

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



PTAB Trial Statistics FY21 Q3 Outcome Roundup IPR, PGR, CBM

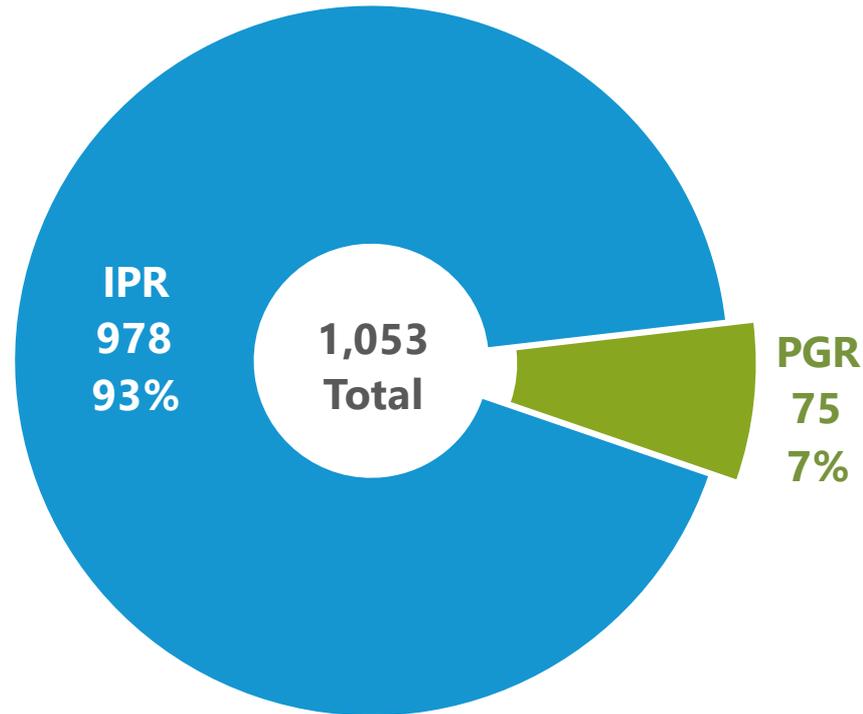
Patent Trial and Appeal Board
Fiscal Year 2021 3rd Quarter

UNITED STATES
PATENT AND TRADEMARK OFFICE



Petitions filed by trial type

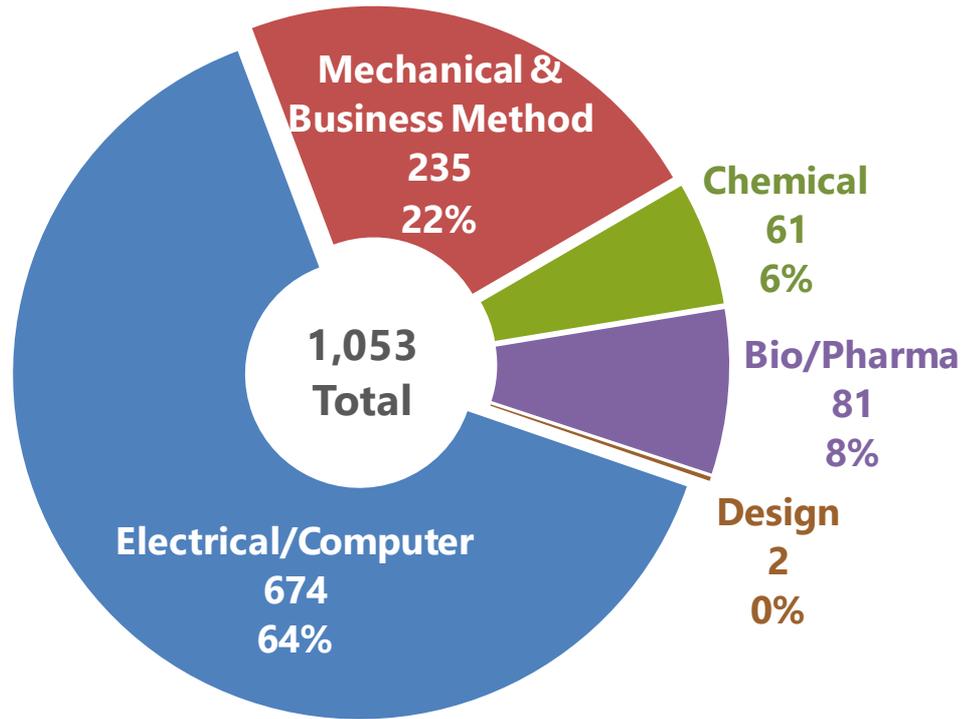
(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



Trial types include Inter Partes Review (IPR), Post Grant Review (PGR), and Covered Business Method (CBM). The Office will not consider a CBM petition filed on or after September 16, 2020.

Petitions filed by technology

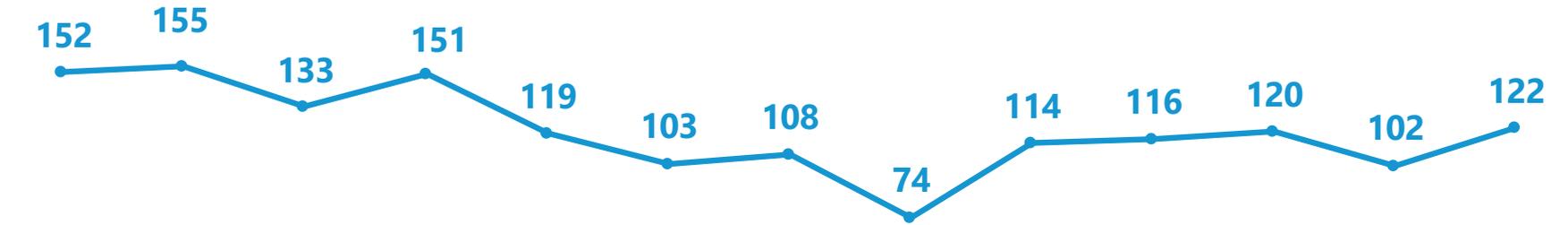
(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



Petitions filed by month

(Jun. 2021 and Previous 12 Months: Jun. 1, 2020 to Jun. 30, 2021)

(978 IPRs in FY21)



Jun-20

IPR

Jun-21

(75 PGRs in FY21)



PGR

Jun-21

(0 CBMs in FY21)



CBM

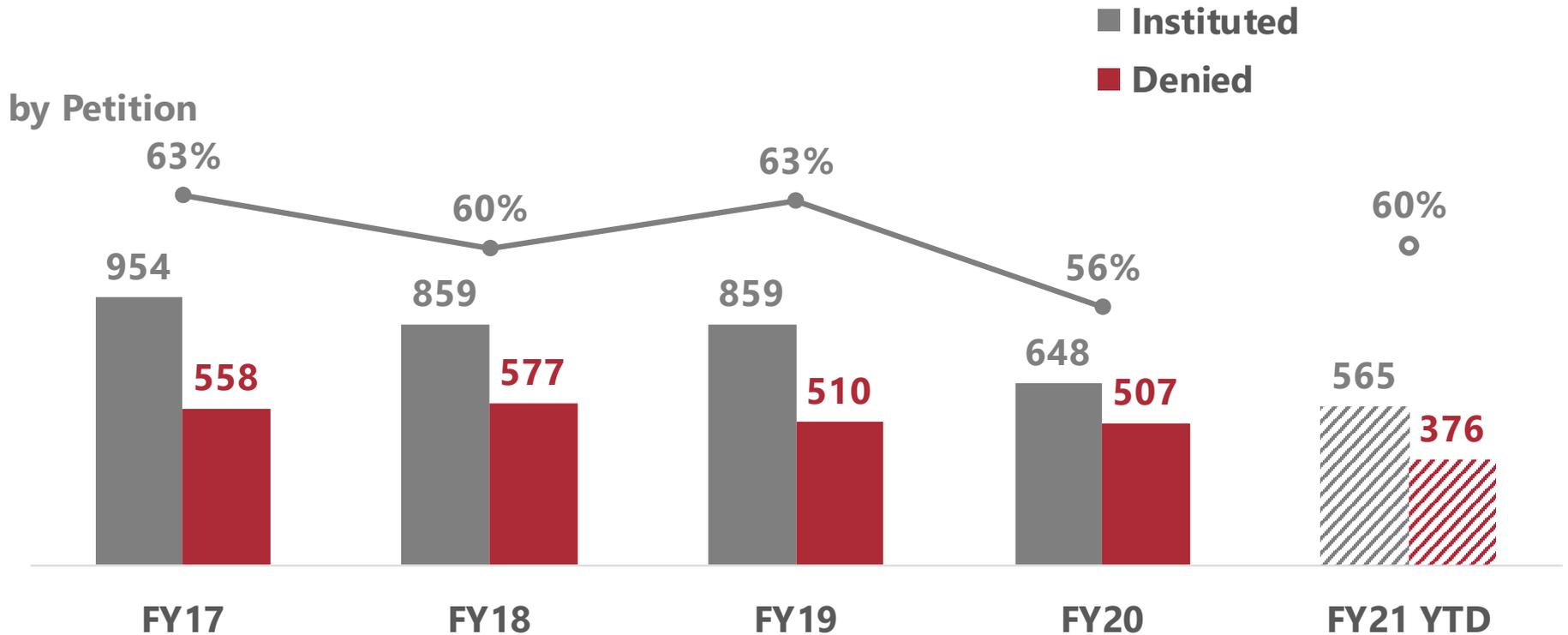
Jun-21



The Office will not consider a CBM petition filed on or after September 16, 2020.

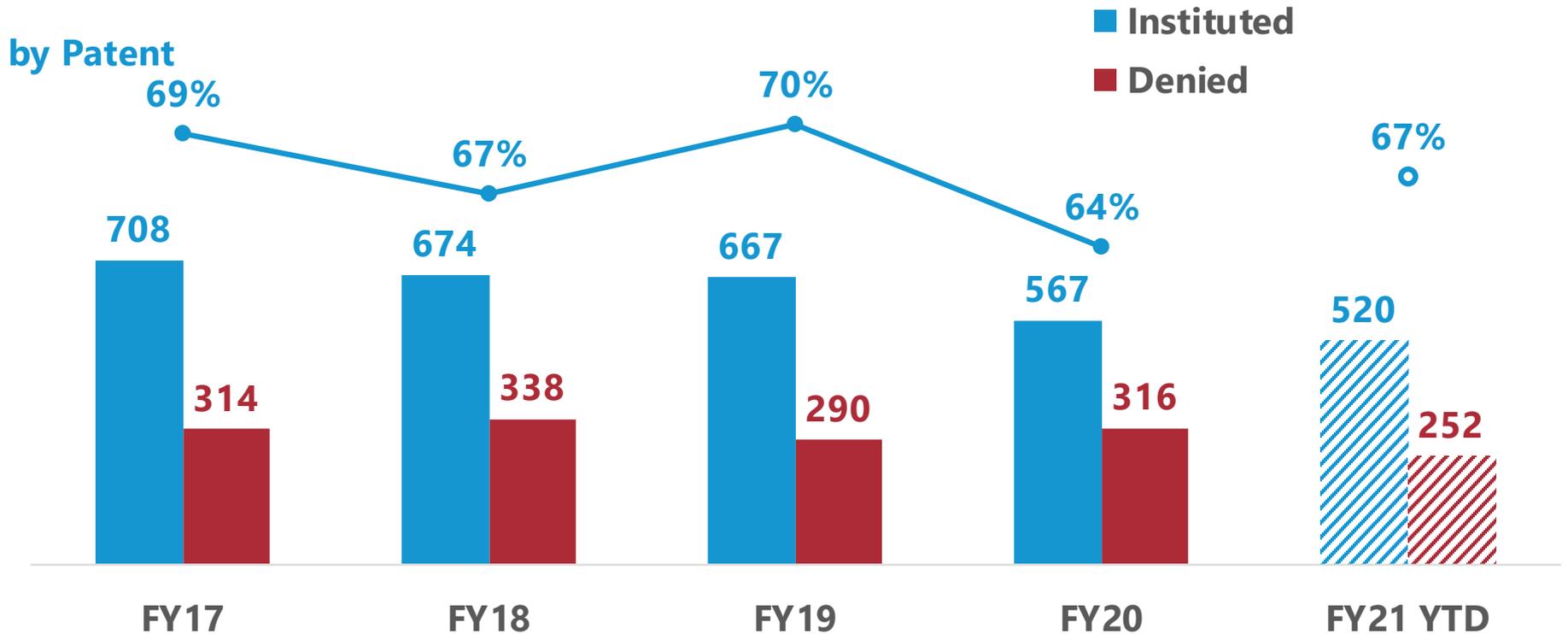
Institution rates by petition

(FY17 to FY21 through Q3: Oct. 1, 2016 to Jun. 30, 2021)



Institution rates by patent

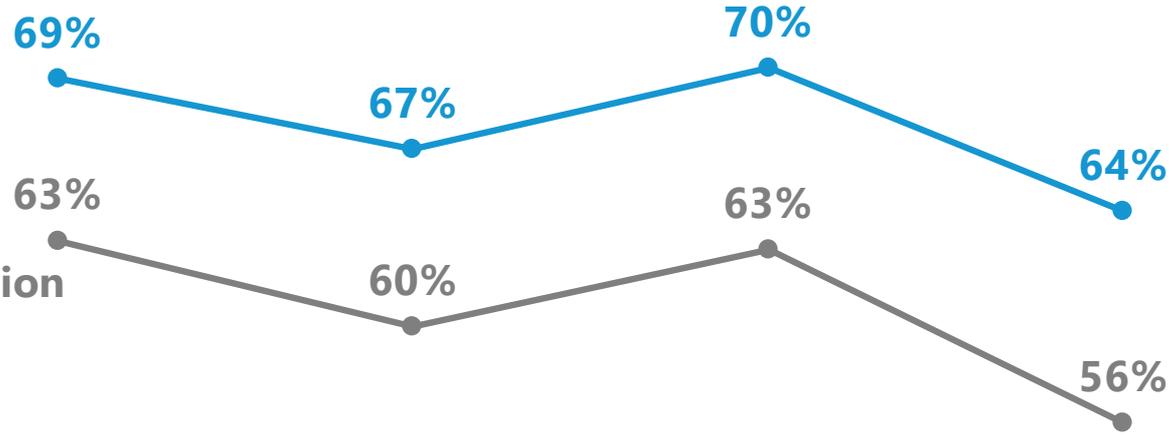
(FY17 to FY21 through Q3: Oct. 1, 2016 to Jun. 30, 2021)



Institution rates by patent and by petition

(FY17 to FY21 through Q3: Oct. 1, 2016 to Jun. 30, 2021)

by Patent



by Petition

67%

60%

FY17

FY18

FY19

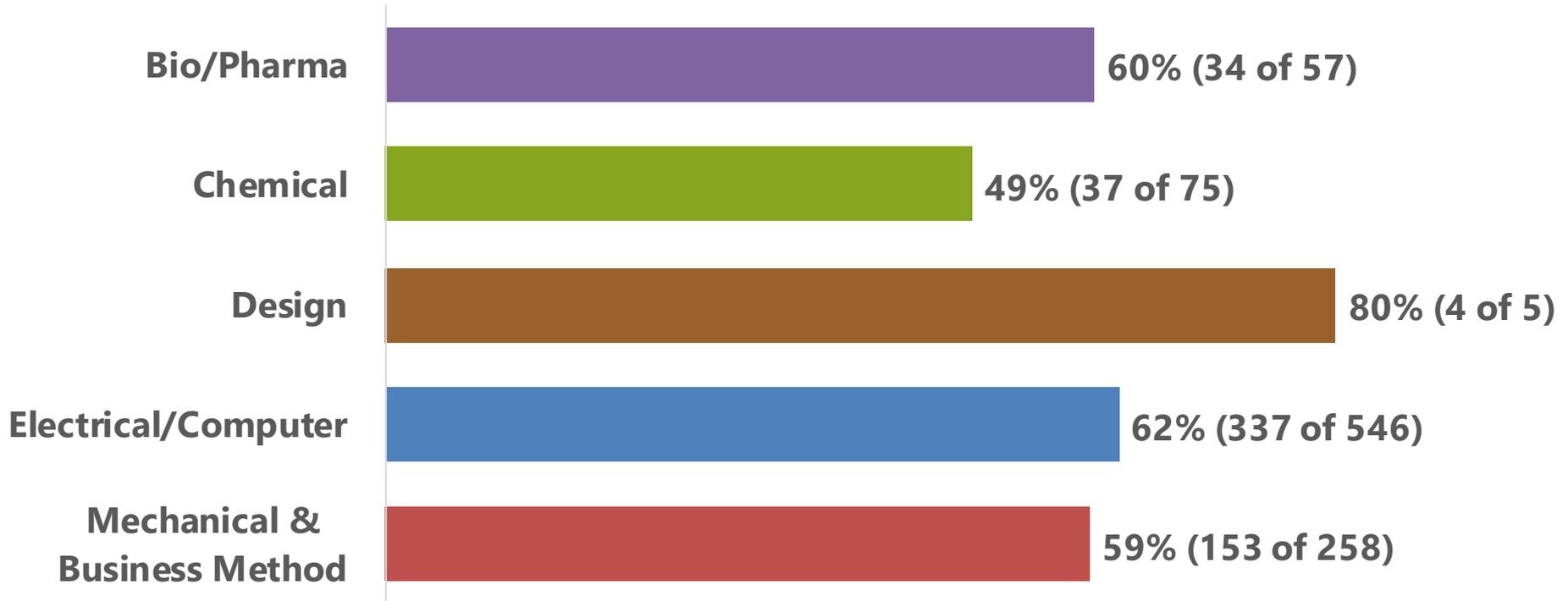
FY20

FY21 YTD



Institution rates by technology

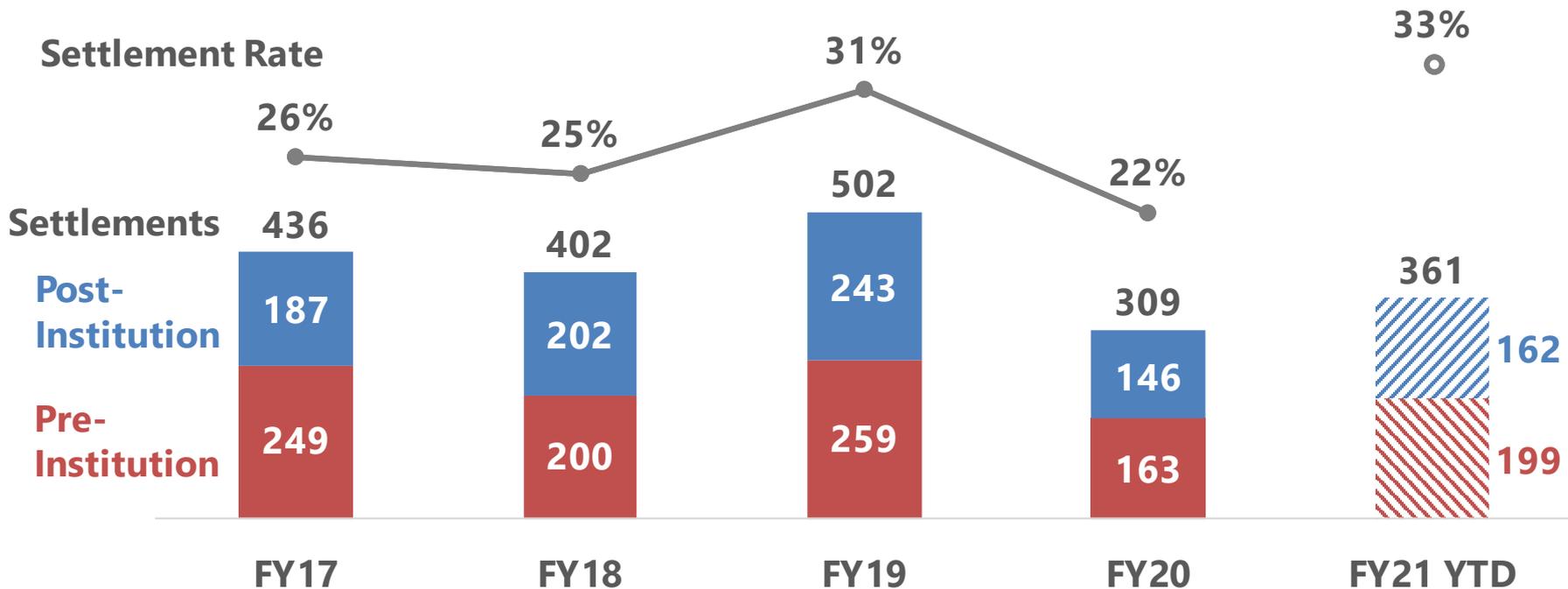
(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Settlements

(FY17 to FY21 through Q3: Oct. 1, 2016 to Jun. 30, 2021)

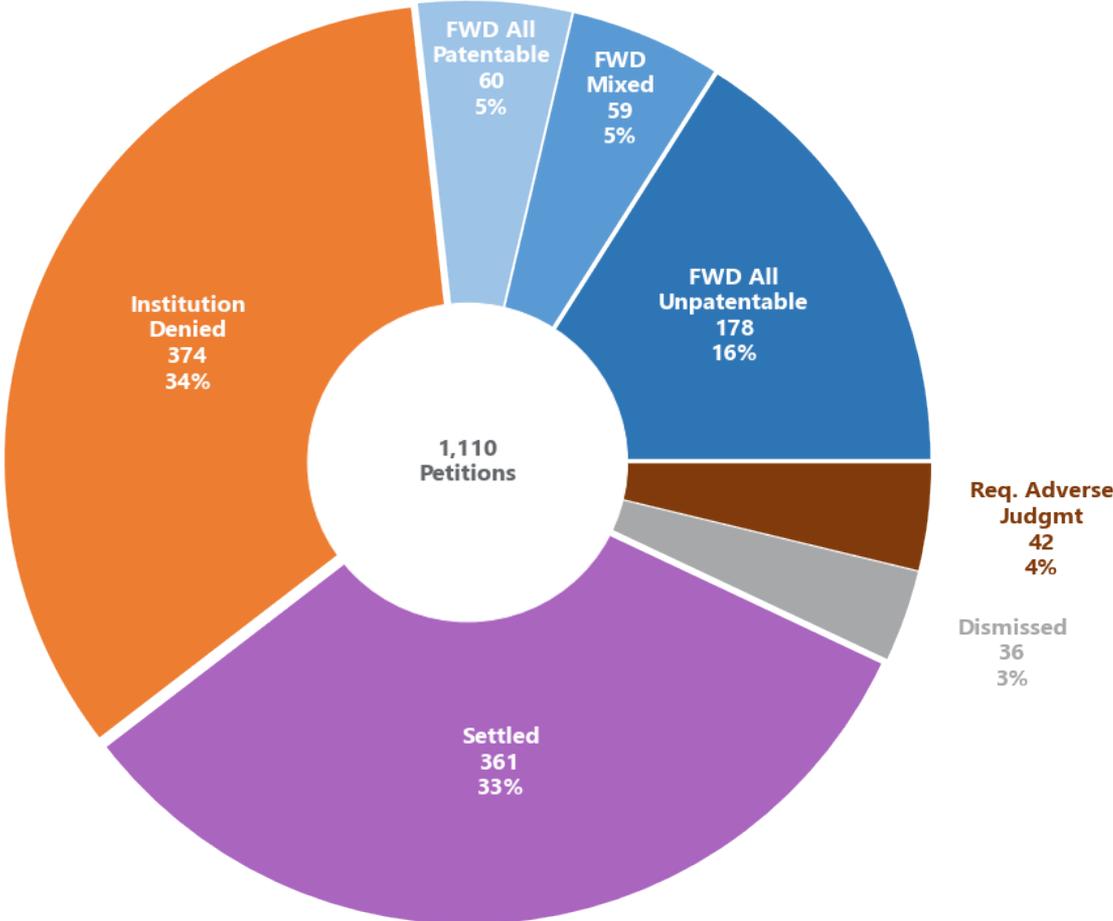


Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.



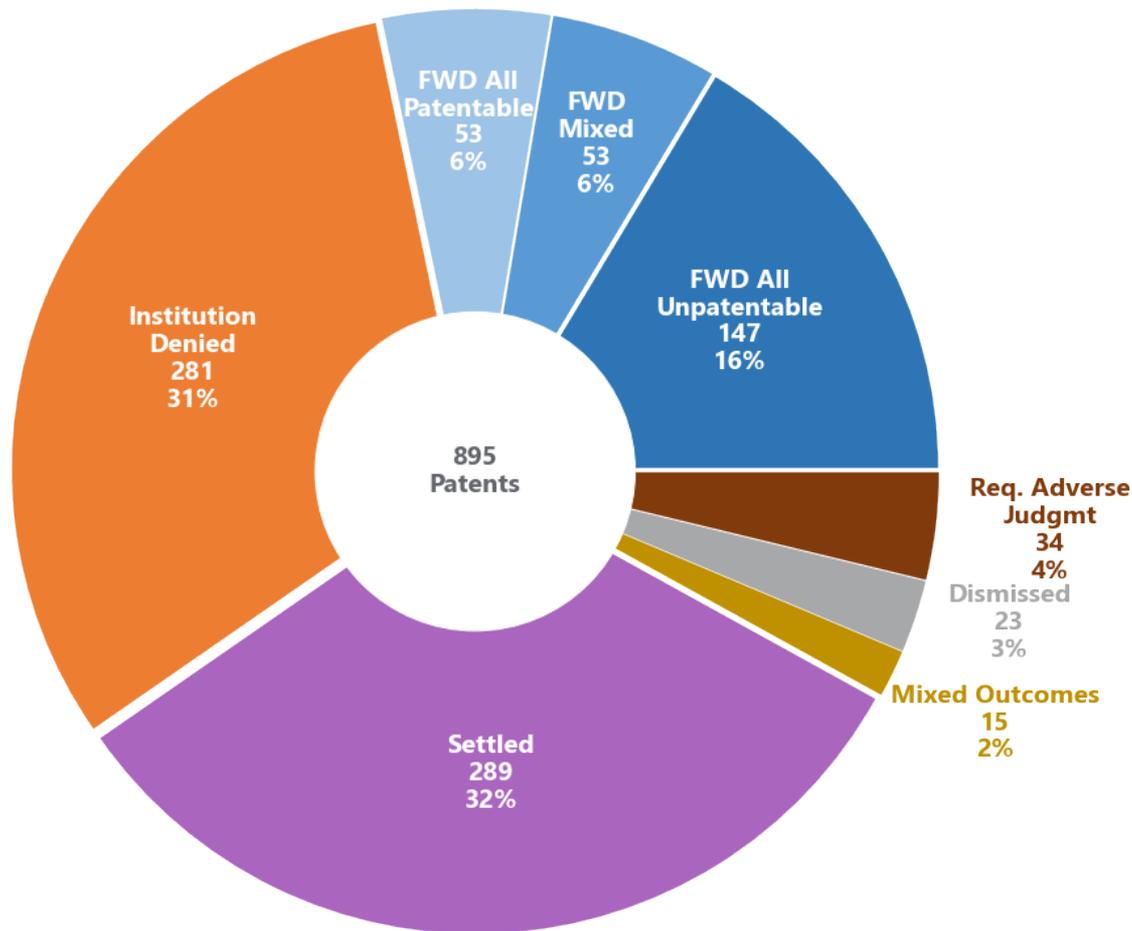
Outcomes by petition

(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



Outcomes by patent

(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



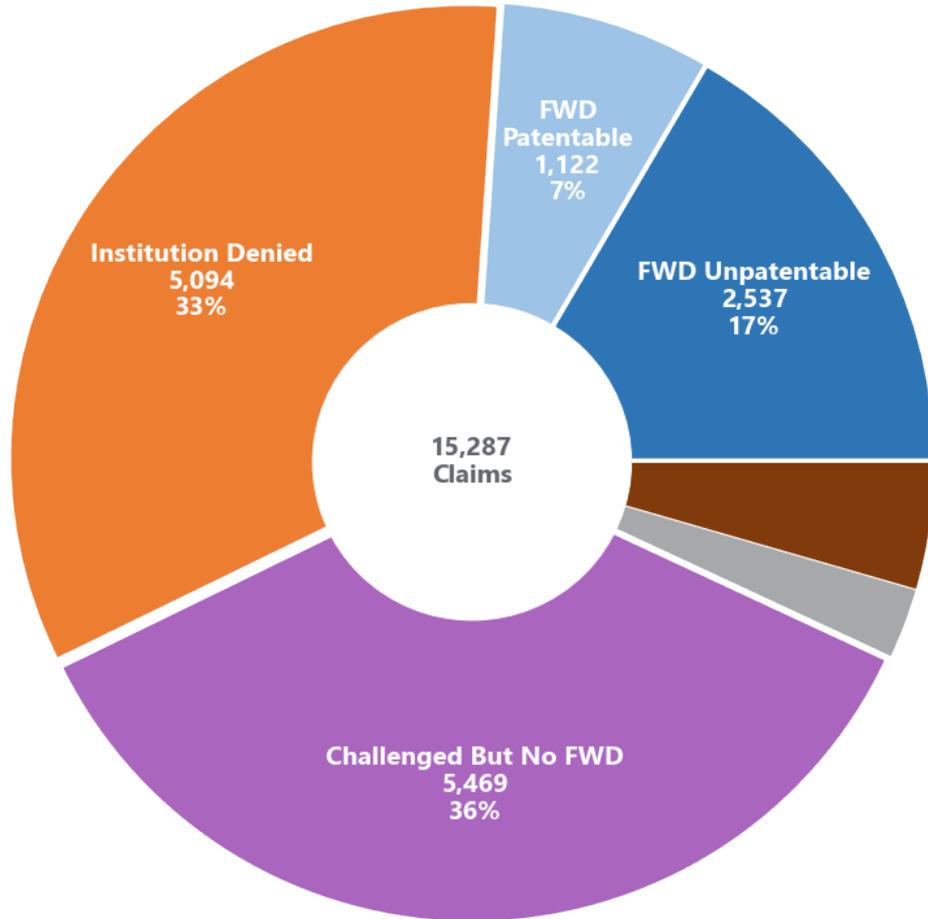
FWD patentability or unpatentability reported with respect to the claims at issue in the FWD.

“Mixed Outcome” is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only.

A patent is listed in a FWD category if it ever received a FWD, regardless of other outcomes.

Outcomes by claim challenged

(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



Disclaimed
687
4%

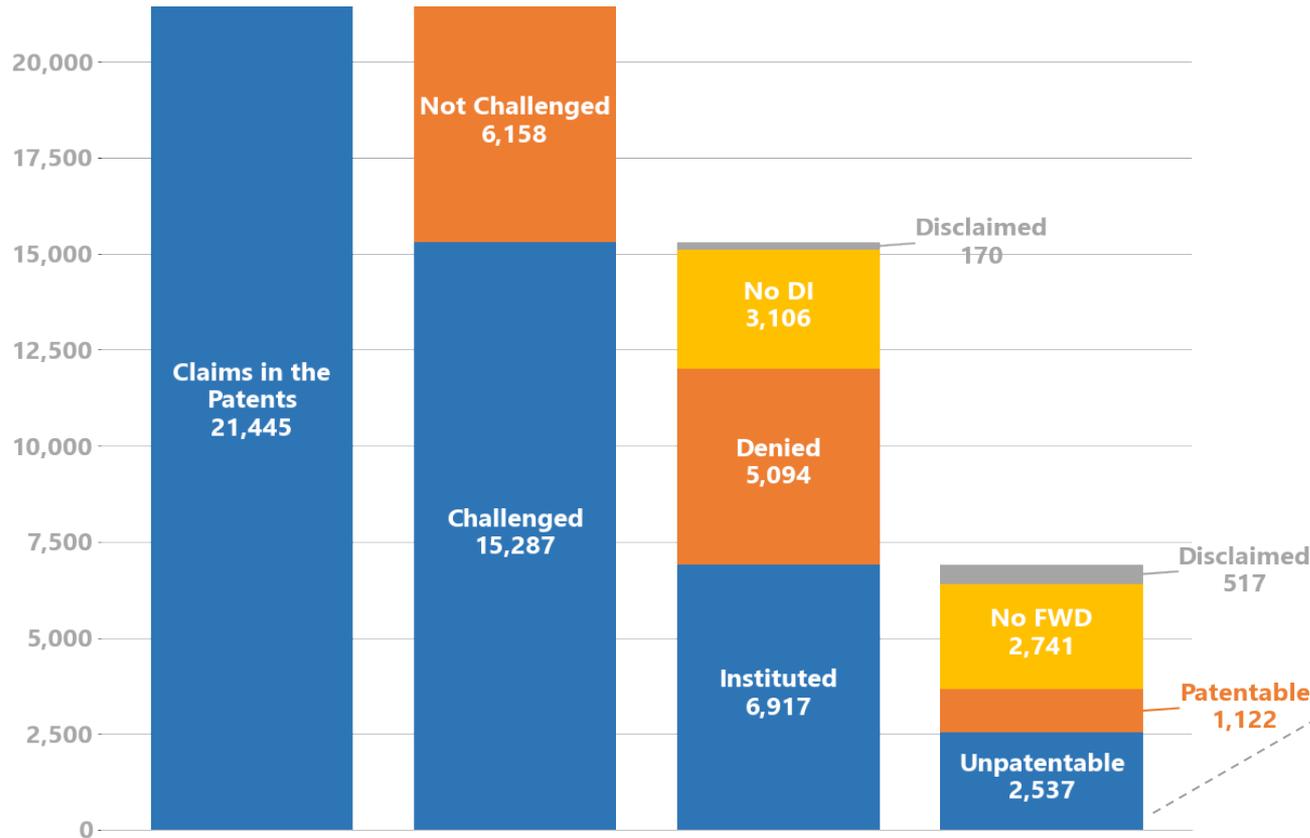
Dismissed
378
2%

“Challenged But No FWD” most commonly refers to settlement, but can also refer to challenged claims subject to mixed non-FWD outcomes, such as both a denial and a dismissal.



Claim outcomes

(FY21 through Q3: Oct. 1, 2020 to Jun. 30, 2021)



*"No DI" and "No FWD" means the claim was challenged but not addressed in a DI/FWD, e.g., due to settlement.

17% of challenged claims and 37% of instituted claims were found unpatentable by a preponderance of the evidence.



