June 26, 2019

Codebook for the *Compendium of Federal Circuit Decisions*

Purpose of this Document: This document provides the coding framework for data from the *Compendium of Federal Circuit Decisions*, a complete collection of all documents publicly released by the United States Court of Appeals for the Federal Circuit ("CAFC"). This codebook was developed during the data collection stage of this project to maximize replicability and reliability in the collected data. It is being provided so that future researchers will have the information necessary to replicate the *Compendium* and so that users of the *Compendium* who would like to know more about how the data was collected can easily access that information. The Codebook is a companion document to Jason Rantanen, *The Landscape of Modern Patent Appeals* (forthcoming AMERICAN LAW REVIEW 2018).

Data Source and Collection: The CAFC posts opinions and a subset of orders to its website, currently located at www.cafc.uscourts.gov. As of spring 2019, the *Compendium* contains all documents released on the Federal Circuit's website. Information about these documents is contained in a SQL database accessible through https://empirical.law.uiowa.edu. Data can be exported from the database in a customizable .csv file. Copies of the documents can be accessed on the Google Cloud Storage in the public cafc_documents bucket. Opinions of the CAFC are available back to 2004 and summary affirmances under Federal Circuit Rule 36 are available beginning in 2007. The degree to which the court has released other types of documents— particularly orders—has changed over time.

Date Range: The date ranges for the collection are October 13, 2004 – present.

Fields: Information about each document is recorded in the following fields.

ID	
Description: Unique identifier assigned to each record.	
Format: XXXXX	Example: 10057
Notes: Each document is automatically assigned a record ID upon being added to the database. The record ID permits an individual record to be easily pulled up and all information about that record viewed at one time.	

Case Date	
Description: The date the document was released by the Federal Circuit.	
Format: [Year]-[Month]-[Date]	Example: 2010-03-01
Notes: The Case Date is the date provided on the Federal Circuit's website for the document, unless the document itself indicates a different date.	

June 26, 2019

Year
Description: Year document issued.

Format: [Year]	Example: 2010

Notes: The year the document issued, based on truncated data from the Case Date.

Origin
Description: Court or tribunal of origin

Format: [Court]	Example: DCT

Notes: The appeal's general source origin. Default coding was populated based on the information provided on the Federal Circuit's website, then reviewed and recoded by humans to conform to standardized entries and correct errors. Data is coded as follows:	
DCT	District Court
PATO	United States Patent and Trademark Office
CFC	Court of Federal Claims
CIT	Court of International Trade
CAVC	Court of Appeals for Veterans Claims. Includes term "CVA."
MSPB	Merit Systems Protection Board
ITC	International Trade Commission
BCA	Board of Contract Appeals. Includes all boards of contract appeals, including the ASBCA (Armed Services Board of Contract Appeals)
OCBD	Board of Directors of the Office of Compliance
DVA	Department of Veterans Affairs
MISC	Miscellaneous. Includes origins that do not fit into other categories. Includes term "RIT," which was a term used for writs of mandamus during 2009-2010.
DOJ	Department of Justice

Case Name
Description: Full case title and category

Case Name	
Format: NAME [CATEGORY]	BARRON v. SCVNGR, INC. [RULE 36 JUDGMENT]
Notes: The full case title, based on information provided on the Federal Circuit's website. Because this information is intended to be true to the court's own website, it includes additional text to the extent it is on the website. For example, BARRON v. SCVNGR, INC. contains the additional text [RULE 36 JUDGMENT] as that is how the title appears on the court's website.	

Precedential Status	
Description: Indicates whether the document is precedential or nonprecedential.	
Format: [Status]	Example: Precedential
Notes: The precedential status of the document is based on information provided on the Federal Circuit's website. It was previously named "Type." Where identified, errors in the information provided by the Federal Circuit's website have been corrected. Data is coded as follows:	
Precedential	Document is designated as precedential by the court.
Nonprecedential	Document is designated as not precedential by the court.

Duplicate		
Description: Indicates whether the record is a duplicate of another entry.		
Format: [Status]	Example: Yes	Options: [Yes | No]
Notes: The duplicate field is used to flag records that were added to the database more than once. The Notes field provides further information on these records. Records flagged as duplicates also include decisions that were initially issued by the Federal Circuit and then replaced. An example are Records 10653 and 10676. In these situations, the earlier record is marked as the duplicate. Note that such duplicates are extremely rare.		

Appeal Number	
Description: Appeal identification number	
Format: [xx]-[xxxx] or [xxxx]-[xxxx]	Example: 15-1202 or 2004-1291

June 26, 2019

Appeal Number
Notes: The appeal number is based on the information provided on the Federal Circuit's website. Note that a given document may have more than one appeal number. At present only the appeal number provided on the court's website is listed.

Document Type	
Description: Indicates document type.	
Format: [Type]	Example: Opinion
Notes: The document type is based on a review of the document. The following list provides additional description for the options for this field.	
Opinion	Document is identified as a judicial opinion.
Order	Document is identified as an order. Includes motion panel orders and Writs of Mandamus.
Rule 36	Document is identified as a summary affirmance under Federal Circuit Rule 36.
No File	There is no document associated with the entry on the Federal Circuit's website and no backup copy has been identified.
Errata	Document is self-described as an errata.
Other	Document does not fall into one of the above classifications. See notes field for further details.

En Banc	
Description: Identifies whether the opinion is en banc.	
Format: [Status]	Example: No
Notes: The en banc status of a document is based on a review of the document. In rare situations, a document is en banc only in part. In these situations the document is coded as "Partial." Currently, most orders and errata are not coded for this field.	
Yes	Document is designated en banc in whole.
No	Document is not designated as en banc in whole or part.
Partial	Document is designated en banc in part.

Judge 1
Description: Last name of first judge listed on document.

Format: [Name]	Example: Prost

Notes: The name of the first judge on the document is based on a review of the document itself. The order in which judges are listed on the document is the order in which they are entered into the database. If a panel has more than three judges, only the first three judges listed on the opinion are currently included in the database. If a document is coded "Yes" in the "En Banc" field, it is coded as "En Banc" for the "Judge 1" field. If a document is coded "Partial" in the "En Banc" field, the names of the three panel members are listed.

Currently, most orders and errata are not coded for this field. Coders are instructed to only code this information for opinions and Rule 36 affirmances.

Judge 2
Description: Last name of second judge listed on document.

Format: [Name]	Example: Dyk

Notes: The name of the second judge on the document is based on a review of the document itself. The order in which judges are listed on the document is the order in which they are entered into the database.

See additional notes for the "Judge 1" field.

Judge 3
Description: Last name of third judge on document.

Format: [Name]	Example: Hughes

Notes: The name of the third judge on the document is based on a review of the document itself. The order in which judges are listed on the document is the order in which they are entered into the database.

See additional notes for the "Judge 1" field.

Opinion 1
Description: Identifies whether or not the controlling opinion of the judges was unanimous or a majority.

Format: [Agreement]	Example: Unanimous

Notes: The agreement of the panel is based on a review of the document. Unless the judges were unanimous in agreeing to the entirety of a written decision, the document should be coded as "Majority." Summary affirmances under Federal Circuit Rule 36 are always coded as "Unanimous." A document whose authorship is listed as "Per Curiam" but contains a separate opinion such as a concurrence or dissent is coded as "Majority."	

Unanimous	All judges on the decision join the decision in its entirety.
Majority	At least one judge does not join the decision in its entirety.

Opinion 1 Author
Description: Last name of the author of the controlling opinion.

Format: [Name]	Example: Hughes

Notes: The name of the author of the opinion is based on a review of the document itself. Decisions in which no judge is identified as the author of the opinion are recorded as "Per Curiam" unless the opinion itself indicates that the author of the judge is "Anonymous." Authorship of Rule 36 summary affirmances is recorded as "Per Curiam."	

Opinion 2
Description: Identifies the type of alternate opinion if the document contains one.

Format: [Type]	Example: Dissenting

Notes: The type of alternate opinion is based on a review of the document. "Both" should be selected if the additional opinion in the document concurs-in-part and dissents-in-part. "Additional views" and "Dubitante" are self-identified in the document and are extremely rare.	

Dissenting	The second opinion is a written dissent or dissent-in-part.
Dissent Without separate opinion	The judge dissents or dissents-in-part without a separate written opinion.
Concurring	The second opinion is a concurrence or concurrence-in-part.

Opinion 2	
Concurrence-in-Result without opinion	The judge concurs or concurs-in-part without a separate written opinion.
Both	The second opinion concurs-in-part and dissents-in-part.
Additional Views	Opinion is self-identified as constituting "additional views.
Dubitante	Opinion is self-identified as being "dubitante."

Opinion 2 Author	
Description: Last name of the author of Opinion 2.	
Format: [Name]	Example: Hughes
Notes: The name of the author of Opinion 2 is based on a review of the document itself.	

Opinion 3	
Description: Identifies the type of alternate opinion if the document contains three separate opinions.	
Format: [Type]	Example: Dissenting
Notes: The type of alternate opinion is based on a review of the document. "Both" should be selected if the additional opinion in the document concurs-in-part and dissents-in-part. "Additional views" and "Dubitante" are self-identified in the document and are extremely rare. In the extremely rare instances where there are more than three distinct opinions in a document, the additional opinions are not currently recorded.	
Dissenting	The third opinion is a written dissent or dissent-in-part.
Dissent Without separate opinion	The judge dissents or dissents-in-part without a separate written opinion.
Concurring	The third opinion is a concurrence or concurrence-in-part.
Concurrence-in-Result without opinion	The judge concurs or concurs-in-part without a separate written opinion.
Both	The third opinion concurs-in-part and dissents-in-part.

Opinion 3	
Additional Views	Opinion is self-identified as constituting "additional views.
Dubitante	Opinion is self-identified as being "dubitante."

Opinion 3 Author	
Description: Last name of the author of Opinion 3.	
Format: [Name]	Example: Hughes
Notes: The name of the author of Opinion 3 is based on a review of the document itself.	

Notes	
Description: Other comments on entry	
Format: [Text.]	
Notes: Notes are provided to flag unusual information about a document identified by a coder.	

URL	
Description: Link to document on CAFC website.	
Format: [URL]	Example: http://www.cafc.uscourts.gov/images/stories/opinions-orders/11-1576.pdf
Notes: Due to changes in the Federal Circuit's website, not all links currently work.	

File Name	
Description: File name for the document.	
Format: [filename.pdf]	Example: 03-1480.pdf
Notes:	

Tribunal of Origin	
Description: Identifies the specific tribunal that the appeal arises from. At present, only decisions (e.g.: opinions and Rule 36 affirmances) in appeals arising from the PATO are coded for this field.	
Format: [Tribunal]	Example: N.D. IA
Notes:	
PTAB	Patent Trial and Appeal Board
BPAI	Board of Patent Appeals and Interferences
TTAB	Trademark Trial and Appeal Board

Dispute Type	
Description: Identifies the general type of dispute. At present, only decisions in appeals arising from the BPAI and PTAB are coded for this field.	
Format: [Type]	Example: IPR
Notes: For Rule 36 affirmances, it is necessary to look at the decision being appealed to determine the nature of the dispute. See Winborn coding memorandum for instructions on how to access these documents.	
IPR	Inter Partes Review (BPAI/PTAB only)
DPA	Denial of patent application (BPAI/PTAB only)
CMBR	Covered Business Method Review (BPAI/PTAB only)
EPRe	Ex Parte Reexamination (BPAI/PTAB only)
IPRe	Inter Partes reexamination (BPAI/PTAB only)
PGR	Post Grant Review (BPAI/PTAB only)
Interference	Interference proceeding (BPAI/PTAB only)
Derivation	Derivation proceeding (BPAI/PTAB only)
Denial	Denial of a trademark application (TTAB only)
Opposition	Trademark Opposition proceeding (TTAB only)

June 26, 2019

Dispute Type	
Cancellation	Trademark Cancellation proceeding (TTAB only)
Other	

Disposition - General	
Description: Identifies the appellate court's disposition of the appeal. At present, only decisions in appeals arising from the BPAI and PTAB are coded for this field.	
Format: [Disposition]	Example: Affirmed
Notes:	
Affirmed	
Reversed	
Affirmed-in-part, reversed-in-part	
Affirmed-in-part, vacated-in-part	
Vacated	
Dismissed	
Other	

Withdrawn	
Description: Identifies whether the document was withdrawn by the Federal Circuit.	
Format: [Status]	Example: No
Notes: On rare occasions, the Federal Circuit will withdraw a document (typically an opinion). This is done, for example, when a panel rehearing is granted and the previous decision is vacated. Often the original document is no longer available on the Federal Circuit's website.	
Yes	Document was withdrawn
No	Document has not been withdrawn
[blank]	Withdrawn status has not yet been coded.

Dissent	
Description: Identifies whether the document contains a dissent.	
Format: [Status]	Example: Yes
Notes: This field is automatically coded based on the coding in the Opinion2 and Opinion3 fields. A document that is coded Dissenting, Dissent without separate opinion, or Both in either Opinion2 or Opinion3 is coded "Yes" in this field. Currently this field is coded for opinions arising from the District Courts and USPTO.	
Yes	Document contains a dissent.
No	Document does not contain a dissent
[blank]	Dissent status has not yet been coded.

Concurrence	
Description: Identifies whether the document contains a concurrence.	
Format: [Status]	Example: Yes
Notes: This field is automatically coded based on the coding in the Opinion2 and Opinion3 fields. A document that is coded Concurring, Concurrence-in-Result without separate opinion, or Both in either Opinion2 or Opinion3 is coded "Yes" in this field. Currently this field is coded for opinions arising from the District Courts and USPTO.	
Yes	Document contains a concurrence.
No	Document does not contain a concurrence
[blank]	Dissent status has not yet been coded.

CloudLink	
Description: Link to document on the cafc_documents Google Cloud storage site.	
Format: [URL]	Example: https://storage.googleapis.com/cafc_documents/04-1291.doc
Notes: Due to ongoing document collection, not all links work.	

FUTURE FIELDS

n_Appeal_Docket
Description: Identifies the how many appeal dockets numbers are involved in this decision.

Format: [Number]	Example: 1

Notes: If the data coder is unable to determine the docket number for the document, this field should be left blank.

Appeal_Dockets
Description: Identifies the appeal docket numbers involved in the appeal.

Format: [Type]	Example: 2004-1345

Notes: Individual appeal docket numbers should be separated by a semicolon. Appeal docket numbers should be standardized as follows: [YYYY-ZZZZ]. Multiple appeal docket numbers should be entered as follows: 2004-1345; 2004-1346 If the data coder is unable to determine the docket number for the document, this field should be left blank.

n_Orig_Trib_Docket
Description: Identifies how many docket numbers at the original tribunal are involved in the decision.

Format: [Number]	Example: 1

Notes: If the data coder is unable to determine the docket number for the document, this field should be left blank.

Orig_Trib_Docket	
Description: Identifies the docket number at the tribunal of origin for the appeal.	
Format: [Type]	Example: 1:02-CV-02042

Notes: Individual original tribunal docket numbers should be separated by a semicolon. District Court appeal docket numbers should be standardized as follows: X:YY-CV-ZZZZZ. IF "X" is not known, then the docket number should be standardized as YY-CV-ZZZZZ. Multiple tribunal of origin docket numbers should be entered as follows:

1:02-CV-02042; 1:02-CV-02043

If the data coder is unable to determine the docket number for the document, this field should be left blank.

n_Patents_in_Suit	
Description: Identifies how many patents in suit the decision involves.	
Format: [Number]	Example: 1

Notes: Only patents actually at issue in the appeal should be counted. Patents involved at a lower tribunal decision, but not at issue in the appeal, should not be counted. Patent applications should not be counted.

If the coder is unable to determine how many patents-in-suit are involved in the decision, this field should be left blank.

Patents-in-Suit	
Description: Identifies the publication numbers for patents at issue in the appeal.	
Format: [Number]	Example: 7,934,433

Notes: Patent numbers should be coded as follows. Individual patent numbers should be separated by a semicolon.

Utility Patent	X,XXX,XXX or XX,XXX,XXX
Design Patent	DXXX,XXX

Patents-in-Suit	
Description: Identifies the publication numbers for patents at issue in the appeal.	
Plant Patent	PXXX,XXX

Utility	
Description: Identifies whether the utility of the patented invention was decided by the court. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Utility is a patent law doctrine based on 35 U.S.C. § 101	
Yes	The utility of at least one claimed invention was decided by the court.
No	The court did not address any utility issues.

PSM	
Description: Identifies whether the issue of patent eligible subject matter was decided by the court. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Patent eligible subject matter is a patent law doctrine based on 35 U.S.C. § 101	
Yes	The issue of patent eligible subject matter was decided by the court for at least one claimed invention.
No	The court did not address any patent eligible subject matter issues.

Section 102	
Description: Identifies whether the court decided an issue involving 35 U.S.C. § 102. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Section 102 is often referred to as "anticipation" or "novelty"	
Yes	A § 102 issue for at least one claimed invention was decided by the court.

Section 102	
No	The court did not address any § 102 issues.

Section 103	
Description: Identifies whether the court decided an issue involving 35 U.S.C. § 103. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Section 103 is often referred to as "obviousness" or "nonobviousness"	
Yes	A § 103 issue for at least one claimed invention was decided by the court.
No	The court did not address any § 103 issues.

Enablement	
Description: Identifies whether the court decided an issue involving the enablement doctrine. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Enablement is a patent law doctrine codified in 35 U.S.C. § 112.	
Yes	An enablement issue for at least one claimed invention was decided by the court.
No	The court did not address any enablement issues.

Written Description	
Description: Identifies whether the court decided an issue involving the written description doctrine. At present, this field is not coded.	
Format: [Status]	Example: No
Notes: Written description is a patent law doctrine codified in 35 U.S.C. § 112.	
Yes	A written description issue for at least one claimed invention was decided by the court.
No	The court did not address any written description issues.

June 26, 2019

Definiteness
Description: Identifies whether the court decided an issue involving claim definiteness. At present, this field is not coded.

Format: [Status]	Example: No

Notes: Claim definiteness is a patent law doctrine codified in 35 U.S.C. § 112. It is sometimes referred to as "indefiniteness"	
Yes	A claim definiteness issue for at least one claimed invention was decided by the court.
No	The court did not address any claim definiteness issues.

Obv Type Dbl Pting
Description: Identifies whether the court decided an issue involving obviousness-type double patenting. At present, this field is not coded.

Format: [Status]	Example: No

Notes: Obviousness-type double patenting is a patent law doctrine. It is distinct from the issue of obviousness.	
Yes	An obviousness-type double patenting issue for at least one claimed invention was decided by the court.
No	The court did not address any obviousness-type double patenting issues.

Claim_Construction
Description: Identifies whether the court decided an issue involving claim construction. At present, this field is not coded.

Format: [Status]	Example: No

Notes: Claim construction is a patent law doctrine that involves interpreting one or more portions of a patent claims.	
Yes	At least one claim construction issue was decided by the court.
No	The court did not address any claim construction issues.