

# LegalMetric

## **LegalMetric District Report Texas Western District Court in Patent Cases**

**January 2017-September 2021**

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# Overview

This report covers the patent cases of the active judges in the Texas Western District Court as of November 2021 (the date of the most recent LegalMetric docket download for this court). Cases of inactive judges are not included.

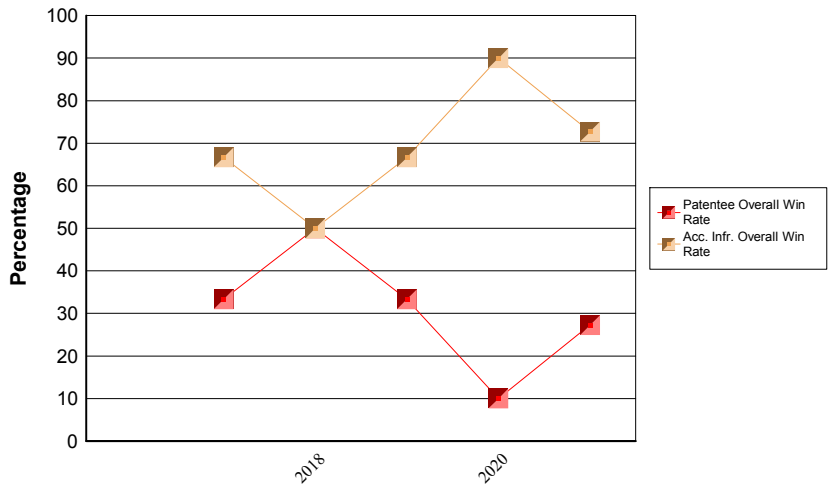
The number of cases, judgments, contested judgments, and trials for this court are shown below.

	Number
<b>Total Cases</b>	2083
<b>Open Cases</b>	865
<b>Closed Cases</b>	1218
<b>Judgments</b>	34
<b>Contested Judgmnts</b>	21
<b>Trials</b>	4
<b>Bench</b>	0
<b>Jury</b>	4

The overall win rate, contested win rate, and trial win rate for the patentee are shown to the right and the corresponding times to termination are shown below. Contested win rates do not include consent and default judgments.

	Months
<b>All Cases</b>	7.2
<b>Judgments</b>	21.5
<b>Contested</b>	26.4
<b>Trial</b>	25.9
<b>Bench</b>	
<b>Jury</b>	25.9

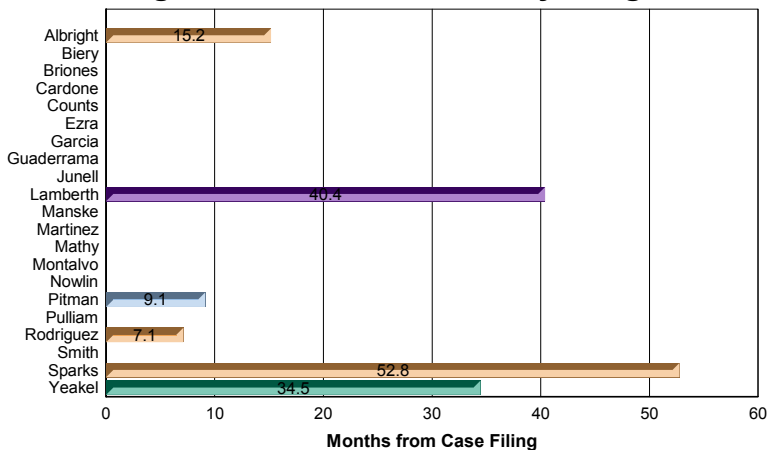
## Patentee and Accused Infringer Overall Win Rate by Year



	Pat. Win Rate	Accused Win Rate
<b>Overall</b>	26.5	73.5
<b>Contested</b>	4.8	95.2
<b>Trial</b>	25.0	75.0
<b>Bench</b>		
<b>Jury</b>	25.0	75.0

**Color Scheme:** Red in the tables indicates a win rate more than 10% more favorable to the ACCUSED INFRINGER, or a pendency time at least 6 months SLOWER than the national average. Yellow indicates a win rate from 0% to 10% more favorable to the ACCUSED INFRINGER, or a pendency time from 0 to 6 months SLOWER than the national average. Bright (lime) green indicates a win rate from 0% to 10% more favorable to the PATENTEE, or a pendency time from 0 to 6 months FASTER than the national average. And dark green indicates a win rate more than 10% more favorable to the PATENTEE than the national average, or a pendency time over 6 months FASTER than the national average.

## Average Time to Termination by Judgment



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The average and median award amounts for this district are:

Average: \$200,000  
Median: \$200,000

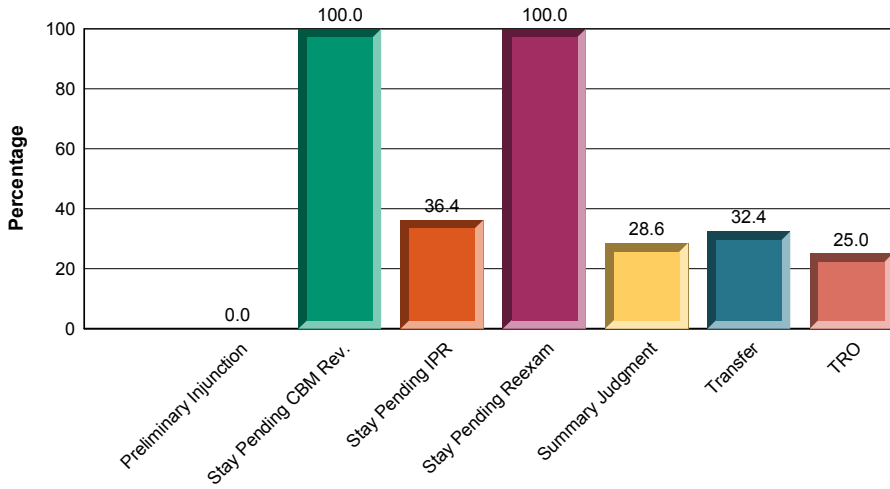
Appeals:

	Number of Appeals	Complete Affirmance Rate
<b>Total</b>	31	25.0

**Motions and Claim Construction:**

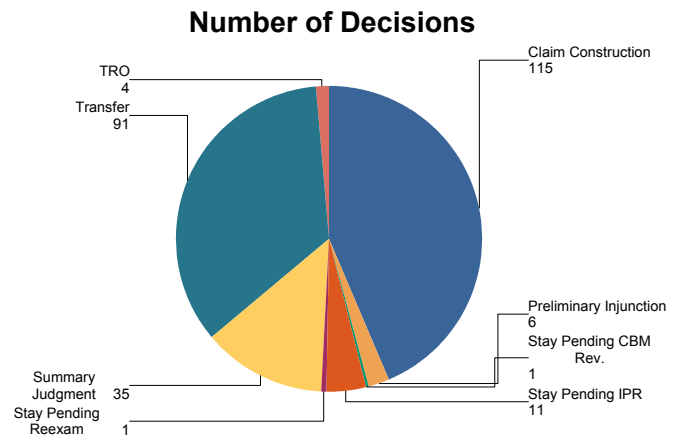
The win rates on various motions for the district (if any), along with the number of decisions and the number of claim construction decisions are shown below.

**Win Rates on Contested Motions**



	Win Rate
Stay Pending CBM Rev.	100.0
Stay Pending IPR	36.4
Stay Pending Reexam	100.0
Summary Judgment	28.6
Transfer	32.4
TRO	25.0

	Number of Decisions
Claim Construction	115
Preliminary Injunction	6
Stay Pending CBM Rev	1
Stay Pending IPR	11
Stay Pending Reexam	1
Summary Judgment	35
Transfer	91
TRO	4



**Alice Motions:** The number of Alice motions and win rates on those motions are shown below, by motion type.

		<b>Total</b>	
		<b>Win Rate</b>	<b>Number of Decisions</b>
<b>Total</b>		41.9	31
<b>Texas Western</b>	<b>Total</b>	41.9	31
	<b>Dismissal Motion</b>	21.7	23
	<b>Judgment on the Pleadings</b>	100.0	6
	<b>Summary Judgment</b>	100.0	2

## Home Field Advantage?

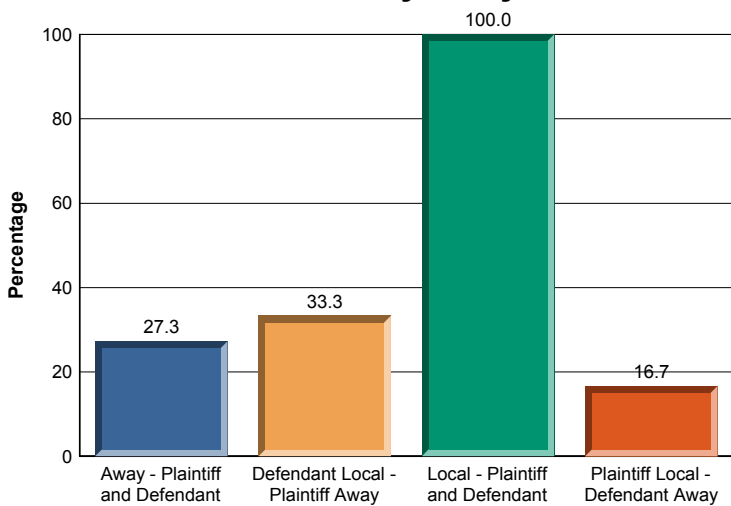
The plaintiff and defendant contested win rates in Texas Western District Court are shown below, broken out by party location:

(Away - Plaintiff and Defendant (neither side located in the forum), Defendant Local - Plaintiff Away (only defendant located in the forum), Local - Plaintiff and Defendant (both sides located in the forum) and Plaintiff Local - Defendant Away (plaintiff local - defendant not).

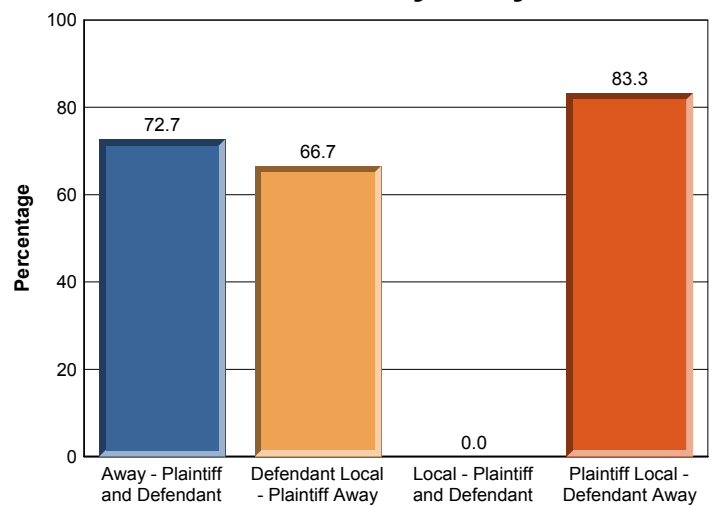
Not all courts fit the expected pattern of favoring local plaintiffs. Many courts in fact show a distinct preference for non-local plaintiffs.

The win rate charts are followed by a chart illustrating the fractions of contested judgment cases (cases in which a judgment is entered in favor of a party, but excluding consent and default judgments) for each category (all local plaintiffs, etc.). Many well-known patent venues tend to have a large segment of cases in the "Away - Plaintiff and Defendant" category.

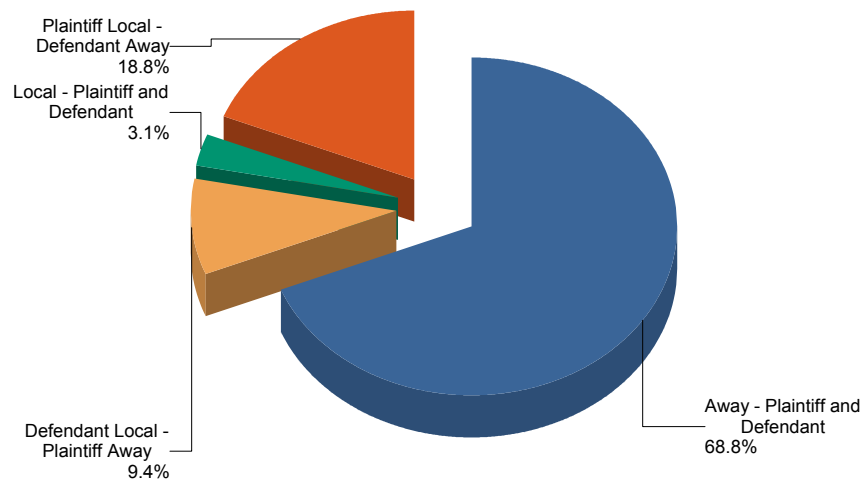
### Plaintiff Win Rate, by Party Location



### Defendant Win Rate, by Party Location



### Fraction of Contested Judgments, by Party Location



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