Panel 2: Inter Partes Review

The Honorable Rama Elluru  PTAB
David McCombs  Haynes and Boone, LLP
Michelle Yang  Director, IP, Samsung

Moderator: Mike Lee  Senior Director, IP, Cisco Systems
IPRs: Agenda

• Lessons learned after four years of PTAB
• Hot topics impacting IPRs today
• The future of PTAB practice and developing trends
• Q&A
PTAB Management

David P. Ruschke, Chief Judge
Scott R. Boalick, Deputy Chief Judge

Vice Chief Judge 1 for Operations
Vice Chief Judge 2 for Operations
Vice Chief Judge 3 for Operations
Vice Chief Judge 4 for Operations
Janet A. Gongola, Vice Chief Judge for Engagement
Board Operations Division Board Executive
PTAB Outreach

- Boardside Chats: start in January 2017
- Stadium Tours with TTAB
  - Spring 2017
  - Fall 2017
- PTAB Bench and Bar: June 2017
- Live AIA Trial Hearing with AIPLA
Narrative:
This pie chart shows the total number of cumulative AIA petitions filed to date broken out by trial type (i.e., IPR, CBM, and PGR).

*Data current as of: 9/30/2016*
**Narrative:**
This bar graph depicts the number of AIA petitions filed each fiscal year, with each bar showing the filings for that fiscal year by trial type (i.e., IPR, CBM, and PGR).

*Data current as of: 9/30/2016*
**Narrative:**
This pie chart shows the total number of AIA petitions filed in the current fiscal year to date as well as the number and percentage of these petitions broken down by technology.

**1683 Total AIA Petitions in FY 16* (Technology Breakdown)**

- **Electrical/Computer - TCs 2100, 2400, 2600, 2800**
  - 935 (55%)

- **Mechanical/Business Method - TCs 3600, 3700**
  - 405 (24%)

- **Chemical - TC 1700**
  - 212 (13%)

- **Bio/Pharma - TC 1600**
  - 115 (7%)

- **Design - TC 2900**
  - 16 (1%)

*Data current as of: 9/30/2016*
Number of Patent Owner Preliminary Responses

- Patent Owner Preliminary Responses (POPR) filed 84% of the time (all AIA Trials through FY16)

- Rule change effective May 1, 2016 allowing new testimonial evidence (NTE) in POPRs

- NTE included with 40% of POPRs since rule change
Institution Rate per FY (IPR, PGR, CBM)

Narrative:
This graph shows the percentage of decisions on institution by fiscal year by trials instituted (including joinders*) in IPR, CBM, and PGR proceedings. A trial that is instituted in part is counted as an institution in this graph.

*Data current as of: 9/30/2016
Narrative:
This chart shows the percentage of petitions instituted of all decisions on petition, by technology area.

*Data current as of: 9/30/2016*
Narrative:
This graph shows a stepping stone visual depicting the outcomes for all IPR petitions filed to-date that have reached a final disposition.

*Data current as of: 9/30/2016*
Narrative:
This graph shows a stepping stone visual depicting the outcomes for all CBM petitions filed to-date that have reached a final disposition.

*Data current as of: 9/30/2016*
Narrative:
This chart shows claim outcomes for instituted trials, by technology area.

Note: Claims involved in instituted trials that settle or are dismissed are not depicted. Accordingly, a bar may not add up to 100%.

*Data current as of: 9/30/2016

* Includes IPR and CBM trial outcomes
IPR Outcomes – Patent Owners

Magic 8 Ball’s Poll Question # 1

Which type of patent owner fares better at final written decision?

(A) Operating companies

(B) NPEs

(C) No discernable difference
NPE Patents Lose Slightly More Often at Final Decision

Petition Outcomes at Final Written Decision by Patent Owner

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<th>Patent Owner</th>
<th>Instituted Claims</th>
<th>Challenged Claims</th>
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<tr>
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Source: RPX Research; PTAB database. Decisions through 3Q 2016, counting joined petitions once. Excludes requests for adverse judgment. Based on most common patent owner type, if multiple owners appeared.
IPRs Outcomes - Petitioners

Magic 8 Ball’s Poll Question # 2

Which type of petitioner fares better at final written decision?

(A) Operating companies

(B) Defensive aggregators

(C) No discernable difference
## Most Successful Petitioners at Final Decision

### Final Written Decision Outcomes by Petitioner

*Compares same petitioners at Final Written Decision.*

<table>
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<tr>
<th>Petitioner</th>
<th>All Claims Unpatentable</th>
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<th>No Claims Unpatentable</th>
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IPRs

Q&A