LegalMetric

LegalMetric District Report
Texas Eastern District Court
in Patent Cases

January 2017-September 2021

Overview

This report covers the patent cases of the active judges in the Texas Eastern 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
Total Cases	3564
Open Cases	469
Closed Cases	3095
Judgments	156
Contested Judgmnts	117
Trials	42
Bench	6
Jury	36

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
All Cases	10.6
Judgments	22.7
Contested	23.5
Trial	29.4
Bench	38.8
Jury	27.8

Patentee and Accused Infringer Overall Win Rate by Year

	Pat. Win Rate
Overall	32.1
Contested	21.4
Trial	59.5
Bench	50.0
Jury	61.1
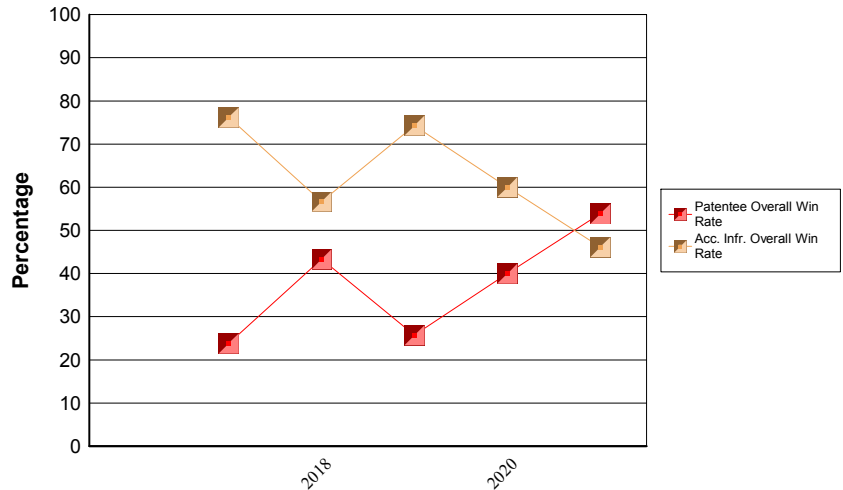
	Accused Win Rate
Overall	67.9
Contested	78.6
Trial	40.5
Bench	50.0
Jury	38.9

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
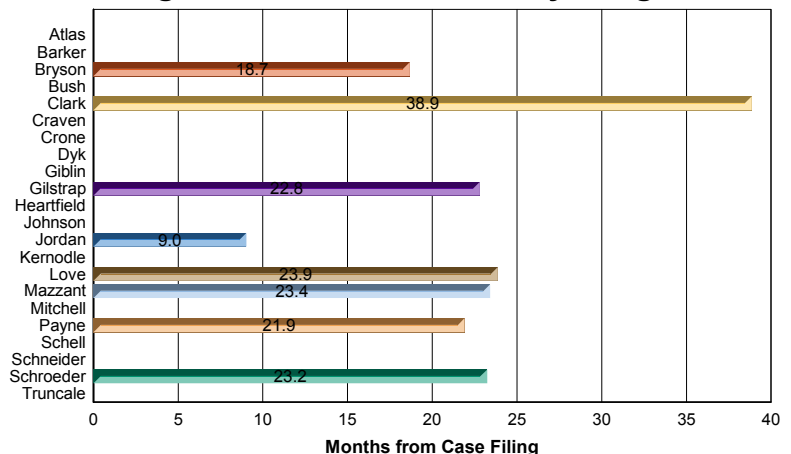
Larger Version in Body of Report

The average and median award amounts for this district are:
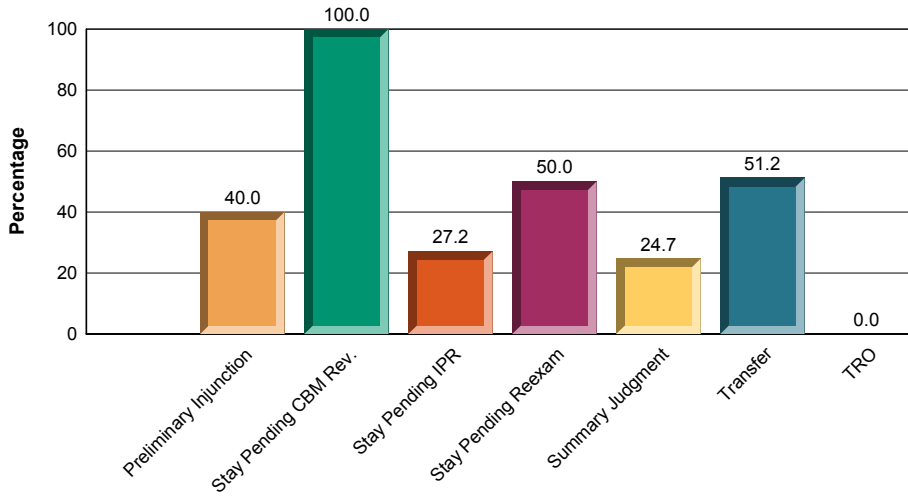Average: $103,689,279
Median: $20,000,000

Appeals:	Number of Appeals	Complete Affirmance Rate
Total	59	76.7

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
Preliminary Injunction	40.0
Stay Pending CBM Rev.	100.0
Stay Pending IPR	27.2
Stay Pending Reexam	50.0
Summary Judgment	24.7
Transfer	51.2

	Number of Decisions
Claim Construction	194
Preliminary Injunction	5
Stay Pending CBM Rev	1
Stay Pending IPR	92
Stay Pending Reexam	14
Summary Judgment	253
Transfer	211
TRO	1

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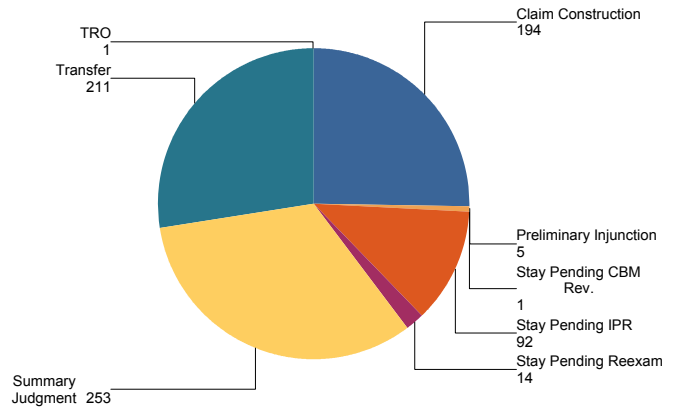
Alice Motions: The number of Alice motions and win rates on those motions are shown below, by motion type.

|		Total	
		Win Rate	**Number of Decisions**
Total		30.8	180
Texas Eastern	**Total**	30.8	180
	Dismissal Motion	35.9	135
	Judgment on the Pleadings	13.0	27
	Summary Judgment	19.4	18

Home Field Advantage?

The plaintiff and defendant contested win rates in Texas Eastern 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.
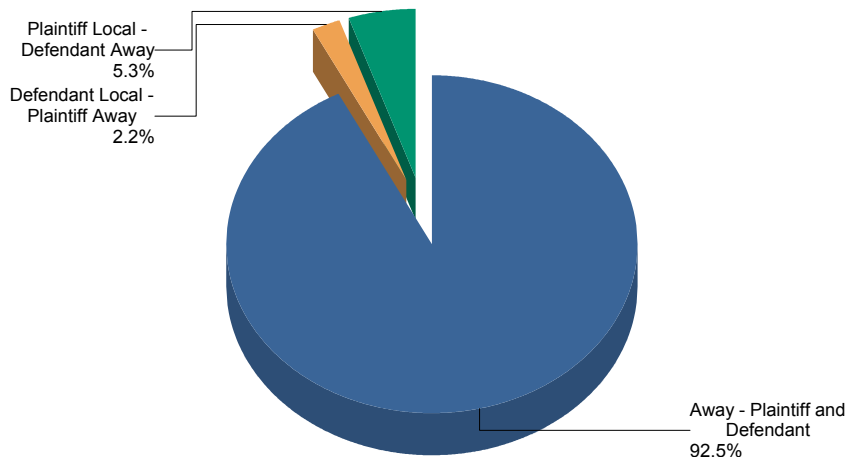
Plaintiff Win Rate, by Party Location
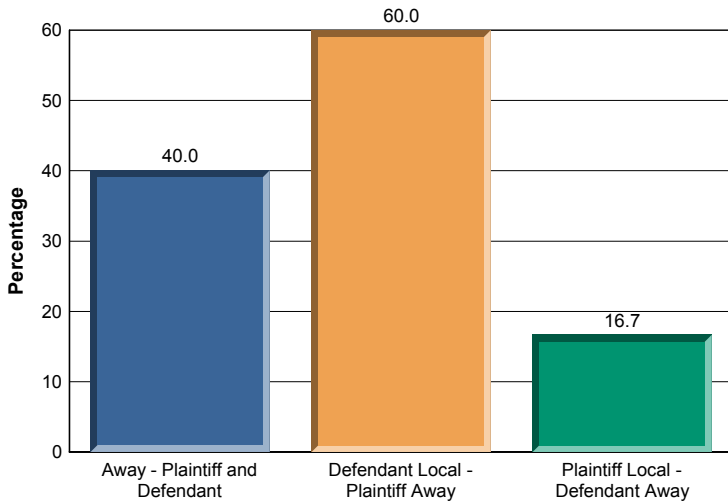
Defendant Win Rate, by Party Location
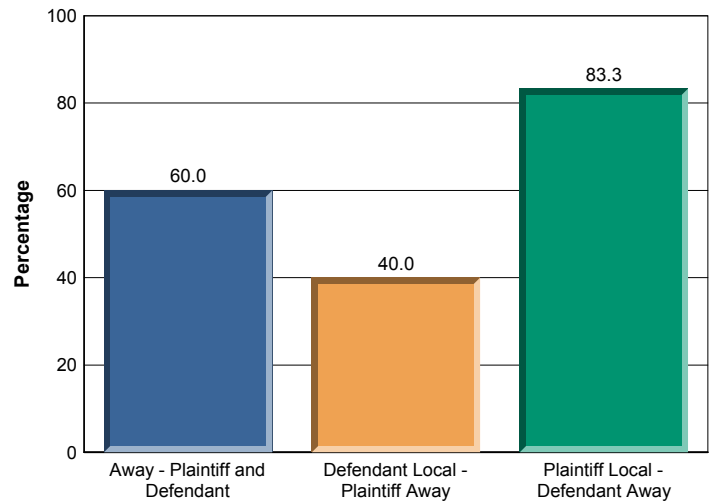
Fraction of Contested Judgments, by Party Location

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