cases in general and to significant motions in those cases.

### Total Number of Patent Cases: By Judge

The total number of patent cases per judge is shown below, followed by a table listing the judge, total number of patent cases, total number of closed patent cases and total number of open patent cases.

### Total Patent Cases: By Judge

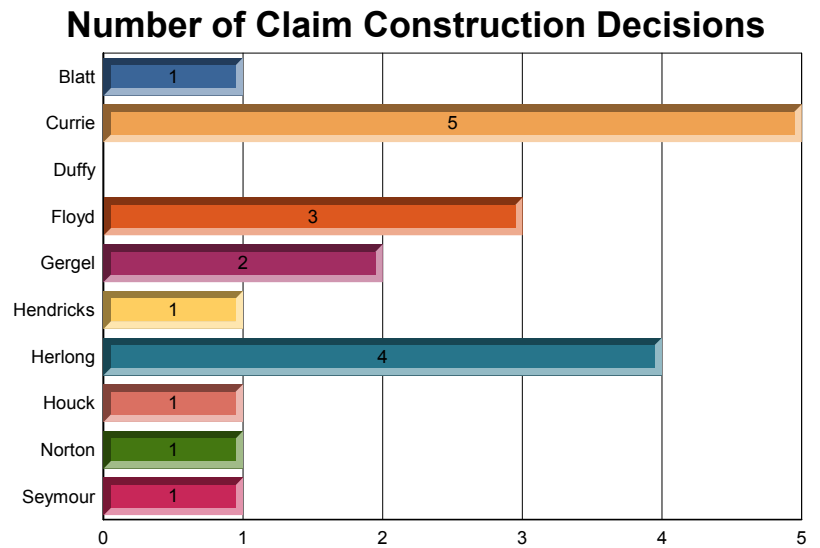


	<b>Total Number of Cases</b>	<b>Number of Closed Cases</b>	<b>Number of Open Cases</b>
<b>Total</b>	221	213	8
<b>Anderson</b>	26	26	0
<b>Austin</b>	1	1	0
<b>Blatt</b>	3	3	0
<b>Cain</b>	7	4	3
<b>Childs</b>	12	11	1
<b>Currie</b>	20	20	0
<b>Duffy</b>	4	4	0
<b>Floyd</b>	15	15	0
<b>Gergel</b>	14	12	2
<b>Harwell</b>	18	18	0
<b>Hendricks</b>	2	1	1
<b>Herlong</b>	26	26	0
<b>Houck</b>	7	7	0
<b>Lewis</b>	8	7	1
<b>McDonald</b>	1	1	0
<b>Norton</b>	5	5	0
<b>Seymour</b>	21	21	0
<b>Wooten</b>	31	31	0

## Total Number of Claim Construction Rulings: By Judge

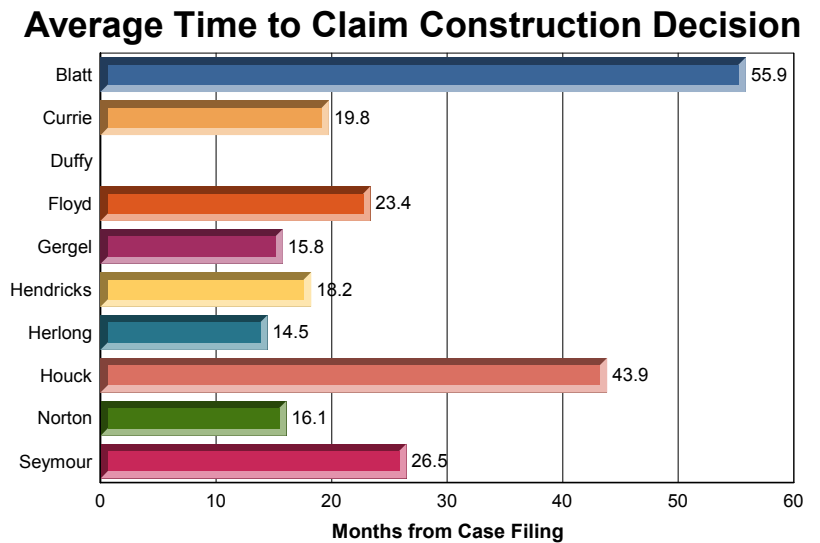
The number of claim construction rulings for each active judge is shown below. These figures do not include summary judgment decisions that may involve claim construction issues.

	Number of Decisions
<b>Total</b>	19
<b>Blatt</b>	1
<b>Currie</b>	5
<b>Floyd</b>	3
<b>Gergel</b>	2
<b>Hendricks</b>	1
<b>Herlong</b>	4
<b>Houck</b>	1
<b>Norton</b>	1
<b>Seymour</b>	1



The average time (in months) from case filing to claim construction rulings for each active judge is shown below.

	Number of Decisions
<b>Total</b>	22.1
<b>Blatt</b>	55.9
<b>Currie</b>	19.8
<b>Floyd</b>	23.4
<b>Gergel</b>	15.8
<b>Hendricks</b>	18.2
<b>Herlong</b>	14.5
<b>Houck</b>	43.9
<b>Norton</b>	16.1
<b>Seymour</b>	26.5



## Motion Outcomes

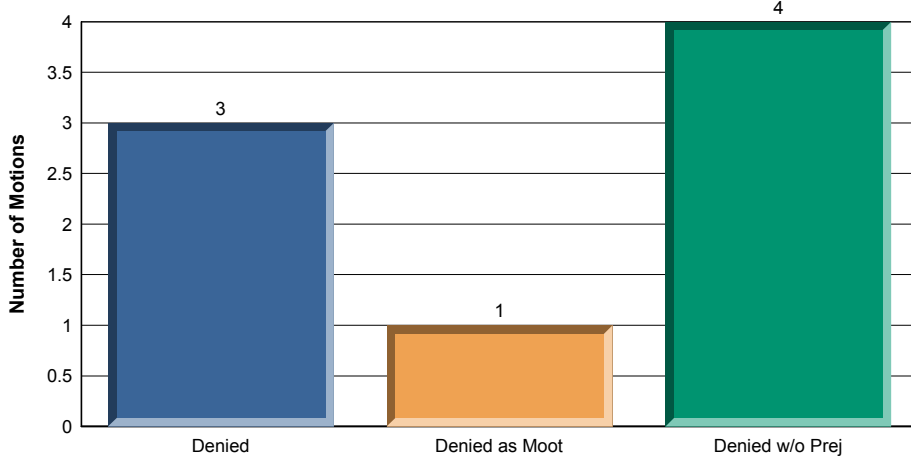
The win rates and times to decision on contested preliminary injunction, stay pending reexam, summary judgment, and transfer motions are shown below. A motion that is granted in part and denied in part is treated as "1/2" granted, and "1/2" denied.

### Preliminary Injunction

The number of Preliminary Injunction motions by outcome are shown below.

### Motion Outcomes

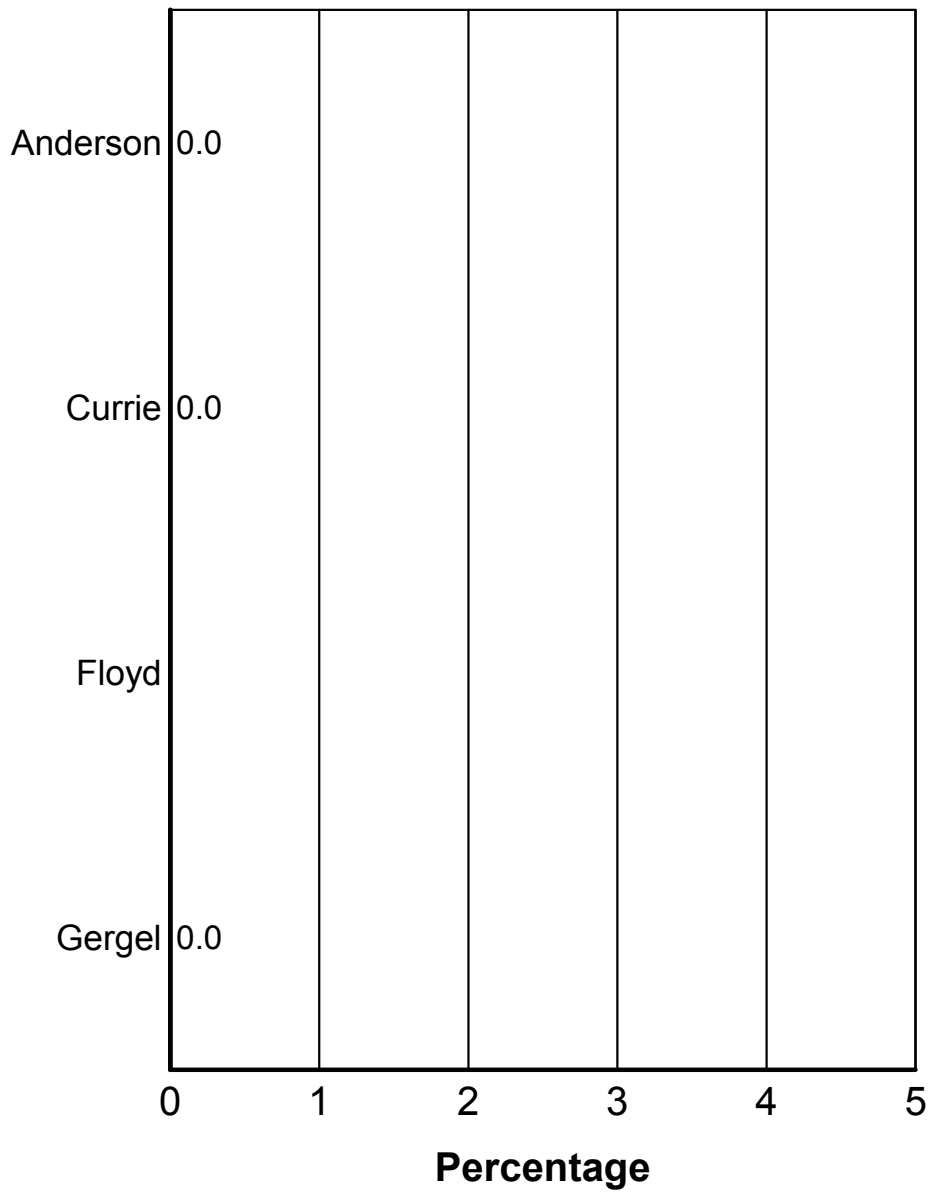
For Preliminary Injunction



	Total
Total	8
Denied	3
Denied as Moot	1
Denied w/o Prej	4

The win rates, by judge, on contested Preliminary Injunction motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

## Contested Win Rate For Preliminary Injunction

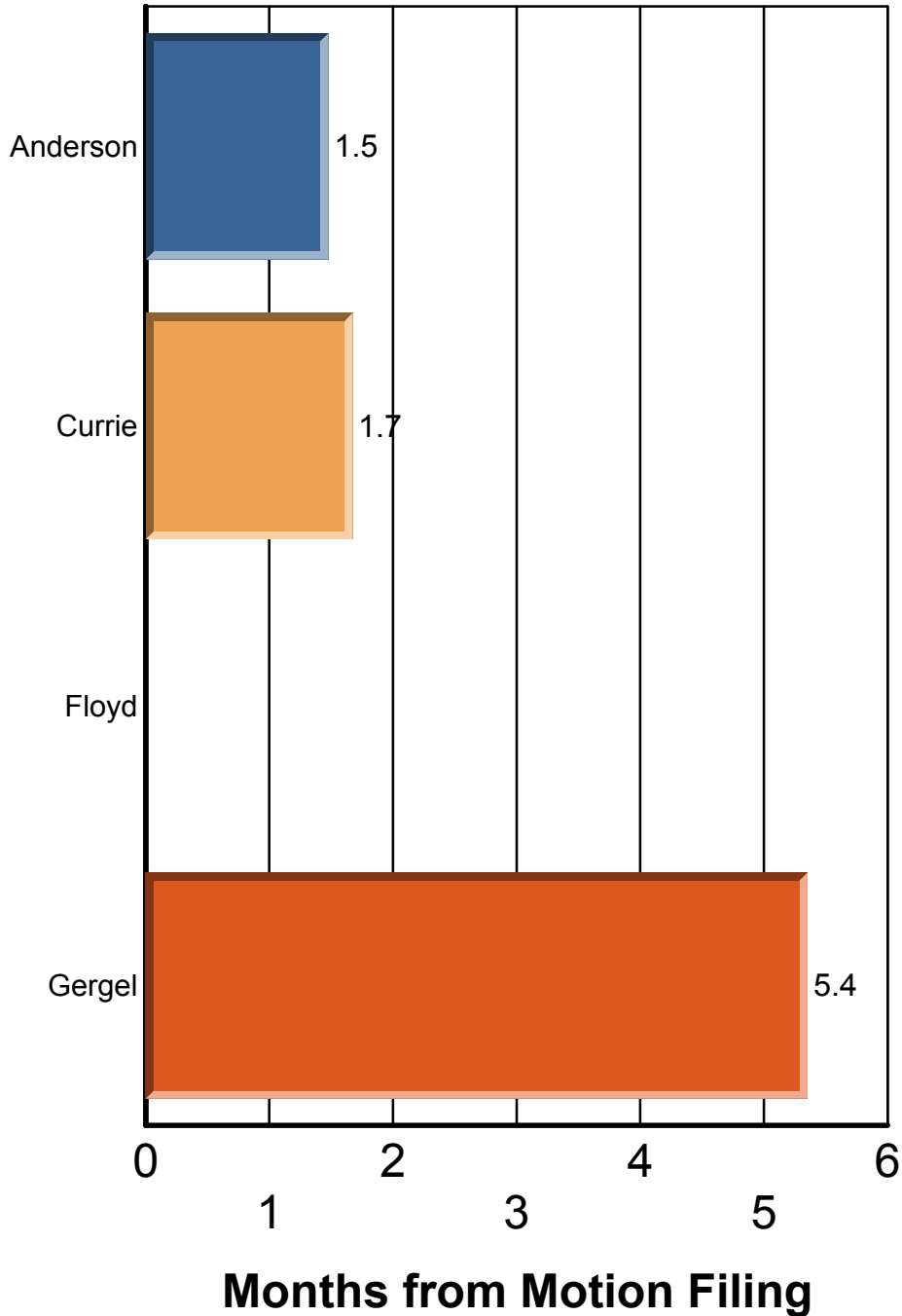




The average times from motion filing to decision, by judge, on contested Preliminary Injunction motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

For Preliminary Injunction



The supporting data for Preliminary Injunction motions is found in the following table:

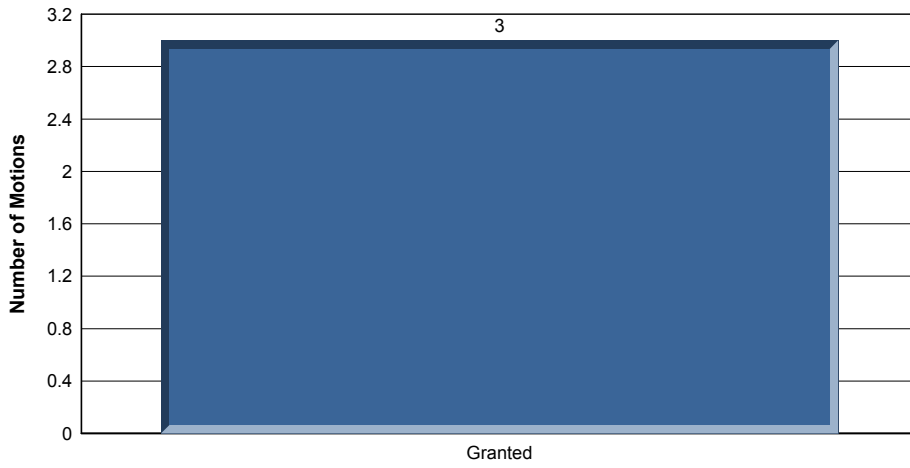
	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	8	7	0.0	2.7
<b>Anderson</b>	1	1	0.0	1.5
<b>Currie</b>	4	4	0.0	1.7
<b>Floyd</b>	1	0		
<b>Gergel</b>	2	2	0.0	5.4

## Stay Pending IPR

The number of Stay Pending IPR motions by outcome are shown below.

### Motion Outcomes

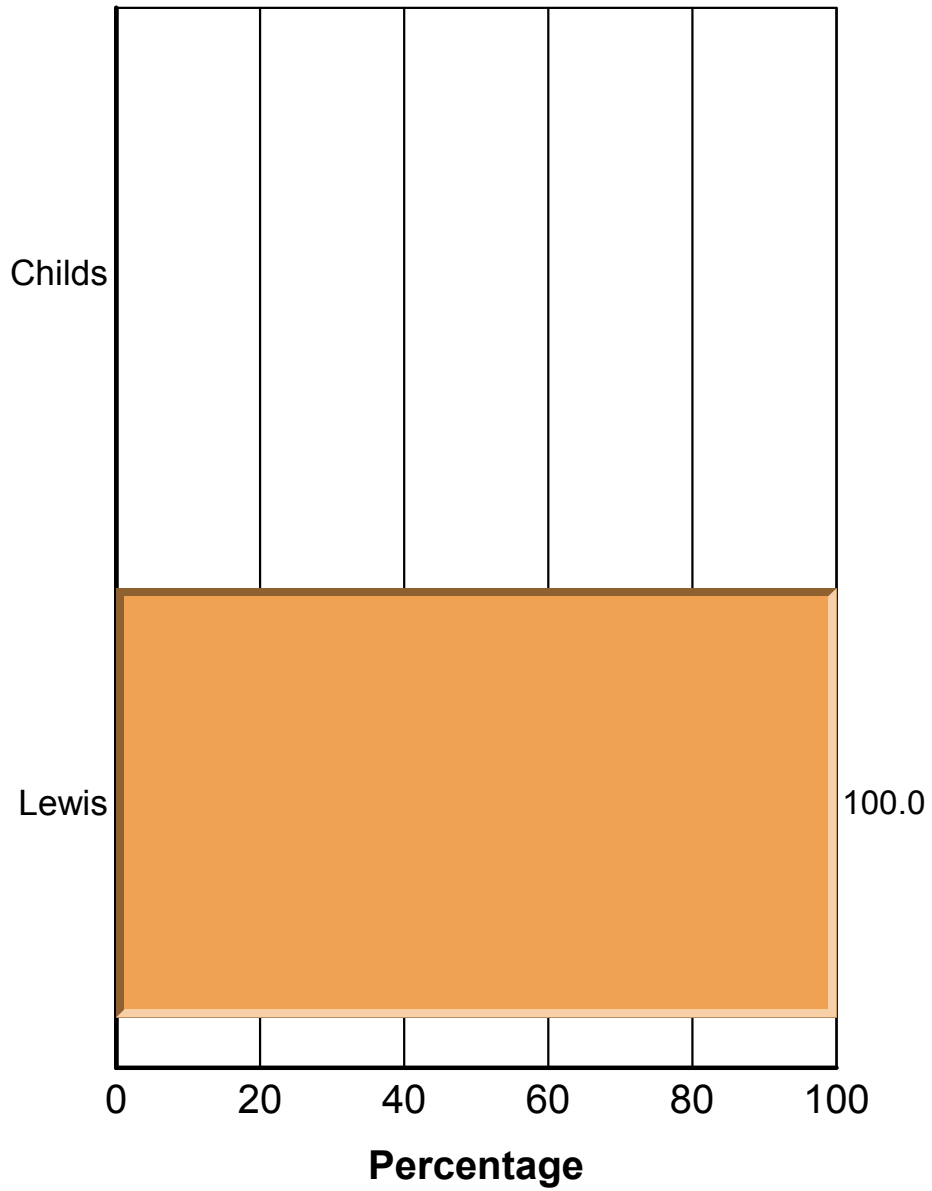
For Stay Pending IPR



	Total
Total	3
Granted	3

The win rates, by judge, on contested Stay Pending IPR motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

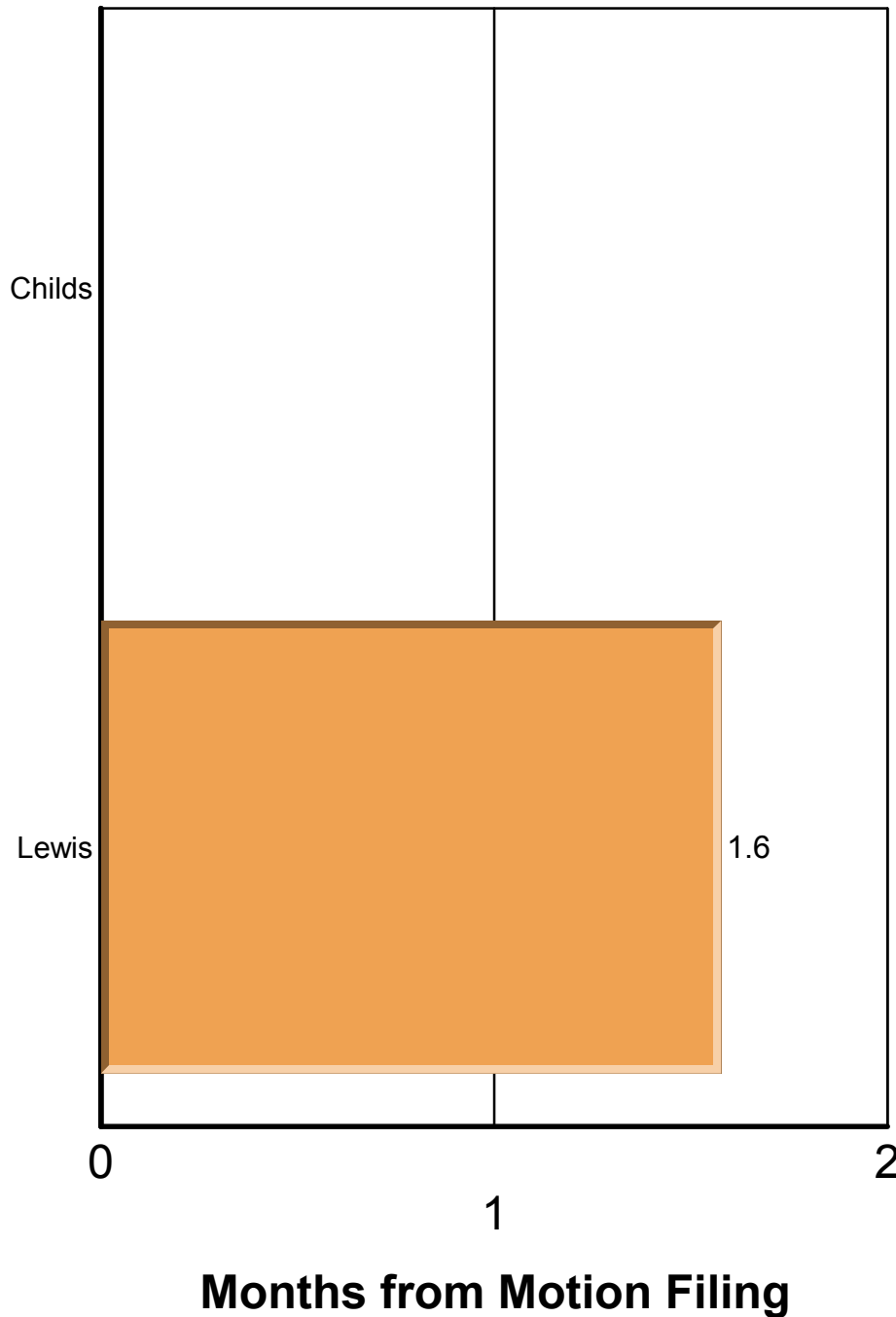
## Contested Win Rate For Stay Pending IPR



The average times from motion filing to decision, by judge, on contested Stay Pending IPR motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

## For Stay Pending IPR



The supporting data for Stay Pending IPR motions is found in the following table:

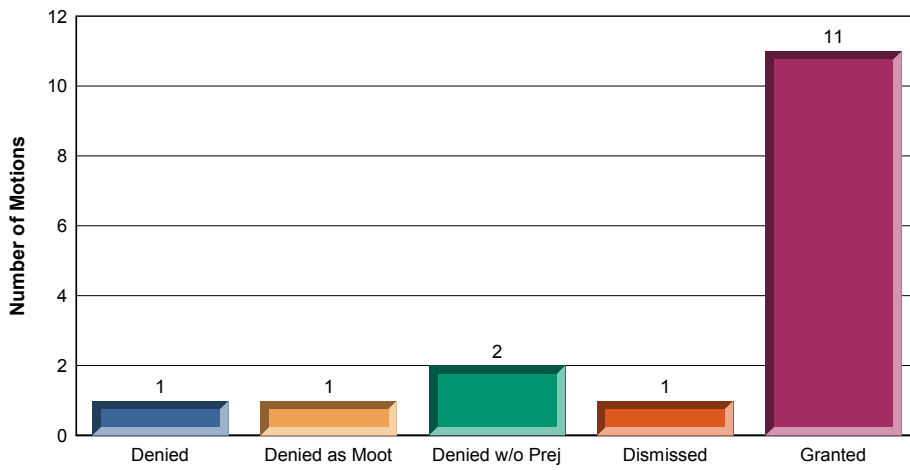
	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	3	1	100.0	1.6
<b>Childs</b>	2	0		
<b>Lewis</b>	1	1	100.0	1.6

## Stay Pending Reexam

The number of Stay Pending Reexam motions by outcome are shown below.

### Motion Outcomes

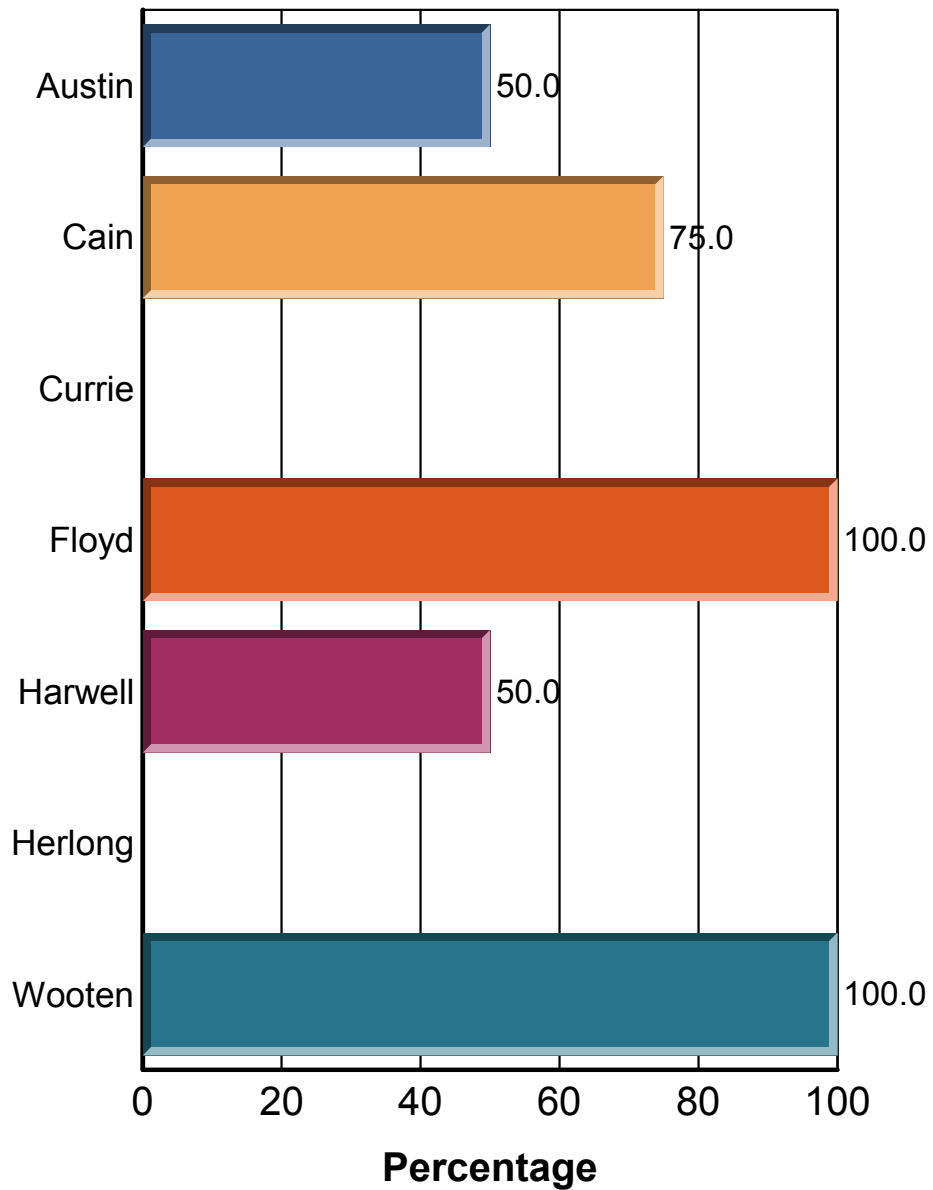
For Stay Pending Reexam



	Total
<b>Total</b>	16
<b>Denied</b>	1
<b>Denied as Moot</b>	1
<b>Denied w/o Prej</b>	2
<b>Dismissed</b>	1
<b>Granted</b>	11

The win rates, by judge, on contested Stay Pending Reexam motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

## Contested Win Rate For Stay Pending Reexam

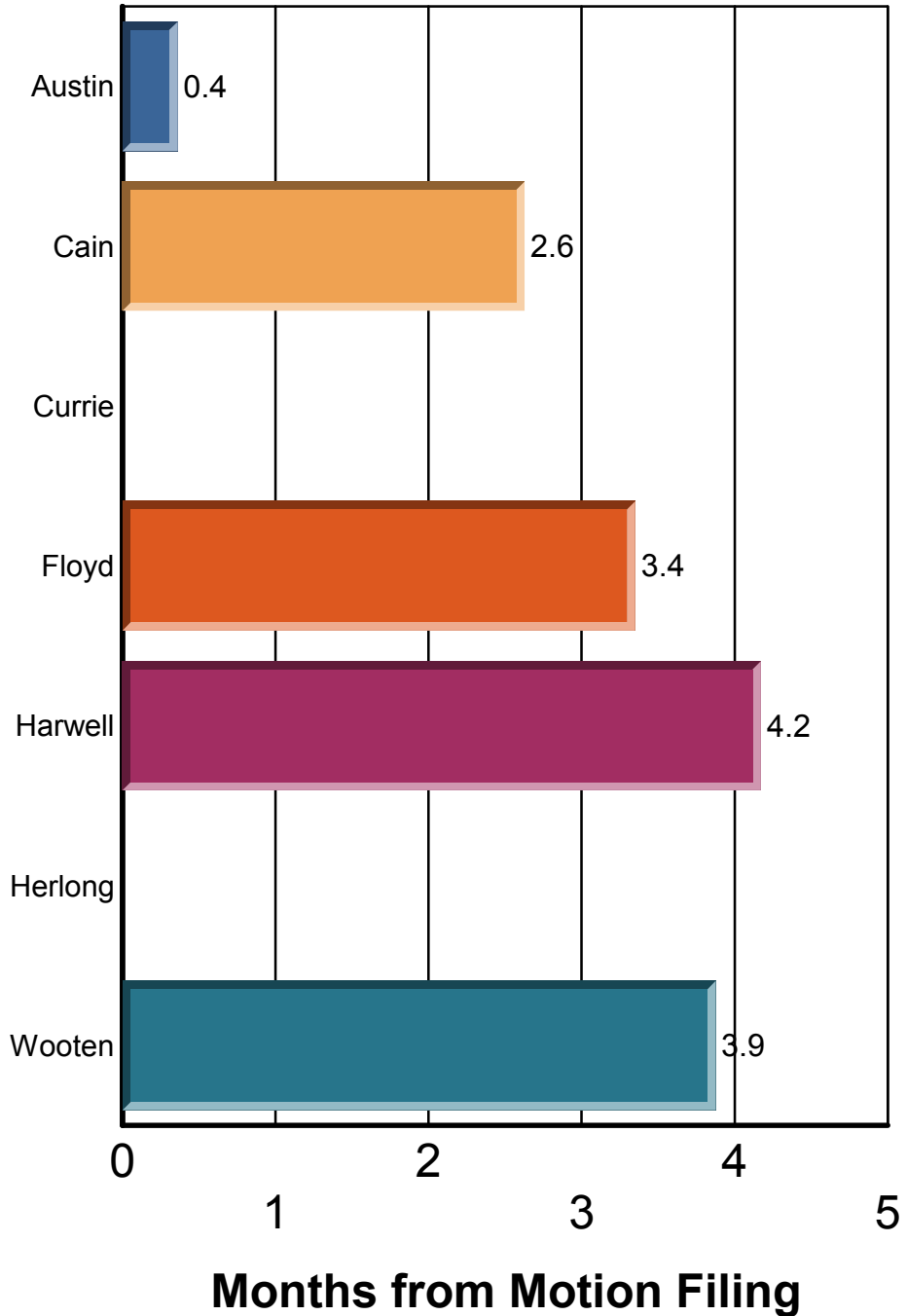




The average times from motion filing to decision, by judge, on contested Stay Pending Reexam motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

## For Stay Pending Reexam



The supporting data for Stay Pending Reexam motions is found in the following table:

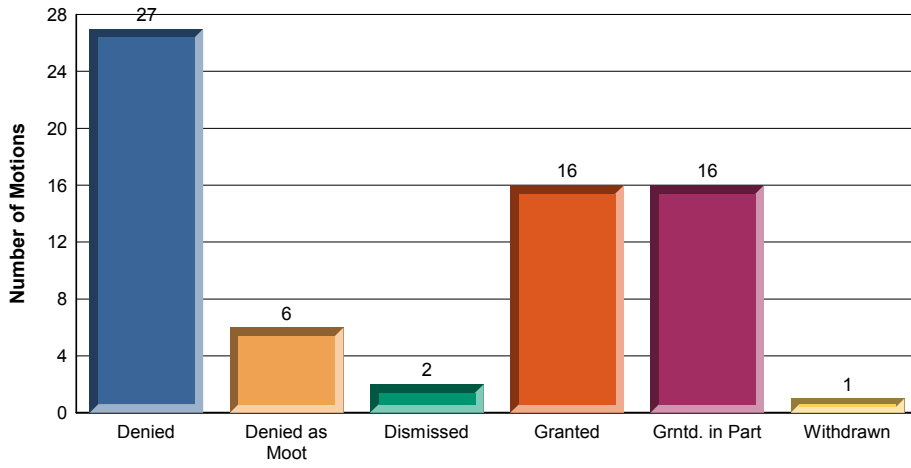
	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	16	11	72.7	2.8
<b>Austin</b>	2	2	50.0	0.4
<b>Cain</b>	4	4	75.0	2.6
<b>Currie</b>	3	0		
<b>Floyd</b>	1	1	100.0	3.4
<b>Harwell</b>	2	2	50.0	4.2
<b>Herlong</b>	1	0		
<b>Wooten</b>	3	2	100.0	3.9

## Summary Judgment

The number of Summary Judgment motions by outcome are shown below.

### Motion Outcomes

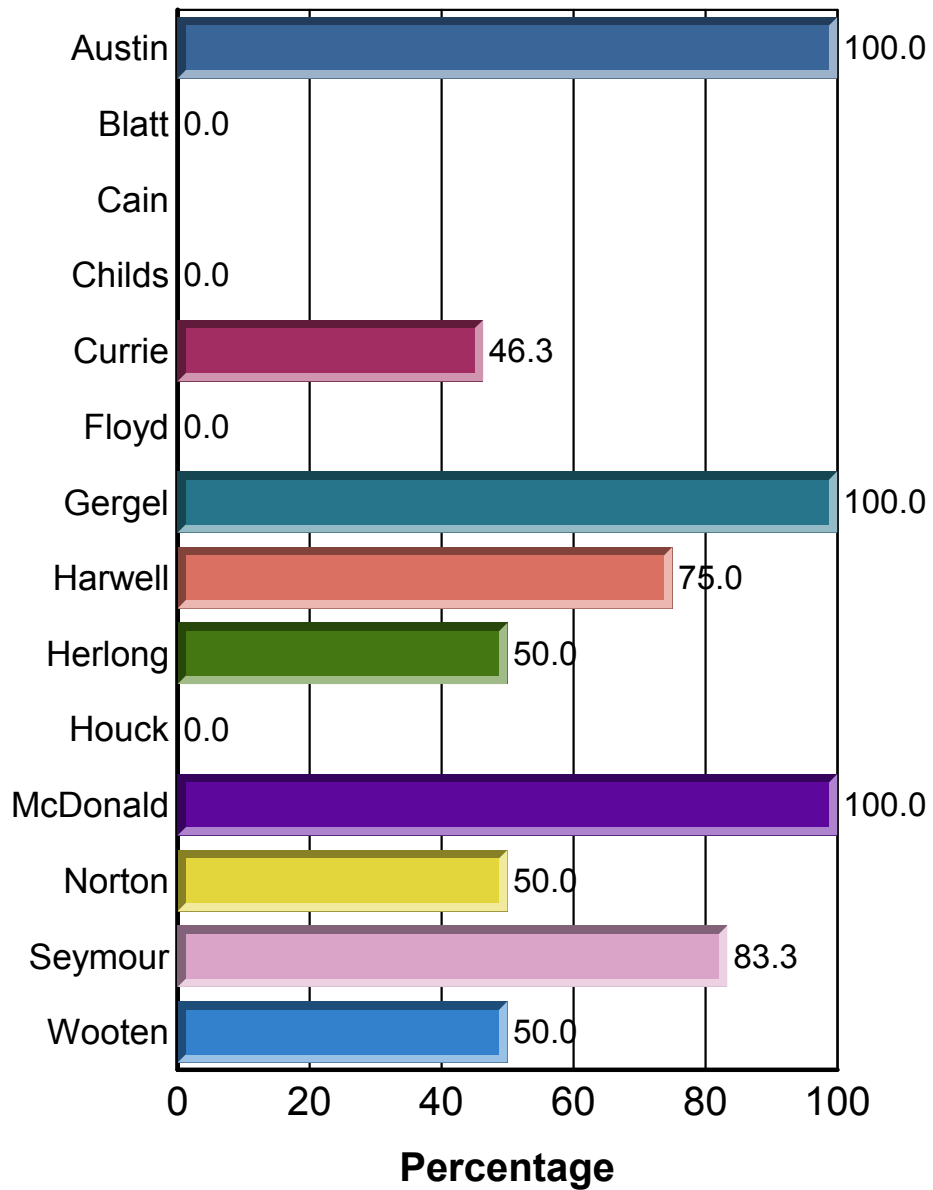
For Summary Judgment



	Total
<b>Total</b>	68
<b>Denied</b>	27
<b>Denied as Moot</b>	6
<b>Dismissed</b>	2
<b>Granted</b>	16
<b>Grntd. in Part</b>	16
<b>Withdrawn</b>	1

The win rates, by judge, on contested Summary Judgment motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

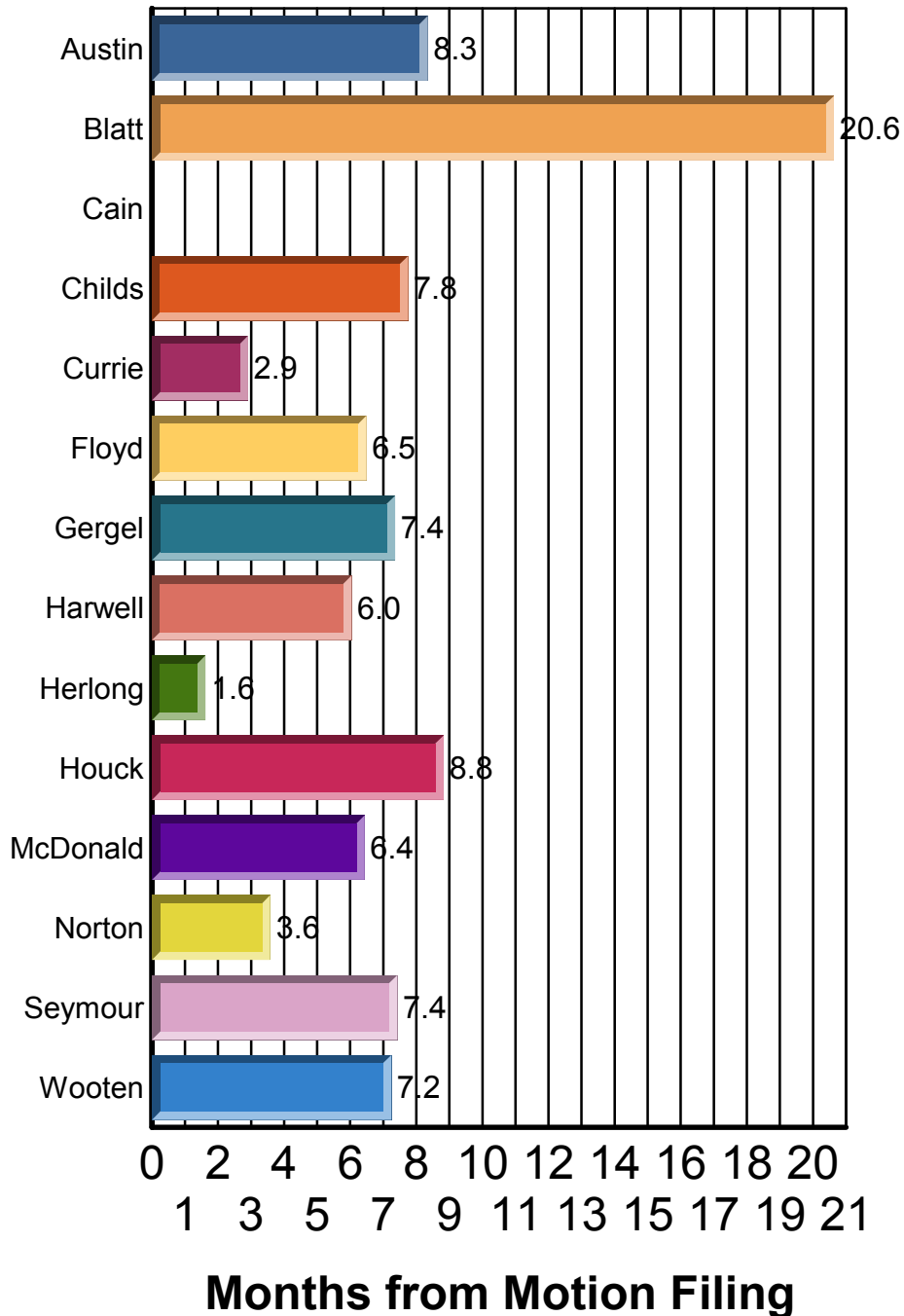
## Contested Win Rate For Summary Judgment



The average times from motion filing to decision, by judge, on contested Summary Judgment motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

## For Summary Judgment



The supporting data for Summary Judgment motions is found in the following table:

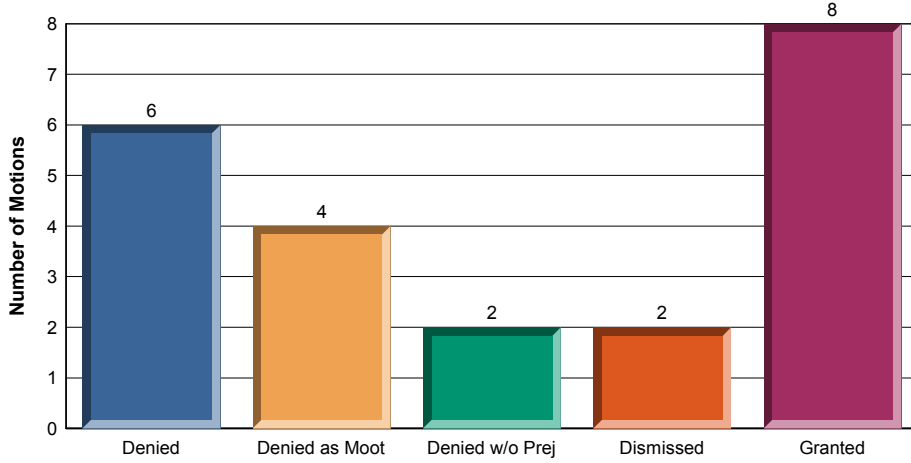
	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	68	59	40.7	4.9
<b>Austin</b>	1	1	100.0	8.3
<b>Blatt</b>	2	1	0.0	20.6
<b>Cain</b>	1	0		
<b>Childs</b>	3	2	0.0	7.8
<b>Currie</b>	31	27	46.3	2.9
<b>Floyd</b>	7	7	0.0	6.5
<b>Gergel</b>	1	1	100.0	7.4
<b>Harwell</b>	2	2	75.0	6.0
<b>Herlong</b>	5	5	50.0	1.6
<b>Houck</b>	5	5	0.0	8.8
<b>McDonald</b>	1	1	100.0	6.4
<b>Norton</b>	2	2	50.0	3.6
<b>Seymour</b>	4	3	83.3	7.4
<b>Wooten</b>	3	2	50.0	7.2

## Transfer

The number of Transfer motions by outcome are shown below.

### Motion Outcomes

For Transfer

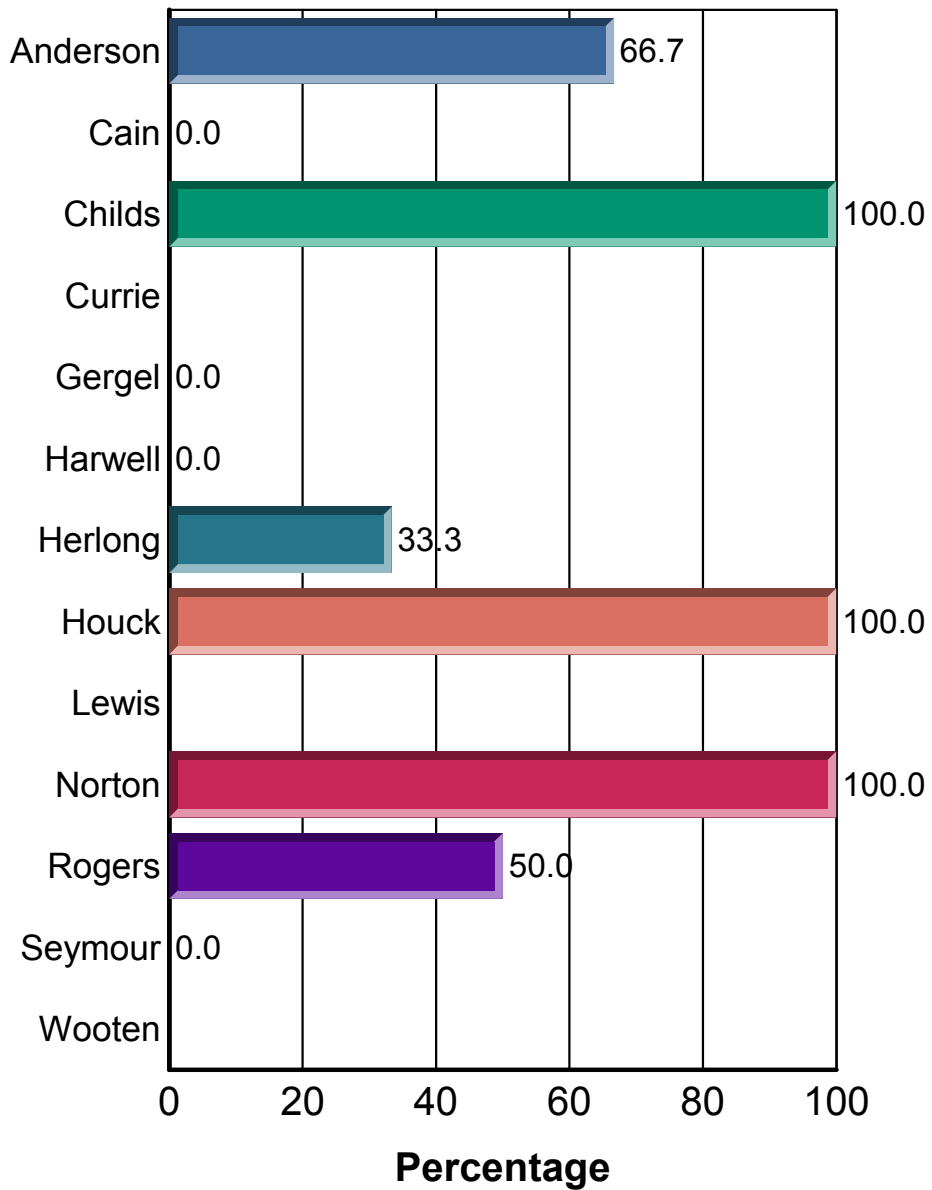


	Total
Total	22
Denied	6
Denied as Moot	4
Denied w/o Prej	2
Dismissed	2
Granted	8

The win rates, by judge, on contested Transfer motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

## Contested Win Rate

For Transfer

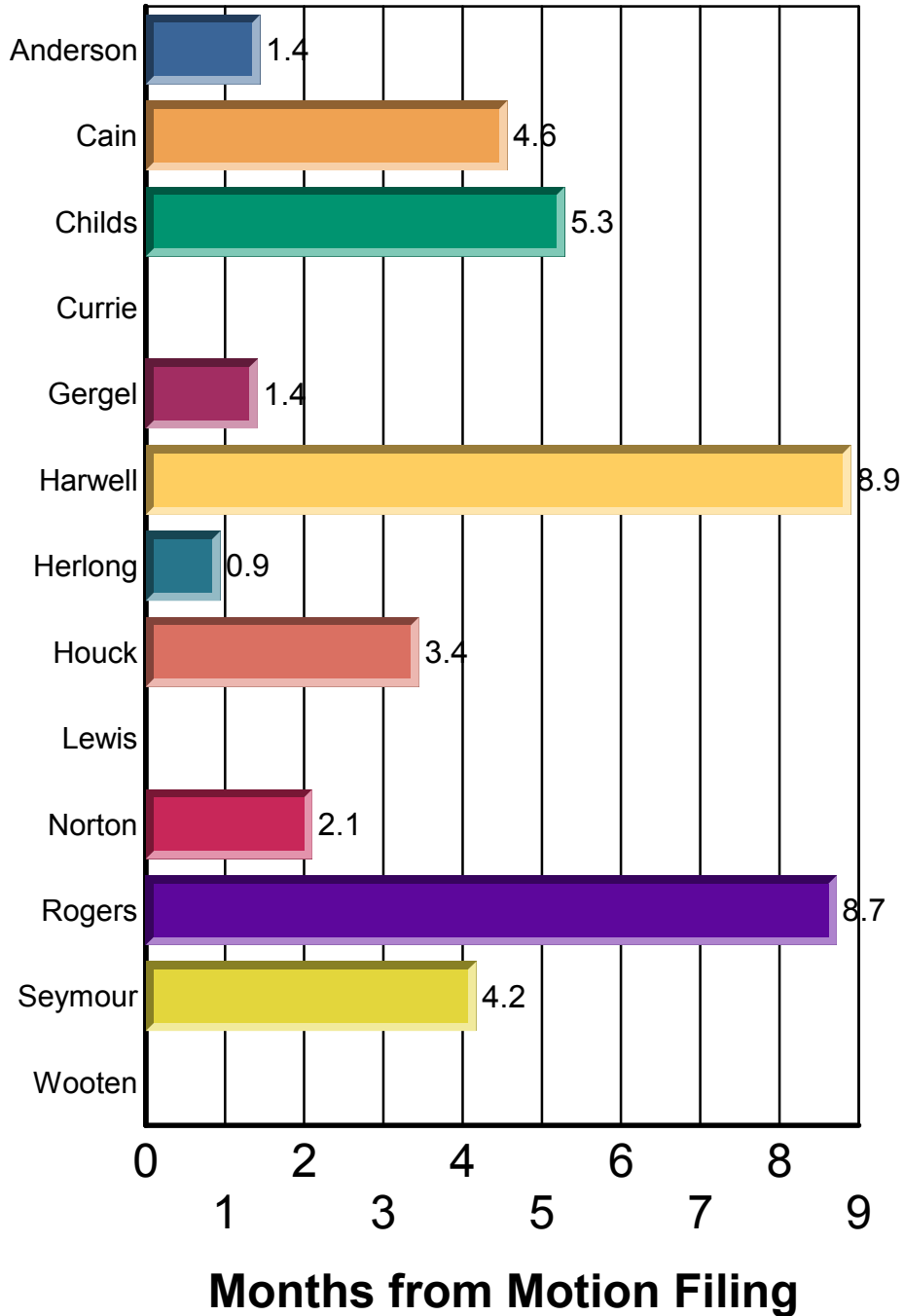




The average times from motion filing to decision, by judge, on contested Transfer motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

## For Transfer



The supporting data for Transfer motions is found in the following table:

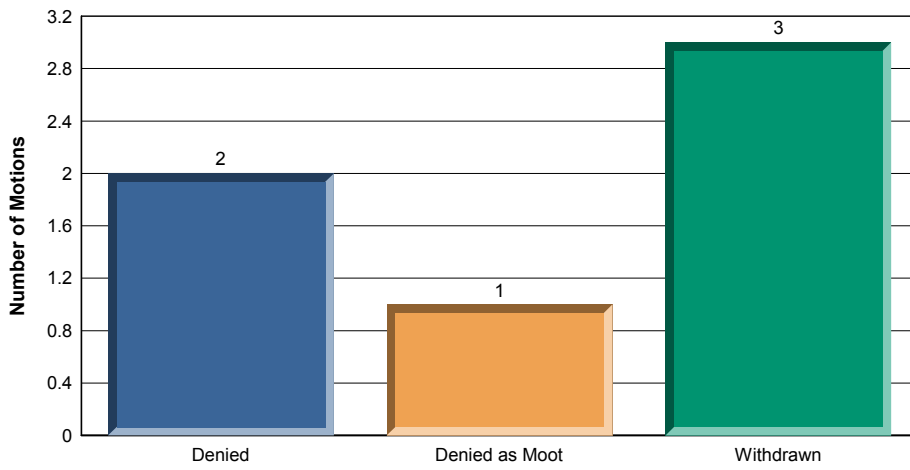
	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	22	16	50.0	3.7
<b>Anderson</b>	3	3	66.7	1.4
<b>Cain</b>	1	1	0.0	4.6
<b>Childs</b>	2	2	100.0	5.3
<b>Currie</b>	1	0		
<b>Gergel</b>	2	1	0.0	1.4
<b>Harwell</b>	1	1	0.0	8.9
<b>Herlong</b>	3	3	33.3	0.9
<b>Houck</b>	1	1	100.0	3.4
<b>Lewis</b>	1	0		
<b>Norton</b>	1	1	100.0	2.1
<b>Rogers</b>	2	2	50.0	8.7
<b>Seymour</b>	1	1	0.0	4.2
<b>Wooten</b>	3	0		

## TRO

The number of TRO motions by outcome are shown below.

### Motion Outcomes

For TRO

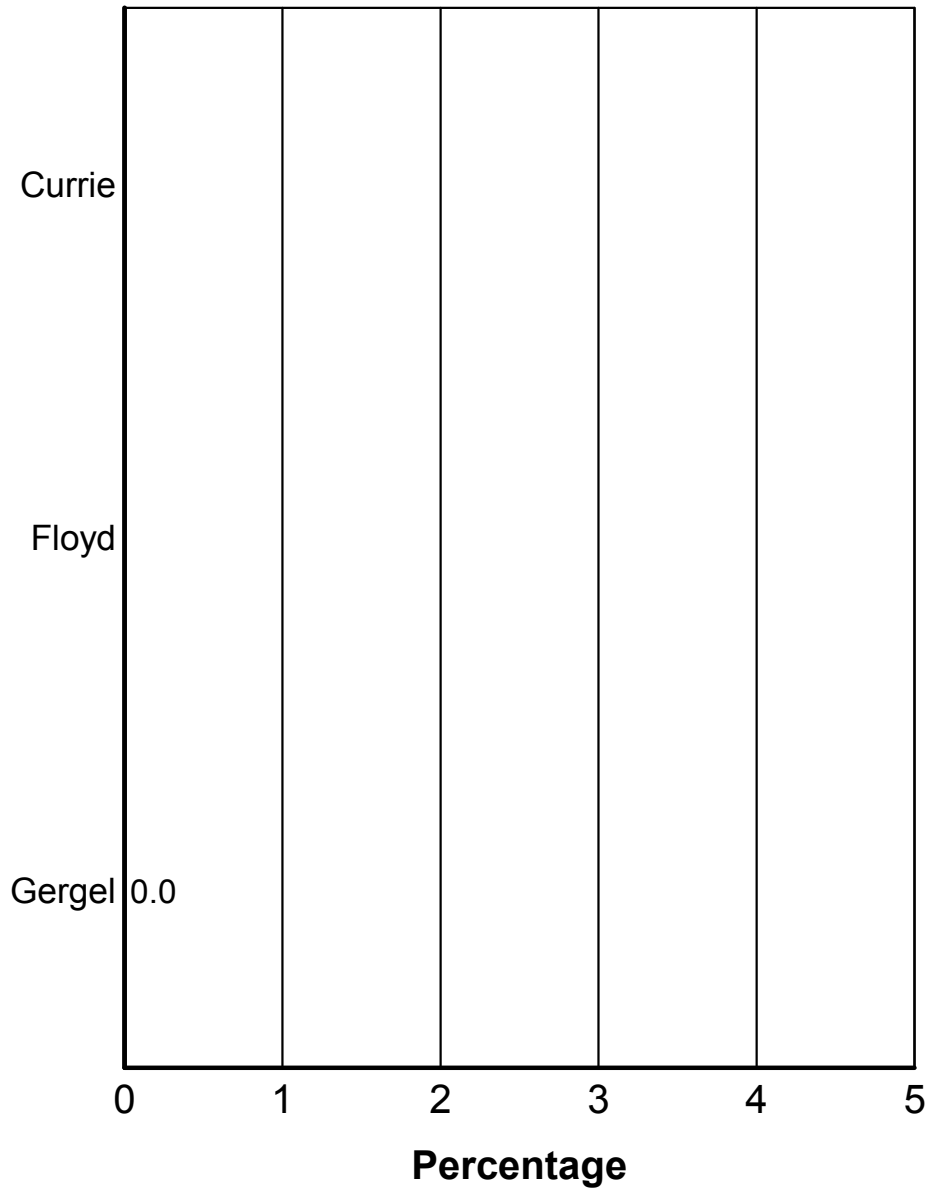


	Total
Total	6
Denied	2
Denied as Moot	1
Withdrawn	3

The win rates, by judge, on contested TRO motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

## Contested Win Rate

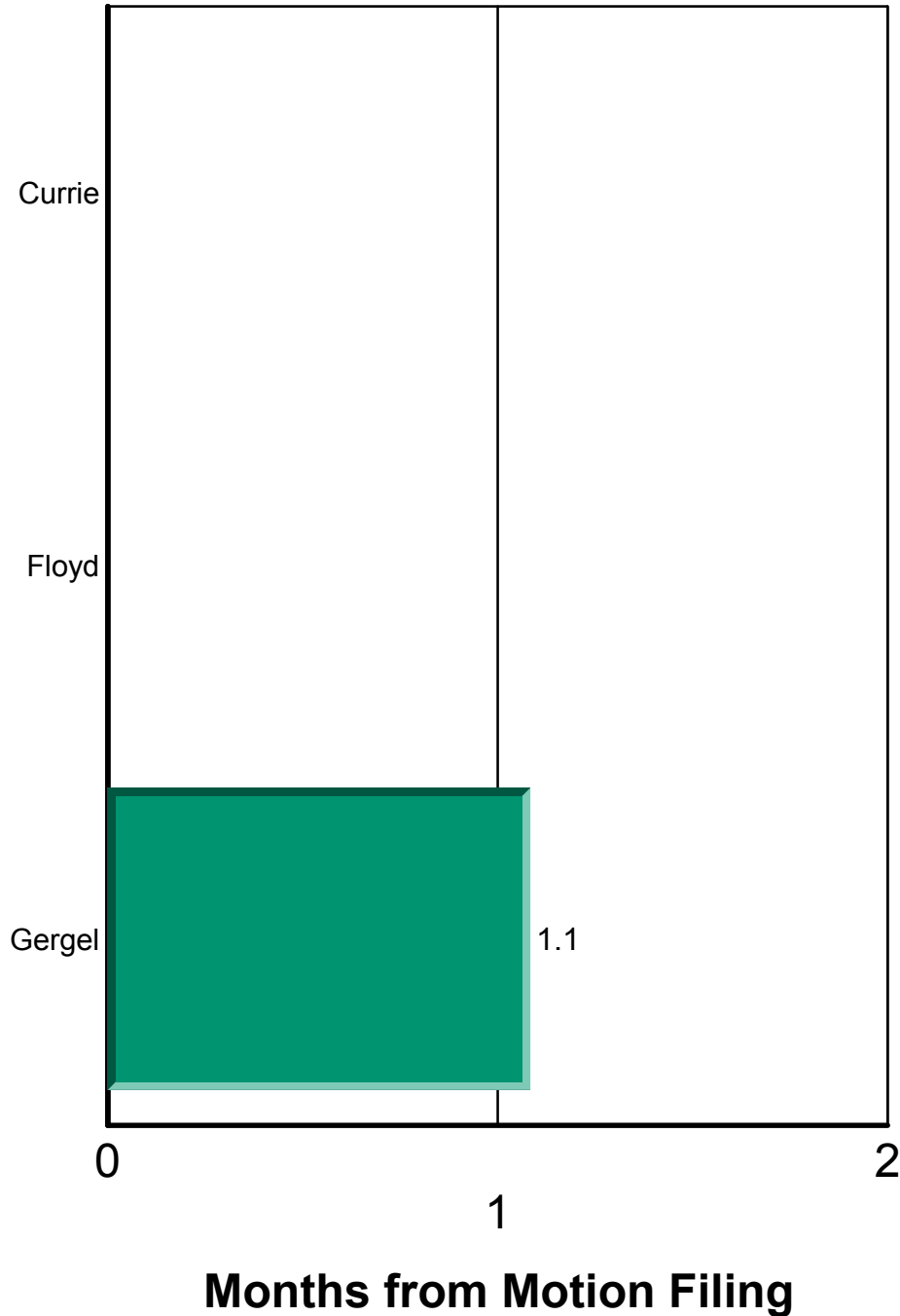
For TRO



The average times from motion filing to decision, by judge, on contested TRO motions are shown below. The time for judges with no contested decisions (if any) is left blank.

# Average Time to Decision, by Judge

## For TRO



The supporting data for TRO motions is found in the following table:

	<b>Total Motions</b>	<b>Contested Decisions</b>	<b>Win Rate</b>	<b>Time to Decision</b>
<b>District</b>	6	2	0.0	1.1
<b>Currie</b>	3	0		
<b>Floyd</b>	1	0		
<b>Gergel</b>	2	2	0.0	1.1