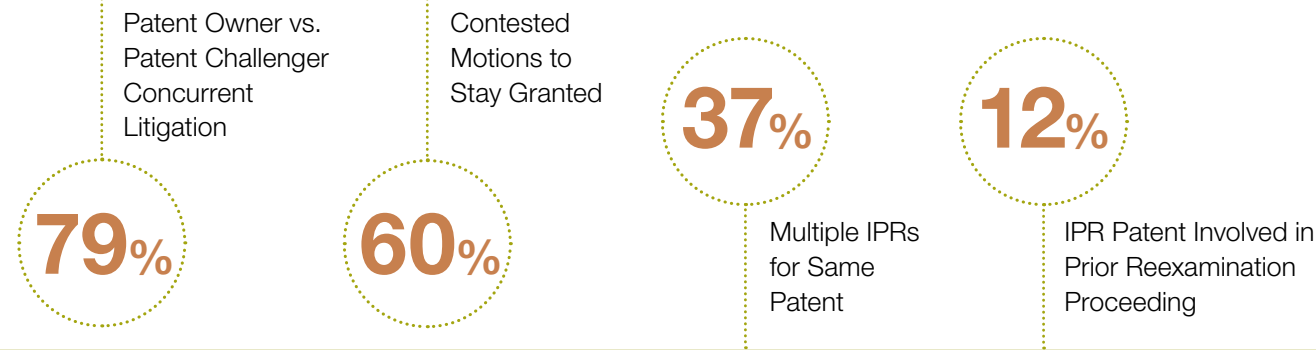
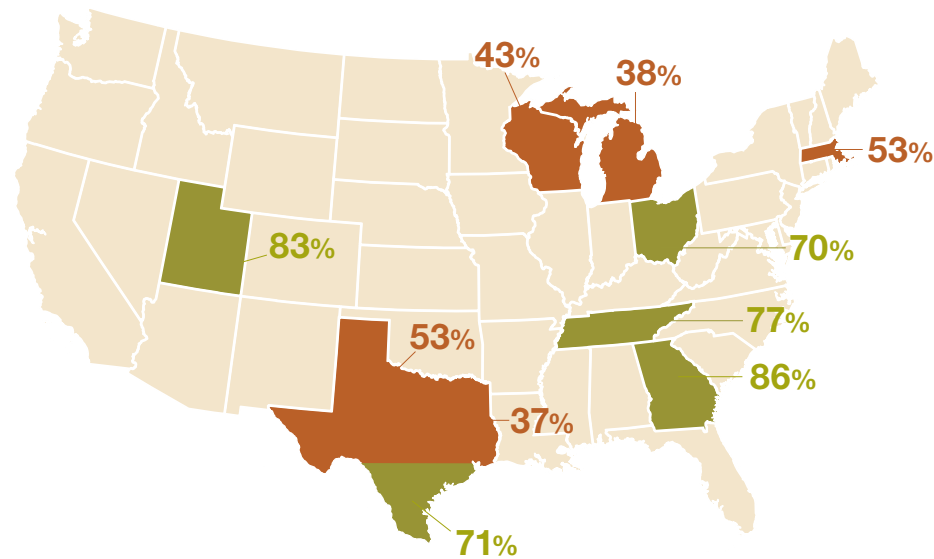


CONCURRENT PROCEEDINGS

Litigation and other Administrative Proceedings Involving the Patent-At-Issue



Increasingly, and to get around the PTAB's onerous Motion to Amend requirements, Patent Owners are filing concurrent reissue or reexamination proceedings to offer a more robust substitute claim set.



COURTS WITH HIGHEST WIN RATE FOR MOTIONS TO STAY⁴

Northern District of Georgia	86%
District of Utah	83%
Western District of Tennessee	77%
Southern District of Texas	71%
Southern District of Ohio	70%

COURTS WITH LOWEST WIN RATE FOR MOTIONS TO STAY⁴

Eastern District of Texas	37%
Eastern District of Michigan	38%
Eastern District of Wisconsin	43%
Northern District of Texas	53%
District of Massachusetts	53%

⁴ For district courts with ten or more decisions on motions to stay

MONEYBALL FOR IPRS

We offer an Unmatched and Unique Statistical Advantage.

Harness Dickey clients benefit from the Firm's expansive and ongoing statistical analysis of IPR decisions. We have analyzed the reasons why a Petition has not succeeded (either at the Decision to Institute or Final Written Decision stage). In this way, as a Petitioner, we can "pressure test" a draft Petition against this data to ensure the highest possible level of success. As a Patent Owner, we evaluate a Petition against this data to determine the best avenues for attacking the Petition, including the identification of key cases that support our argument. In an advanced analysis, we can learn by judge or by subject matter what are the most common mistakes made in Petitions. In short, Harness Dickey clients take advantage of enhanced metrics to give them the highest chance of success in *Inter Partes* review proceedings. Please contact us for more details. – IPR-PGR@hdp.com.

**HARNESS
DICKEY**

We have traveled the world to provide seminars regarding *Inter Partes* Review proceedings to companies, law firms, and other organizations. Interested in having us visit for a presentation? Please email us at ipr-pgr@hdp.com.

IPR-PGR.com

HARNESSING PATENT OFFICE LITIGATION



A Look at Fifty-One Months of *Inter Partes* Review Proceedings Before the United States Patent and Trademark Office



**HARNESS
DICKEY**

VOLUME XVI

9|16|2012 to 12|16|2016

Welcome to **Harness Dickey's** Report on Litigation Practice before the United States Patent Office. Created by the America Invents Act, *Inter Partes* Review proceedings have already changed the face of patent litigation. Lower cost, lower burden of proof to invalidate, broader claim scope, among other advantages to patent challengers,

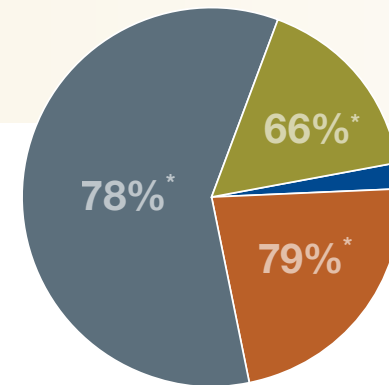
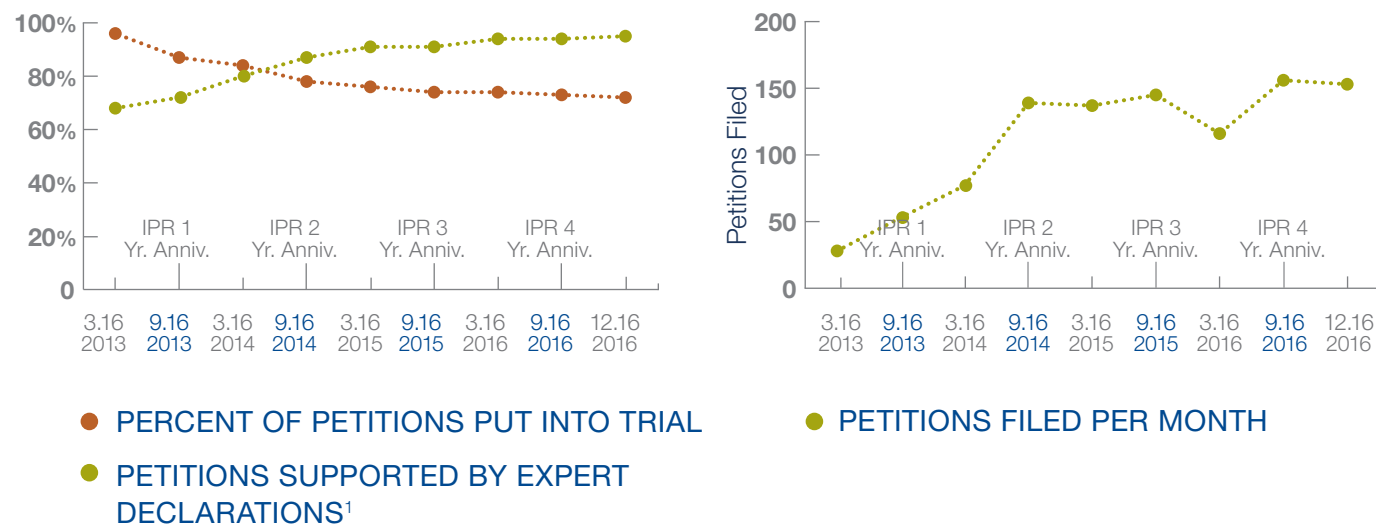
means that there may be no greater opportunity and true reform to come from the America Invents Act than these post-grant proceedings. Our periodic Report will provide insight based on the over 100 characteristics of these proceedings that we are tracking. Our analysis can also be followed at IPR-PGR.com.

76%

**CLAIMS
CANCELED IN
FINAL WRITTEN
DECISION**

While the initial Final Written Decisions were decidedly in favor of Petitioners (a 96.4% cancellation rate as of March 16, 2014), more recent decisions have increasingly sided with Patent Owners, bringing down the total number of canceled claims to 76%. Critics of IPR proceedings try to argue the various ways in which the proceedings are skewed toward Petitioners. It is becoming increasingly clear, however, that the *Inter Partes* Review process has added an efficient and cost-effective avenue to test the patentability of patent claims outside of expensive District Court litigation.

PRELIMINARY STAGE Preliminary Stage of the Proceedings
(Petition Filing through PTAB Trial Initiation Decision)



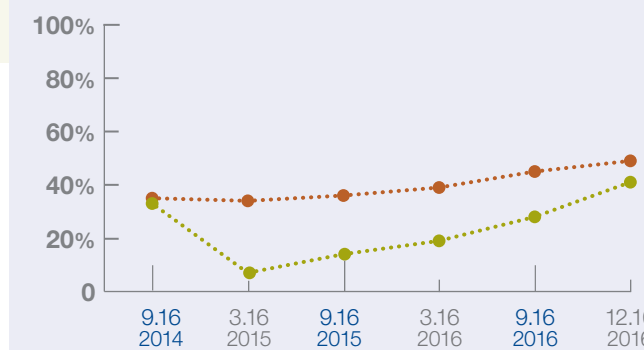
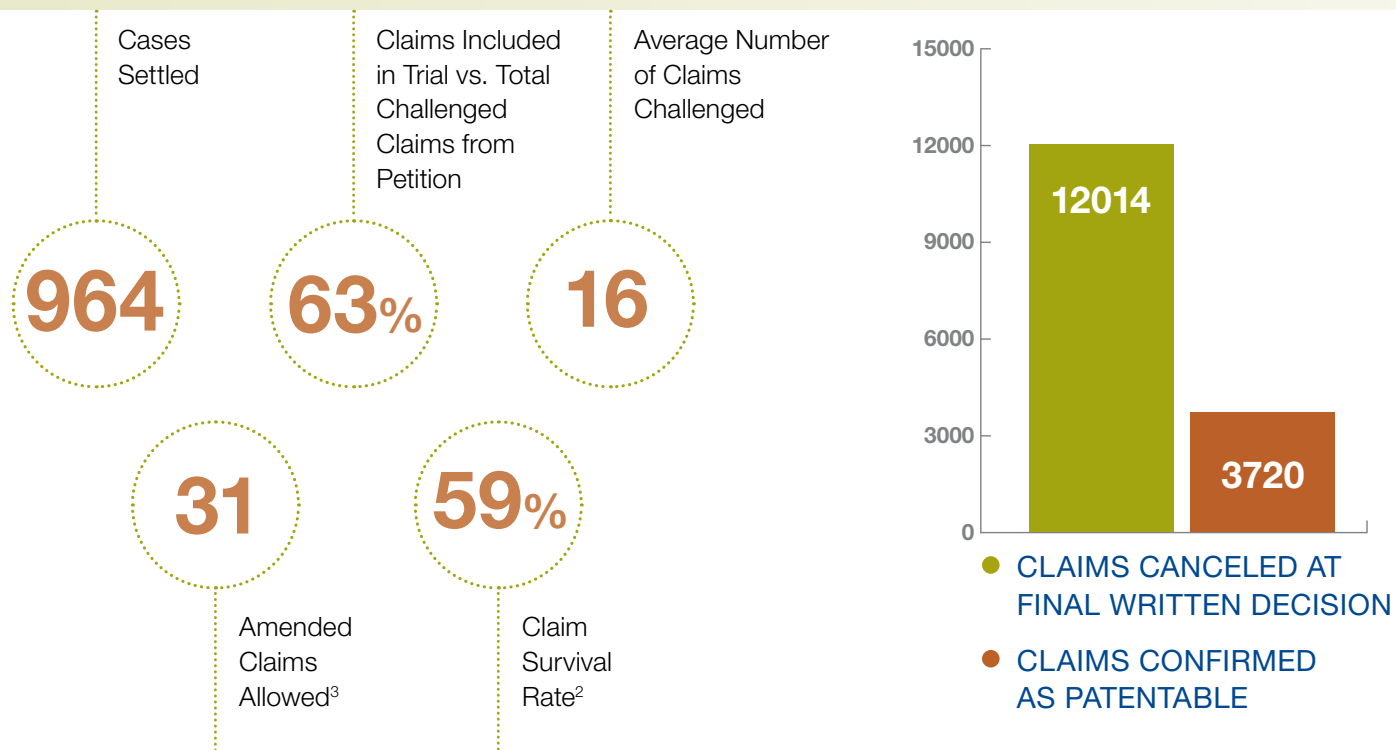
TECHNOLOGY OF CHALLENGED PATENTS CHART

- 921 Chemical and Biotech
- 109 Designs
- 1273 Mechanical and Transportation
- 3300 Electrical and Computer

TOP 6 IPR FILERS

267	
174	
110	
97	
87	
67	

TRIAL STAGE Trial Stage of the Proceedings
(PTAB Trial Initiation Decision through Final Written Decision)



PETITION FILING DECISION TO INSTITUTE FINAL WRITTEN DECISION



¹ Over time, Petitioners have come to recognize that their Petitions must be supported by hard evidence in the form of expert testimony.

² Percent of claims that were confirmed as patentable in a Decision to Institute or Final Written Decision.

³ A total of six motions to amend have been granted through December 16, 2016.

* Claims cancelled in Final Written Decision by subject matter