**Codebook for the *Compendium of Federal Circuit Decisions***

**Document Dataset**

**Purpose of this Document:** This document provides the coding framework for the Federal Circuit Dataset Project’s document dataset, a complete collection of all documents publicly released by the United States Court of Appeals for the Federal Circuit (“CAFC” or “Federal Circuit”) on its website and additional dispositions collected from PACER. This codebook was developed for use during the data collection stage 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.

**Document Data Source and Collection:** The record unit for this dataset is a document.Prior to 2022, documents were primarily collected from the Federal Circuit’s website, currently located at [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov). The Federal Circuit’s website indicates that it provides all opinions, summary affirmances and precedential orders of the court. The contours of what the court has released via its website has varied over time; however, a recent study examining all appeals filed in 2015 supports the conclusion that essentially all decisions on the merits of appeals are made available on the court’s website.[[1]](#footnote-1) In addition, beginning in February 2022, the court began making nearly all dispositions available on its website. Currently, documents released by the court are collected automatically from the court’s RSS feed.[[2]](#footnote-2)

To ensure that all of the court’s dispositions are included in the dataset, beginning with the 2022 calendar year we verify the initial collection of documents from the court’s website against direct queries on PACER for appeal dispositions each month.

Data about each appeal document is maintained in a STATA .dta file that contains the fields described below. Official releases of the .dta file are publicly archived on the Harvard Dataverse on an annual basis. In addition, the document dataset is currently made available via 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 via the link in the CloudLink field.

**Date Range:** The date ranges for the collection are October 13, 2004 – December 31, 2022. Documents classified as “Opinions” are available back to 2004 and summary affirmances under Federal Circuit Rule 36 are available back to late 2007. The degree to which the court has released other types of documents—particularly orders—has changed over time.

**Coding Process:** Information about each document is obtained through a combination of automated and manual coding. Structured document information, such as appeal numbers and title of the appeal, is obtained either directly from the RSS feed or through algorithmic parsing of the document text. Additional document information is collected via human coding during two stages, a first stage that focuses on core document attributes (such as document type) and a second stage that focuses on particular aspects of some documents (such as appellant type appeals and issue coding in patent-related appeals).

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

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# Basic Document Information

| **uniqueID** | | |
| --- | --- | --- |
| Description: Unique identifier assigned to each record. | | |
| Format: ##### | 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. | | |

| **docDate** | | |
| --- | --- | --- |
| Description: The date the document was released by the Federal Circuit. | | |
| Format: [Year]-[Month]-[Date] | Example: 2010-03-01 |
| Notes: The docDate is the date provided on the Federal Circuit’s website for the document, unless the document itself indicates a different date. This field was previously “caseDate” but was changed in 2021 to reduce confusion. | | |

| **docYear** | |
| --- | --- |
| Description: Year document issued. | |
| Format: [Year] | Example: 2010 |
| Notes: The year the document issued, based on truncated data from the Case Date. This field was previously “year” but was changed in 2021 to reduce confusion. | |

| **caseName** | | |
| --- | --- | --- |
| Description: Full case title and category | | |
| 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. | | |

| **CloudLink** | | |
| --- | --- | --- |
| Description: Link to document on the cafc\_documents Google Cloud storage site. | | |
| Format: [String] | Example: https://storage.googleapis.com/cafc\_documents/04-1291.doc |
| Notes: | | |

| **Appeal\_Dockets** | |
| --- | --- |
| Description: Identifies the appeal docket numbers involved in the appeal. | |
| Format: [String] | Example: 2004-01345 |
| Notes: Initial coding of this field is done by text parsing of the document, followed by human coder checking of the number. Individual appeal docket numbers should be separated by a semicolon without a space. Appeal docket numbers should be standardized as follows: [YYYY-0ZZZZ]. Multiple appeal docket numbers should be entered as follows:  2004-01345;2004-01346  Until recently, Federal Circuit documents did not include the year in the miscellaneous docket number. (For example, 23820 just says “Miscellaneous Docket No. 899.”). These were subsequently compared to a dataset of all appeal dockets to determine the correct prefix (for example, 2009-00899).  Add leading zeros if not otherwise present in order to make a 5-digit number after the hyphen.  If the data coder is unable to determine the docket number for the document, this field should be left blank.  This field is necessary to merge with other datasets, including the docket dataset. | |

| **PrecedentialStatus** | | |
| --- | --- | --- |
| 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. | |

| **docType** | | |
| --- | --- | --- |
| 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. | |
| Rule 36 | Document is identified as a summary affirmance under Federal Circuit Rule 36. | |
| Errata | Document is self-described as an errata. | |
| Order - Merits | Document is identified as an order. Select this if it is a terminating document in which the court addresses the substantive merits of the appeal in the terminating document. May include terminating orders on Petitions for a Writ of Mandamus or Petitions for Permission to Appeal if the order addresses the merits of the petition. | |
| Order – Dismissal | Document is identified as an order. Select if the terminating decision is to dismiss the appeal. A dismissal may either be voluntary (i.e.: the appellant requested that the appeal be dismissed or withdrawn) or involuntary (the court orders dismissal of the appeal). This category includes terminations where the appeal/petition is voluntarily withdrawn. | |
| Order – Transfer | Select if the court orders transfer to another court other than the court/tribunal that the appeal originated from. This category does not encompass grants of petitions for writs of mandamus that order the originating court to transfer the original action to another court. | |
| Order - Remand | Select this if it is a terminating order, no other option applies and the court orders the matter remanded. | |
| Order – En Banc | Document is identified as an order and involves a grant or denial of a rehearing en banc. | |
| Order – Other | Document is identified as an order other than one of the other categories above. | |
| No File | There is no document associated with the entry on the Federal Circuit’s website and no backup copy has been identified. | |
| Other | Document does not fall into one of the above classifications. | |

| **enBanc** | | |
| --- | --- | --- |
| 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 | In extremely rare cases, a panel of more than three judges will hear an appeal. In these instances, the enBanc field reflects the number of judges that comprise the panel (for example, 11791 is a 5-judge panel). | |

| **Replaced\_Notes** | |
| --- | --- |
| Description: This is a field containing the reason why the decision was replaced. | |
| Format: [category] | Example: |
| Notes: Reasons can be added if necessary, but coders should avoid adding new reasons unnecessarily. | |

| **uniqueIDforrelateddecision** | |
| --- | --- |
| This field is used to indicate the uniqueID for the other decision that is part of the replacement analysis.  If there is more than one, use the one that directly replaces the document.  The latest-in-time document should refer back to the first-in-time document. | |
| Format: [string] | Example: |
| Notes: this field uses a string format because some decisions relate to multiple other documents. Multiple uniqueIDs should be joined by a semicolon-space. [; ] | |

| **Full\_Cite** | |
| --- | --- |
| Description: Identifies the official Federal Reporter citation for the document (if available) | |
| Format: [string] | Example: 123 F.3d 456 |
| Notes: As of October 2020, this field is only populated for opinions and Rule 36 affirmances arising from the district courts. | |

# Appeal Information

| **Misc\_Docket** | | |
| --- | --- | --- |
| Description: A flag that indicates whether a document involves a miscellaneous docket (a matter with a suffix <1000). These primarily consist of Writs of Mandamus and Petitions for Permission to Appeal. | | |
| Format: [String] | Example: [Writ of Mandamus] |
| **Categories** | |
| Yes | The document involves at least one miscellaneous docket. |
| No | The document does not involve a miscellaneous docket. |
| Notes: This field is coded automatically based on whether one of the appeal docket numbers has a suffix that is less than 1000. | | |

| **Misc\_Docket\_Appeal\_Type** | | |
| --- | --- | --- |
| Description: Indicates the type of originating matter that is terminated in the document. This field is coded at the document-level. This field is only coded for records that involve a Miscellaneous docket number (a docket number with a suffix <1000, e.g.: 2022-00120). | | |
| Format: [String] | Example: [Writ of Mandamus] |
| **Categories** | |
| Writ of Mandamus | The document addresses a petition for writ of mandamus |
| Petition for permission to appeal | The document addresses a petition for permission to appeal |
| Other | The document addresses another type of matter. |
| Notes: This field is coded based on a review of the document, which indicates the type of appeal for miscellaneous dockets. In the event the document decides both a miscellaneous docket matter and a regular appeal (an appeal with a suffix >999), this field should be coded to reflect the appeal type of the miscellaneous docket numbers. | | |

| **origin** | | |
| --- | --- | --- |
| Description: Court or tribunal of origin | | |
| Format: [Court] | | Example: DCT |
| Notes: The appeal’s general source origin. Default coding is 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. | | |
| DCT | District Court | |
| PTO | 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 | |
| CAFC | A matter that originates at the Federal Circuit, such as an order relating to attorney discipline. | |
| Other | Other origins | |

| **TribOfOrigin** | | | |
| --- | --- | --- | --- |
| Description: Identifies the specific tribunal that the appeal arises from. | | | |
| Format: [Tribunal] | | Example: N.D.IA |
| Notes: The list of all districts is long and is not included here. It can be obtained by a database query. | | | |
| PTAB | Patent Trial and Appeal Board | | |
| BPAI | Board of Patent Appeals and Interferences | | |
| TTAB | Trademark Trial and Appeal Board | | |

| **DisputeType** | | | |
| --- | --- | --- | --- |
| Description: Identifies the general type of dispute. At present, only decisions in appeals arising from the BPAI, PTAB, CFC, ITC, and District Courts are coded for this field. | | | |
| Format: [Type] | | Example: IPR |
| Notes: For Rule 36 affirmances, it is necessary to look at the appellant’s brief (and cross-appellant’s brief, if there is one) to determine the nature of the dispute. | | | |
| IPR | Inter Partes Review (BPAI/PTAB only) | | |
| Denial-Patent | Denial of patent application. This applies to both appeals of the PTO’s denial of a patent application and causes of action in the district court involving the district court’s review of the USPTO’s refusal to grant a patent. | | |
| CBMR | 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-TM | Denial of a trademark application (TTAB only) | | |
| Opposition | Trademark Opposition proceeding (TTAB only) | | |
| Cancellation | Trademark Cancellation proceeding (TTAB only) | | |
| Patent infringement | Use this category for any appeals arising from a claim of patent infringement. For appeals arising from the district court, any appeal that involves patent validity is necessarily a patent infringement case. However, not all cases involving a patent that arise from the district courts are patent infringement cases. If the only issue being appealed to the Federal Circuit is a non-patent issue that was connected to a patent infringement claim under supplemental jurisdiction, that appeal should not be coded as patent infringement. | | |
| Section 337 proceeding | A section 337 proceeding (ITC only) | | |
| Contract claim | A contract claim involving the Federal Government (CFC only) | | |
| Vaccine Compensation | A vaccinate compensation claim (CFC only) | | |
| Takings | A taking claim against the Federal Government (CFC only) | | |
| Tax cases | A tax case. | | |
| Multiple | Use if the case being appealed involves multiple dispute types. Indicate the multiple types in the notes. | | |
| Other | This category applies when no other category is applicable. | | |

| **Appellant\_Type\_Primary** | | |
| --- | --- | --- |
| Description: Identifies the type of appellant in the primary appeal | | |
| Format: [Appellant\_Type] | | Example: Patent asserter |
| Notes: This field is for coding the type of appellant for the primary appeal. Cross-appellants should be coded in the Appellant\_Type\_Cross field. Currently, this field is only coded for appeals arising from the District Courts, USPTO and CFC. | | |
| Patent asserter | Use this category when the appellant is the party who asserted a patent in a patent infringement case at the district court or CFC | |
| Accused infringer | Use this category when the appellant is the party accused of infringement at the district court | |
| Patent applicant | Use this category when the appellant is a patent applicant. | |
| Patent owner | Use this category when the appellant is the patent owner in a proceeding before the USPTO | |
| Patent challenger | Use this category when the appellant is the patent challenger in a post-grant review, a Covered Business Method Review, an inter partes reexamination or inter partes review at the USPTO. | |
| US Government | The appellant is the United States government | |
| Private party | The appellant in an appeal from a court of federal claims case is a private party (other than a patent asserter against the Federal Government) in an appeal from the Court of Federal Claims | |
| State or local government | The appellant in an appeal from a court of federal claims case is a State or local government | |
| Native American tribe | The appellants in an appeal from a Court of Federal Claims decision comprise multiple categories. | |
| Mixed | The appellants in an appeal from a Court of Federal Claims decision comprise multiple categories. | |
| Other | This category applies when no other category is applicable. | |

| **Appellant\_Type\_Cross** | | |
| --- | --- | --- |
| Description: Identifies the type of cross-appellant. | | |
| Format: [Appellant\_Type] | | Example: Patent asserter |
| Notes: This field is for coding the type of cross-appellant. Only code this field if there is a cross-appellant. Currently, this field is only coded for appeals arising from the District Courts, USPTO and CFC. | | |
| Patent asserter | Use this category when the cross-appellant is the party who asserted a patent in a patent infringement case at the district court | |
| Accused infringer | Use this category when the cross-appellant is the party accused of infringement at the district court | |
| Patent applicant | Use this category when the cross-appellant is a patent applicant. | |
| Patent owner | Use this category when the cross-appellant is the patent owner in a proceeding before the USPTO | |
| Patent challenger | Use this category when the cross-appellant is the patent challenger in a post-grant review, a Covered Business Method Review, an inter partes reexamination or inter partes review at the USPTO. | |
| US Government | The cross-appellant is the United States government | |
| Private party | The cross-appellant in an appeal from a court of federal claims case is a private party (other than a patent asserter against the Federal Government) in an appeal from the Court of Federal Claims | |
| State or local government | The cross-appellant in an appeal from a court of federal claims case is a State or local government | |
| Native American tribe | The cross-appellants in an appeal from a Court of Federal Claims decision comprise multiple categories. | |
| Mixed | The cross-appellants in an appeal from a Court of Federal Claims decision comprise multiple categories. | |
| Other | This category applies when no other category is applicable. | |

# Appeal Disposition

| **DispGeneral** | | | |
| --- | --- | --- | --- |
| Description: Identifies the appellate court’s disposition of the appeal. | | | |
| Format: [Disposition] | | Example: Affirmed |
| Notes: | | | |
| Affirmed | Use this option only when the Federal Circuit affirms the decision being reviewed. Do not use if the Federal Circuit partially affirms, unless the remainder of the appeal is dismissed. | | |
| Reversed | Use this option when the Federal Circuit reverses or reverses-and-vacates. Do not use if the Federal Circuit partially affirms. | | |
| Affirmed-in-part | Use this option for any instance in which the Federal Circuit affirms-in-part, including a decision that affirms-in-part, reverses-in-part or a decision that affirms-in-part, vacates-in-part. A decision that affirms-in-part and dismisses in part should be coded as “Affirmed.” | | |
| Vacated | Use this option only when the Federal Circuit vacates the entirety of the decision being reviewed. | | |
| Dismissed | Use this option when the Federal Circuit dismisses the appeal, excluding instances where the appeal is voluntarily withdrawn by the appellant or parties jointly. “Dismissed” encompasses terminations for failure to prosecute. | | |
| Granted | Use this option when the document is an order on a motion or petition and the motion or petition is granted. | | |
| Granted-in-Part | Use this option when the document is an order on a motion or petition and the motion or petition is granted-in-part. This category also includes all variations on granted-in-part, including granted-in-part, denied-in-part. | | |
| Denied | Use this option when the document is an order on a motion or petition and the motion or petition is denied. | | |
| Withdrawn | Use this option when the document reflects a voluntary withdrawal of the appeal by the appellant or parties jointly. | | |
| Transferred | The document orders that the appeal be transferred to another court. Note that this does not encompass situations in which the CAFC orders that the originating tribunal transfer the original matter. | | |
| Remanded | The document remands the matter back to the original tribunal without further action. This usually only arises in cases where further development at an administrative agency is necessary. | | |
| Other |  | | |
| Notes: In July 2021, the two permutations of “Affirmed-in-part” were merged into a single “Affirmed-in-part” value. Values previously coded as “other” were reviewed to determine whether they met the new value.  In 2022, the category “Withdrawn” was added to reflect voluntary withdrawals by the parties, as were the categories “Transferred” and “Remanded.” | | | |

| **judge1** | |
| --- | --- |
| 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.  If the document does not contain the names of the judges on the panel, the judge fields should not be coded. | |

| **judge2** | |
| --- | --- |
| 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. | |

| **judge3** | |
| --- | --- |
| 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. | |

| **opinion1** | | |
| --- | --- | --- |
| 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.” A document that contains “additional views” of one of the judges is unanimous if all of the judges join in the court’s opinion.  This field should not be coded for orders that do not identify the names of the judges on the panel. | | |
| 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. | |
| Note that “Opinion for the Court” does not mean that the opinion is necessarily unanimous. The opinion for the court may be, for example, a two-judge majority with another judge dissenting. | | |

| **opinion1Author** | |
| --- | --- |
| 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.”  This field should not be coded for orders that do not list the judges on the panel. | |

| **opinion2** | | |
| --- | --- | --- |
| 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. | |
| 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.” | |

| **opinion2Author** | |
| --- | --- |
| 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. | |

| **opinion3** | | |
| --- | --- | --- |
| 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. | |
| Additional Views | Opinion is self-identified as constituting “additional views. | |
| Dubitante | Opinion is self-identified as being “dubitante.” | |

| **opinion3Author** | |
| --- | --- |
| 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. | |

| **ReasonAppealTermination** | | |
| --- | --- | --- |
| Description: Identifies the reason why the appeal was terminated in dispositions other than Opinions and Rule 36 summary affirmances. | | |
| Format: [Reason] | Example: Appeal filed too late |
| Notes: This field was added in connection with a review of dispositions of appeals filed in 2015. It is currently only partially completed for other records. | | |

| **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. | |

# Additional Record Information

| **CAFC\_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. | | |

| **FileName** | | |
| --- | --- | --- |
| Description: Original file name for the document. | | |
| Format: [filename.pdf] | Example: 03-1480.pdf |
| Notes: This is the original name of the file collected from the Federal Circuit’s website. Because of issues with special characters in some Federal Circuit filenames, documents in the Compendium are stored using the NewFileName. | | |

| **appealNumber** | | |
| --- | --- | --- |
| Description: Appeal identification number | | |
| Format: [xx]-[xxxx] or [xxxx]-[xxxx] | Example: 15-1202 or 2004-1291 |
| 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. Note that this field only contains the appeal number provided on the court’s website and thus generally should not be used for research purposes. More detailed information the appeal numbers for each record is provided by the Appeal\_Dockets field. | | |

| **NewFileName** | | |
| --- | --- | --- |
| Description: Replacement file name for the document. | | |
| Format: [filename.pdf] | Example: 00203CAFCDocument.pdf |
| Notes: In order to better manage the documents used by the Compendium, each file has been renamed to use a consistent, simple file name. The NewFileName can also be used when conducting keyword searches on the text of documents in order to match the document up to the Compendium dataset. | | |

| **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. Appeals from the PTO and other tribunals should be left in the form that they are in on the document. 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.  For appeals filed after 2012, the information from the docket dataset should be used instead. | |

# Patent-related information

| **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 | |
| Plant Patent | PXXX,XXX | |
| Reissue patent | REXXX,XXX | |
|  |  | |

| **UtilityPatent** | |
| --- | --- |
| Description: Indicates whether at least one Patent\_In\_Suit is a utility patent. | |
| Format: [string] | Example: Yes |
| Notes: This field only contains an entry if the Patents\_In\_Suit field is populated. | |

| **DesignPatent** | |
| --- | --- |
| Description: Indicates whether at least one Patent\_In\_Suit is a design patent. | |
| Format: [string] | Example: Yes |
| Notes: This field only contains an entry if the Patents\_In\_Suit field is populated. | |

| **PlantPatent** | |
| --- | --- |
| Description: Indicates whether at least one Patent\_In\_Suit is a plant patent. | |
| Format: [string] | Example: Yes |
| Notes: This field only contains an entry if the Patents\_In\_Suit field is populated. | |

# Issue Coding

**General notes on issue coding:**

1. Issue coding is one of the more challenging aspects of the Compendium as there are multiple gray areas. In general, coders are instructed to err on the side of inclusion in marginal cases. Particularly difficult determinations should be noted in the “notes” field.
2. Only issues explicitly or implicitly addressed by the Federal Circuit in its decision should be coded as “Yes.’ For opinions, this means that if the Federal Circuit explicitly declines to address an issue because, for example, it affirms on an alternate ground, the issue it declines to address should be coded as “No.” In the case of Rule 36 affirmances, all issues raised by the appellant should be coded as “Yes.” Unless it is not possible to make a determination for a decision because, for example, the briefs for a Rule 36 affirmance are not available, the issue fields should be coded as “Yes” or “No.”
3. If the only issue on appeal is claim construction: and the court never addresses the substance of 102/103 and the applicant concedes the outcome under 102 or 103, then only claim construction should be coded as “yes.” 102/103 should be coded “no.” These appeals do not actually involve any substantial questions under 102 or 103.
4. If the only issue on appeal is whether the applicant is entitled to a filing date based on the adequacy of the earlier written description: both 102/103 and written description should be coded as “yes.”
5. If the issue on appeal is whether the earlier reference is adequately enabled for purposes of 102: both 102 and enablement should be coded as “yes.”

| **Issue\_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. | |

| **Issue\_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. | |

| **Issue\_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. | |
| No | The court did not address any § 102 issues. | |

| **Issue\_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. | |

| **Issue\_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. | |

| **Issue\_WD** | | |
| --- | --- | --- |
| 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. | |

| **Issue\_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. | |

| **Issue\_ObvTypeDblPting** | | |
| --- | --- | --- |
| 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. | |

| **Issue\_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. | |

| **Replaced** | | | |
| --- | --- | --- | --- |
| Description: Identifies whether a decision was replaced by the court or was otherwise superceded. This includes opinions that are withdrawn and revised or corrected, appeals that are subsequently taken by the court sitting en banc, and appeals on which certiorari is granted by the Supreme Court. | | | |
| Format: [Yes, GVR, SCT, en banc, blank] | | Example: GVR | |
| Yes | Indicates that the panel replaced the decision with a new version. This includes subsequent “Corrected,” “Modified,” and “Revised” opinions. It also includes subsequent new opinions by the panel after granting panel rehearing. Only use "Yes" if it's a clear case that one of the documents was replaced in its entirety by the other. | | |
| SCT | Indicates that the Supreme Court subsequently granted certiorari and issued its own opinion in the appeal. | | |
| GVR | Indicates that the Supreme Court issued a grant-vacate-remand in the appeal. This means that the Court granted certiorari, but then immediately remanded to the Federal Circuit for further proceedings, usually in light of another decision by the Court. | | |
| En banc | Indicates that the Federal Circuit subsequently took the appeal en banc and issued its own opinion. If the Federal Circuit takes an opinion en banc, and then the panel subsequently issues a new opinion after the en banc decision, the original panel decision should still be coded as “en banc.” | | |
| [blank] | Leave the Replaced field blank if, at the present time, none of the above events have occurred. | | |
| **notes** | | | |
| Description: Other comments on entry | | | |
| Format: [Text.] | | |  |
| Notes: Notes are provided to flag unusual information about a document identified by a coder. | | | |

# Experimental Fields

| **Patent\_Owner\_Win** | | |
| --- | --- | --- |
| Description: Identifies whether the party owning the patent prevailed on appeal | | |
| Format: [Yes/No/Mixed/Unclear] | | Example: Yes |
| Notes: This field is for coding whether the party owning the patent prevailed on appeal. This is an experimental field and has not been subjected to reliability assessment. | | |
| Yes | The patent owner clearly prevailed on appeal, such as by obtaining all the outcomes requested by the patent asserter. | |
| No | The patent owner patent owner clearly lost on appeal, such as by an affirmance of all findings of invalidity or noninfringement. | |
| Mixed | The patent owner won on some patent claims but lost on others. This does not include situations where the patent owner succeeded on, e.g., validity but lost on infringement. | |
| Unclear | It is unclear whether the patent owner won or lost the appeal. | |

1. *See* Jason Rantanen, Missing Decisions *and the United States Court of Appeals for the Federal Circuit*, 17 U. Penn. L. Rev. Online 73 (2022); *but see* J. Jonas Anderson, Paul Gugliuzza & Jason Rantanen, *Extraordinary Writ or Ordinary Remedy: Mandamus at the Federal Circuit* 100 Wash. U. L. Rev. 327 (2022) (finding that a portion of decisions on petitions for writs of mandamus were not made available on the court’s website). As discussed in *Missing Decisions and the United States Court of Appeals for the Federal Circuit*, the remaining terminations consist most of dismissals, including voluntary dismissals under Fed. R. App. P. 42(b). [↑](#footnote-ref-1)
2. https://cafc.uscourts.gov/rss-feeds/ [↑](#footnote-ref-2)