The Federal Circuit Dataset Project
August 2022 Update

Jason Rantanen

David L. Hammer and Willard L. "Sandy" Boyd Professor of Law
Director, Iowa Innovation, Business & Law Center
Director, Master of Studies in Law Program
University of Iowa College of Law

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IOWA
College of Law

Want to see the slides close-up?

https://tinyurl.com/2s3szas7

What is the Federal Circuit Dataset Project?

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The FCDP is a set of related datasets containing information about appeals to the United States Court of Appeals for the Federal Circuit. It is publicly accessible and designed for empirical research.

Two related data sets:

- Document dataset: contains all documents posted to the court's website (opinions since 2004 and Rule 36 affirmances since 2007), appeal docket numbers since 2000, and detailed coding about the court's decisions. The document dataset was previously released as the Compendium of Federal Circuit Decisions.

- PDFs of all documents are linked in the dataset. These documents are stored in a cloud repository.

- Preliminary extracted text is available as well, but not in the public set.

Two related data sets

- Appeal docket dataset: A dataset of all appeals docketed at the Federal Circuit since 2000, collected from PACER. Additional information, such as origin and lower tribunal docket number, available for post-2011 appeals.

Available data

Document Dataset
- Document date
- Detailed origin
- Precedential status
- Document type
- Dispute type
- Panel members
- Opinion types & authors
- Disposition
- Replaced status
- Associated appeal dockets (10-character format)
- Patents-in-suit (preliminary)
- Issues (patent law)
- Appellant type
- Detailed information on writs and permission to appeal
- CloudLink (link to document)

Docket Dataset
- PACER_ID
- Docket title
- Date appeal filed
- Origin
- Originating case docket number
- Appeal Docket number (10-character format)

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Note: many-to-many relationship (but can be simplified to one to many for most uses)

Table 8: Federal Circuit Disposition in Opinions and Rule 36 Summary Affirmances by Origin, 2008-2021

origin	Affirmed	Affirme..	Dismissed	Other	Reversed	Vacated	Total
BCA	105	10	3	0	16	4	138
CAVC	559	54	456	5	51	55	1,180
CFC	959	89	13	1	118	40	1,220
CIT	266	34	2	2	47	24	375
DCT	1,801	415	32	11	245	179	2,683
ITC	74	12	1	1	14	4	106
MSPB	1,563	38	36	3	45	76	1,761
Other	55	3	7	15	3	1	84
PTO	1,473	151	29	5	97	124	1,879
Total	6,855	806	579	43	636	507	9,426

Table 9: General Dispositions in Federal Circuit Decisions, 2008-2021

origin	Percent Affirmed	Percent Affirmed-in-Part	Percent Reversed or Vacated
BCA	78%	7%	15%
CAVC	78%	8%	15%
CFC	80%	7%	13%
CIT	72%	9%	19%
DCT	68%	16%	16%
ITC	71%	12%	17%
MSPB	91%	2%	7%
Other	89%	5%	6%
PTO	80%	8%	12%
Total	*78%*	*9%*	*13%*

Where can you access the Federal Circuit Dataset?

1. empirical.law.uiowa.edu: Easy to use format; can generate your own graphs.

2. CAFC Dataset Dataverse: Archived research datasets on the Harvard Dataverse; released 1-2x per year.

https://dataverse.harvard.edu/dataverse/CAFC_Dataset_Project

Summer 2022 Update: Combining district court and appellate data

Federal Circuit Decisions Database   Query Data   View a Record   Visualize Data

Filter   Display

Show 10 entries   Search:

Display Columns:

ID	Case Date	Origin	Case Name	Precedential Status	Document Type	Patents in Suit
10057	2004-10-13	DCT	ON-LINE TECHNOLOGIES V. BODENSEEWERK PERKIN-ELMER GMBH, ET AL.	Precedential	Opinion	5,440,143
10058	2004-10-20	DCT	BERNHARDT, L.L.C. V. COLLEZIONE EUROPA USA, INC.	Precedential	Opinion	D408,727; D409,763; D441,040; D441,975; D409,770; D441,980
10059	2004-10-21	DCT	CAPO, INC. V. DIOPTICS MEDICAL PRODUCTS, INC.	Precedential	Opinion	
10060	2004-10-28	DCT	CATERPILLAR V. STURMAN INDUS.	Precedential	Opinion	5,460,329; 5,640,987; 5,479,901
10061	2004-10-29	DCT	C.R. BARD, ET AL. V. U.S. SURGICAL CORP.	Precedential	Opinion	5,356,432
10062	2004-11-03	DCT	COLIDA V. MATSUSHITA ELECTRIC CORP. FOR AMERICA	Nonprecedential	Opinion	D321,347; D321,349
10063	2004-11-05	DCT	IN RE VIOLATION OF RULE 28(C)	Precedential	Order	
10064	2004-11-09	DCT	THE REGENTS OF THE UNIVERSITY OF NEW MEXICO V. ET AL.	Nonprecedential	Opinion	
10065	2004-11-17	DCT	MEDPOINTE HEALTHCARE, INC. V. HI-TECH PHARMACAL CO., INC.	Nonprecedential	Opinion	6,417,206
10066	2004-11-19	DCT	CATALINA MARKETING INTERNATIONAL, INC. V. COOLSAVINGS.COM, INC., ET AL.	Nonprecedential	Opinion	4,674,041

Showing 1 to 10 of 17,400 entries   Previous 1 2 3 4 5 ... 1740 Next

⬇ Download

*Download will only include columns chosen under 'Display Columns'

Research datasets

Patent assignment dataset

Trademark assignment dataset

Cancer moonshot patent data

Historical patent data files

Patent claims research dataset

Patent examination research dataset

Patent litigation docket reports data

Trademark case files dataset

Office action research dataset for patents

Patent Litigation Docket Reports Data

The Patent Litigation Dataset has been updated as of December 2019 and now contains detailed patent litigation data on 81,350 unique district court cases filed during the period 1963-2016. OCE and partners at the University of San Diego Law School collected all of the data from the Public Access to Court Electronics Records (PACER) and RECAP, an independent project designed to serve as a repository for litigation data sourced from PACER. The final output datasets, provided in six different files, include information on the litigating parties involved and their attorneys; the cause of action; the court location; important dates in the litigation history; and descriptions of all documents submitted in a given case, which cover more than 5 million separate documents contained in the case docket reports. There is also a new sixth file with hand-coded information on patent-in-suit and case type for most cases filed between 2003 and 2016.

A document describing the original data release is available ⧉ and can be cited as: Marco, A., A. Tesfayesus, A. Toole (2017). "Patent Litigation Data from US District Court Electronic Records (1963-2015)," USPTO Economic Working Paper No. 2017-06. Available at SSRN: https://ssrn.com/abstract=2942296 ⧉ . There is also an addendum to the original document, which describes changes to the Dataset and can be accessed below.

A document describing the hand coded patent and case type variables can be cited as Schwartz, D., T. Schitman, R. Miller (2019). "USPTO Patent Number and Case Code File Dataset Documentation," USPTO Economic Working Paper No. 2019-05. Available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3501807 ⧉ .

The OCE developed these data files for public use and encourage users to identify fixes and improvements. Please provide all feedback to: EconomicsData@uspto.gov ✉

Documentation

- US District Courts Patent Litigation Docket Reports Data 1963-2016 ⧉
- Addendum
- USPTO Patent Number and Case Code File Dataset Documentation ⧉

Welcome to the Stanford NPE Litigation Database

The Stanford Non-Practicing Entity (NPE) Litigation Database (the Database) is the first publicly available database to track comprehensively how practicing entities, non-practicing entities, and patent assertion entities (PAEs) use patents in litigation. NPEs are entities that do not make products or offer services. PAEs—often called "patent trolls"—are NPEs that employ patents primarily to obtain license fees, rather than to support the transfer or commercialization of technology. Patent litigation by practicing entities, PAEs, and other types of NPEs including universities and early-stage startups differs in its purpose and impact on innovation, so the Database enables more sophisticated research into the working of the U.S. patent system.

To complete the Database, Stanford Law student researchers review every lawsuit filed in U.S. district courts from 2000 to the present and identify each patent plaintiff as either a practicing entity or as one of eleven types of NPE. The project report, Who's Suing Us? Decoding Patent Plaintiffs since 2000 with the Stanford NPE Litigation Dataset defines the twelve categories of patent owner. It also includes descriptive statistics and trends in the share of U.S. patent litigation attributable to patent owners in each category, based on a random sample of over 10,800 lawsuits filed from 2000 to 2015. Additional information on the genesis of this project is available at https://law.stanford.edu/projects/stanford-npe-litigation-database/.

Number of lawsuits per category

1m   6m   all

- 1 Acquired patents
- 2 University heritage or tie
- 3 Failed startup
- 4 Corporate heritage
- 5 Individual-inventor-started company
- 6 University/ Government/ Non profit
- 7 Startup, pre-product
- 8 Product company
- 9 Individual
- 10 Undetermined
- 11 Industry consortium
- 12 IP subsidiary of product company
- 13 Corporate-inventor-started company
- Total in All Categories

CAFCDockets
Unit: PACER_Appeal_Docket/ Appeal_Dockets

PACER_Appeal_Docket	
Last_Activity_Date	
OriginatingCase	
Docket_Title	
Orig_Trib_PACER	
Appeal_Dockets	
PACER_Open	
Year_Appeal_Filed	
DateFiledinCOA	
Case_row_wide	
uniqueID_wide	

Record matching accomplished using unique combination of district + district court docket number.

Key Findings

1. Which patent infringement cases have appeals?

Portion of Federal Circuit appeals from the district courts that arise from patent infringement litigation
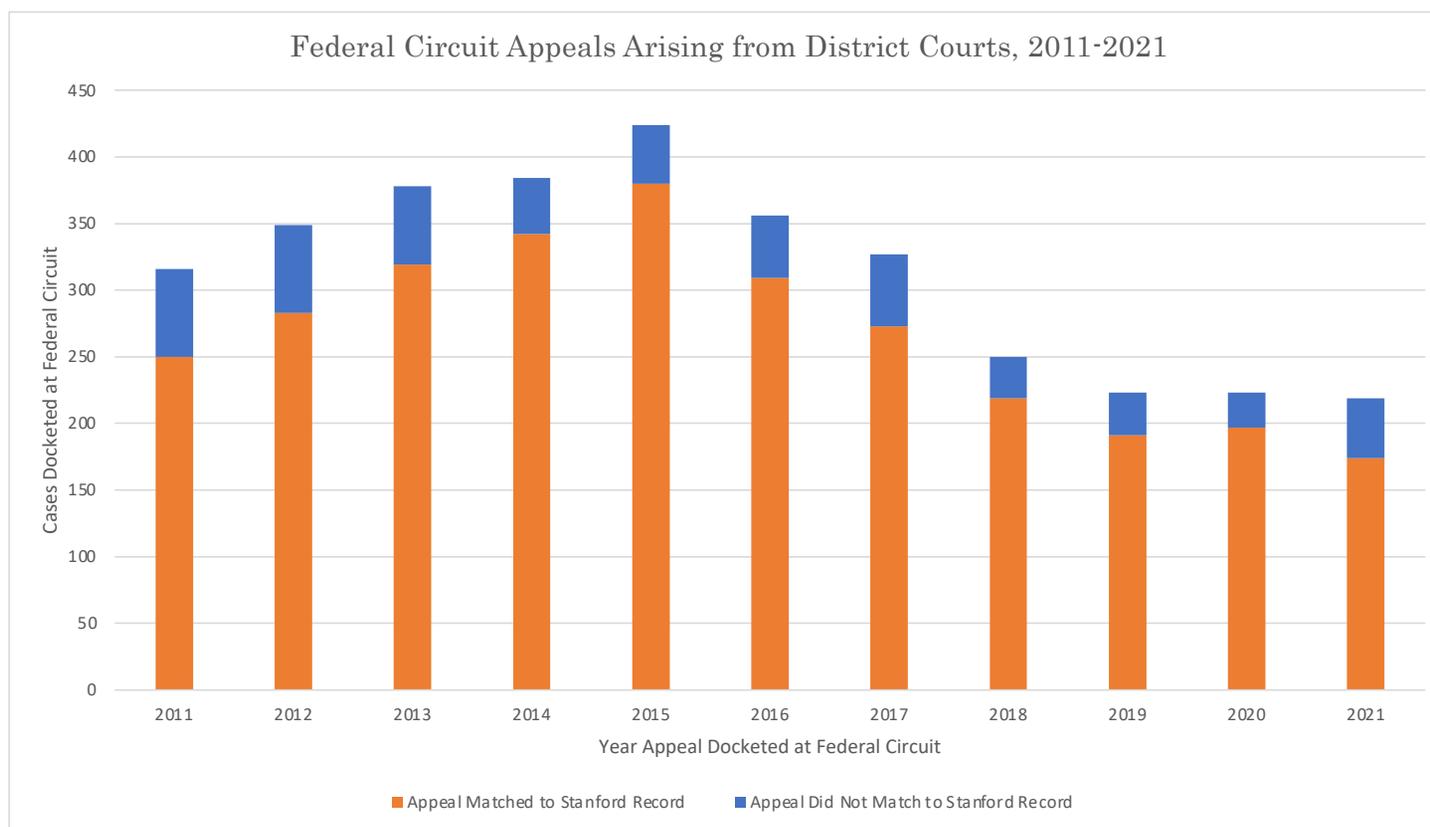

Federal Circuit Appeals Arising from District Courts, 2011-2021

Cases Docketed at Federal Circuit

Year Appeal Docketed at Federal Circuit

■ Appeal Matched to Stanford Record   ■ Appeal Did Not Match to Stanford Record

Table 10: Cases and appeals by originating district

All patent infringement cases filed 2011-2016			Patent infringement cases with appeals			
district_id	Freq.		district_id	Freq.	Percent	Percent of district court cases with an appeal
txed	8,699	28.9%	ded	384	21.9%	8.3%
ded	4,651	15.4%	txed	206	11.7%	2.4%
cacd	2,065	6.9%	cand	169	9.6%	10.6%
cand	1,601	5.3%	cacd	164	9.4%	7.9%
njd	1,240	4.1%	njd	91	5.2%	7.3%
ilnd	1,202	4.0%	nysd	86	4.9%	11.0%
nysd	785	2.6%	casd	57	3.2%	8.4%
flsd	755	2.5%	ilnd	50	2.9%	4.2%
casd	679	2.3%	vaed	47	2.7%	10.8%
flmd	443	1.5%	mad	46	2.6%	10.5%
Other	7995	26.5%	Other	454	25.9%	5.7%
Total	30,115		Total	1754		5.8%

District court data source: USPTO Patent Litigation Dataset

Who files cases with appeals?

	Category	Civil Actions Filed (2011–2016)	Percentage of civil actions	Civil Actions filed between 2011–2016 with an appeal	Percentage of civil actions with appeals
1	Acquired patents	11253	36.96	421	24.65
2	University heritage or tie	116	0.38	14	0.82
3	Failed startup	243	0.8	15	0.88
4	Corporate heritage	480	1.58	25	1.46
5	Individual-inventor-started company	5217	17.13	244	13.11
6	University/Government/Non-profit	422	1.39	46	2.69
7	Startup, pre-product	29	0.1	3	0.18
8	Product company	12251	40.24	918	53.75
9	Individual	1772	5.82	137	8.02
10	Undetermined	5	0.02		
11	Industry consortium	25	0.08	1	0.06
12	IP subsidiary of product company	439	1.44	48	2.81
13	Corporate-inventor-started company	118	0.39	10	0.59

Percentage of cases and appeals by patent asserter case type for patent infringement cases filed 2011-2016
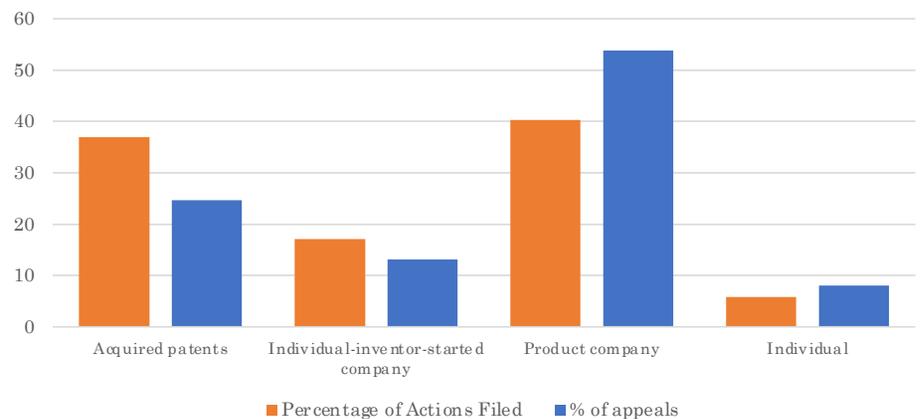
District court data source:
Stanford NPE Litigation Dataset

Which party files the appeals?

Asserter Category	Appeal filed by accused infringer	Appeal filed by patent asserter	Total	Percentage of appeals that were filed by accused infringer
1. Acquired patents	32	255	287	11.1%
4. Corporate heritage	2	19	21	9.5%
5. Individual-inventor-started company	15	147	162	9.3%
6. University/Government/Non-profit	11	23	34	32.4%
8. Product company	173	407	580	29.8%
9. Individual	10	67	77	13.0%
12. IP subsidiary of product company	9	22	31	29.0%

2. Outcomes of Appeals

2. Outcomes of Appeals
a. Outcomes by origin

Table 11: Federal Circuit Outcomes by Origin

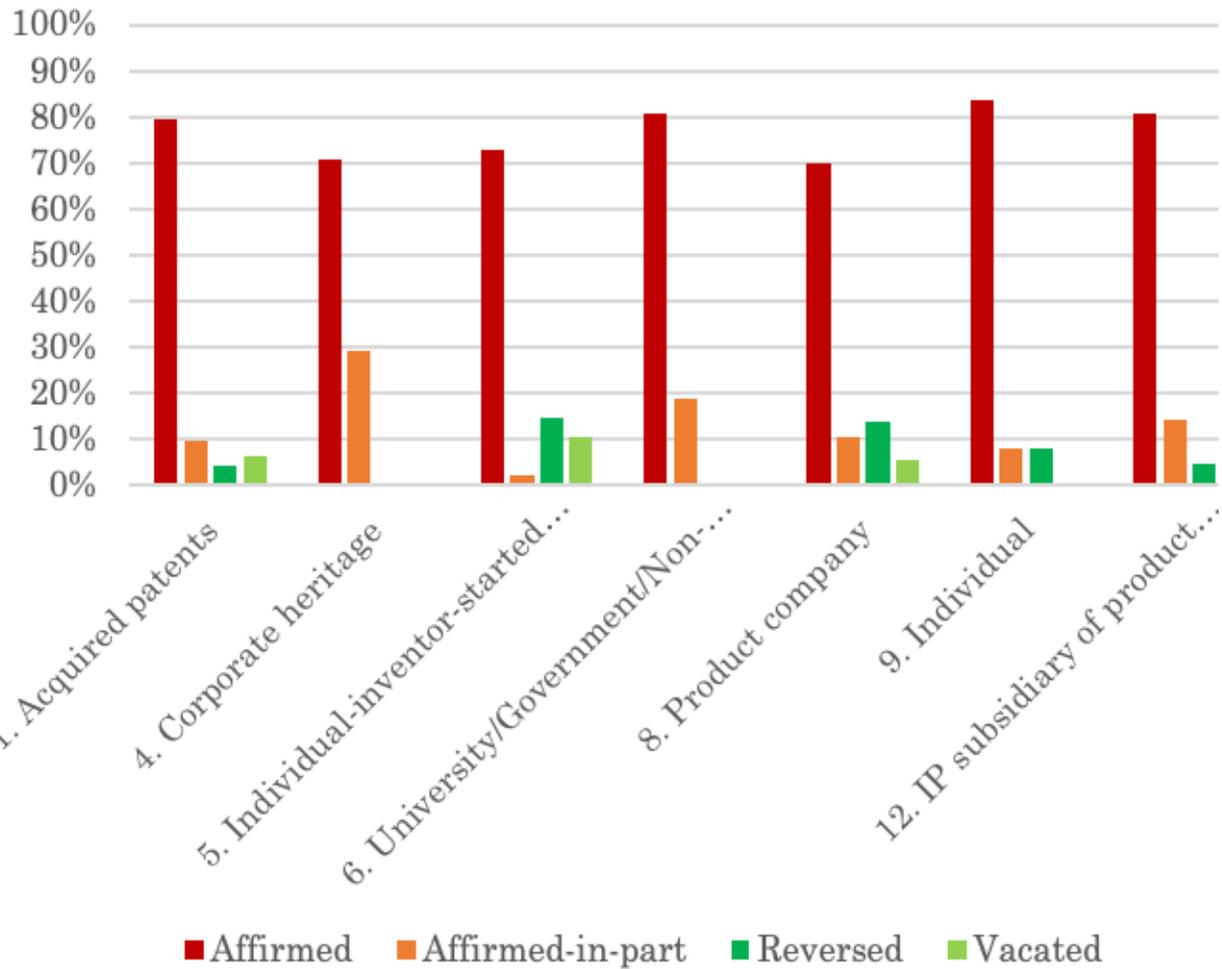|	Total affirmed, reversed or vacated	Percent Affirmed	Percent Affirmed in part	Percent Reversed or vacated
ded	168	72%	12%	16%
cand	93	73%	13%	14%
cacd	87	76%	14%	10%
txed	84	65%	14%	20%
nysd	47	72%	11%	17%
njd	34	71%	15%	15%
ilnd	32	69%	9%	22%
mad	29	62%	14%	24%
vaed	28	79%	4%	18%
flsd	24	63%	17%	21%
Other	297	72%	14%	13%
Total	923	71%	13%	15%

District court data source: USPTO Patent Litigation Dataset

2. Outcomes of Appeals
    a. Outcomes by origin
    b. Outcomes by appellant type

Appellant: Patent Asserter

Categories: 1. Acquired patents, 4. Corporate heritage, 5. Individual-inventor-started…, 6. University/Government/Non-…, 8. Product company, 9. Individual, 12. IP subsidiary of product…

Legend: Affirmed, Affirmed-in-part, Reversed, Vacated

Appellant: Accused infringer

Categories: 1. Acquired patents, 8. Product company

Legend: Affirmed, Affirmed-in-part, Reversed, Vacated
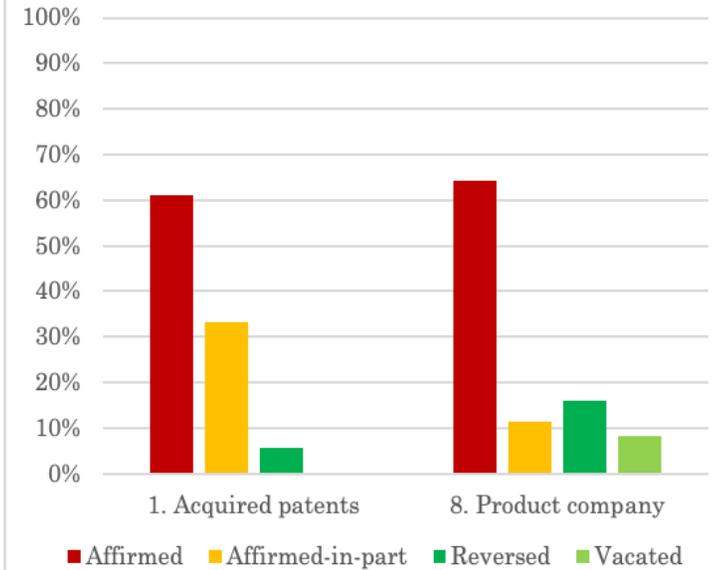
Reminder: an affirmance means that the appellant does not win!

Accused infringer and patent asserter win rates in appeals at the Federal Circuit 2011-2021 by patent asserter type
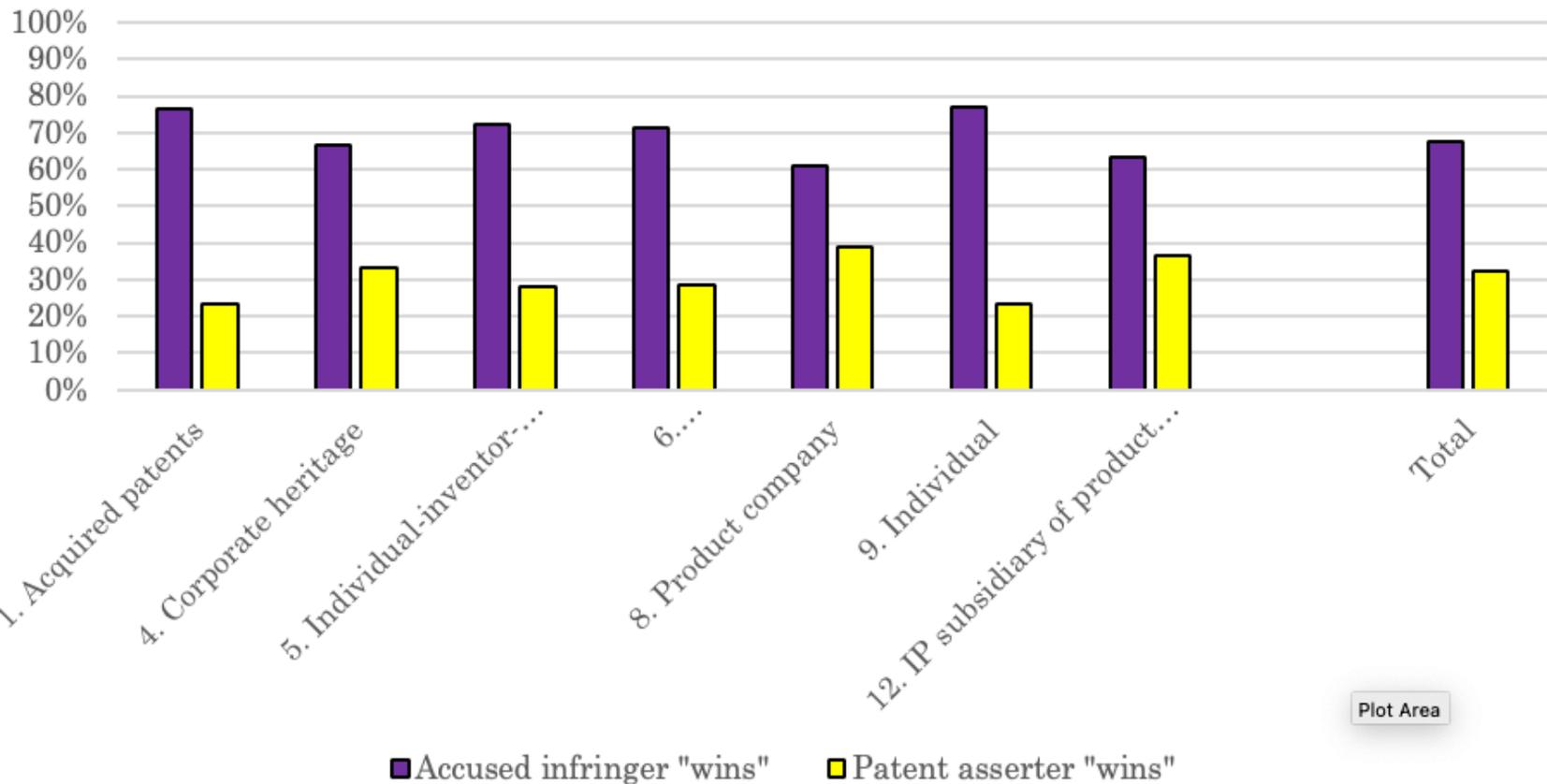
Want to do your own study on district courts plus appeals?

Both the appeal datasets and STATA code will be available on the CAFC Dataset Project Dataverse next week.

Next Stage For the Federal Circuit Dataset Project

Merge the FreeLawProject data set, especially the Malamed Public.Resource.Org collection, with the Compendium

The FLP data set contains extracted text as well as a large set of documents from 1982-2005.

Challenges:
- Appeal Docket data in FLP dataset is very incomplete.
- Many duplicates for the period 2004-2008.
- Minimal metadata in FLP set, necessitating human-coding.

Thanks to: Dan Kieffer, Ryan Meger, Riley Stanton, Charles Neff, Sara Leibee, Allison Williamson, Matt Fuentes, Brenna Kingyon & Eweosa Owenaze.