

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. Currently, the *Compendium* contains only documents from cases originating in the district courts and United States Patent and Trademark Office. Information about these documents was originally recorded on separate Excel spreadsheets but has since been migrated to a SQLite database. The pdf copies (when available) have been downloaded to a folder for offline use; access to these can be provided upon request by researchers engaged in nonprofit research. 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: [Month]-[Date]-[Year]	Example: 3-18-2010
Notes: The Case Date is the date provided on the Federal Circuit’s website for the document.	

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, based on the information provided on the Federal Circuit's website. Data is coded as follows:	
DCT	District Court
PATO	United States Patent and Trademark Office

Case Name	
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.	

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." 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
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.
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.
Errata	Document is self-described as an errata.

Document Type	
Other	Document does not fall into one of the above classifications. See notes 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.	

Judge 2	
Description: Last name of second judge listed on document.	
Format: [Name]	Example: Dyk

Judge 2	
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.”	
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

Opinion 1 Author
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.”

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.
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.
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.	
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.	
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.	
IPR	Inter Partes Review (BPAI/PTAB only)

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Dispute Type	
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)
Cancellation	Trademark Cancellation proceeding (TTAB only)
Other	

Disposition - General	
Description: Identifies the appellate court's disposition of the appeal.	
Format: [Disposition]	Example: Affirmed
Notes:	
Affirmed	
Reversed	
Affirmed-in-part, reversed-in-part	
Affirmed-in-part, vacated-in-part	
Vacated	
Dismissed	
Other	

Patent Type	
Description: Identifies the type of patent involved in the appeal.	
Format: [Type]	Example: Utility
Notes:	
Utility	Only utility patents are involved in the appeal
Design	Only design patents are involved in the appeal
Plant	Only plant patents are involved in the appeal
Multiple	Multiple types of patents are involved in the appeal
None	No patents are involved in the appeal.

Utility	
Description: Identifies whether the utility of the patented invention was decided by the court.	
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.	
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	
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.

Section 103	
Description: Identifies whether the court decided an issue involving 35 U.S.C. § 103	
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.	
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.	
Format: [Status]	Example: No
Notes: Written description is a patent law doctrine codified in 35 U.S.C. § 112.	

Written Description	
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.

Definiteness	
Description: Identifies whether the court decided an issue involving claim definiteness.	
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.	
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.