

**Foreigners in U.S. Patent Litigation:
An Empirical Study of Patent Cases
Filed in Nine U.S. Federal District Courts
in 2004, 2009, and 2012**

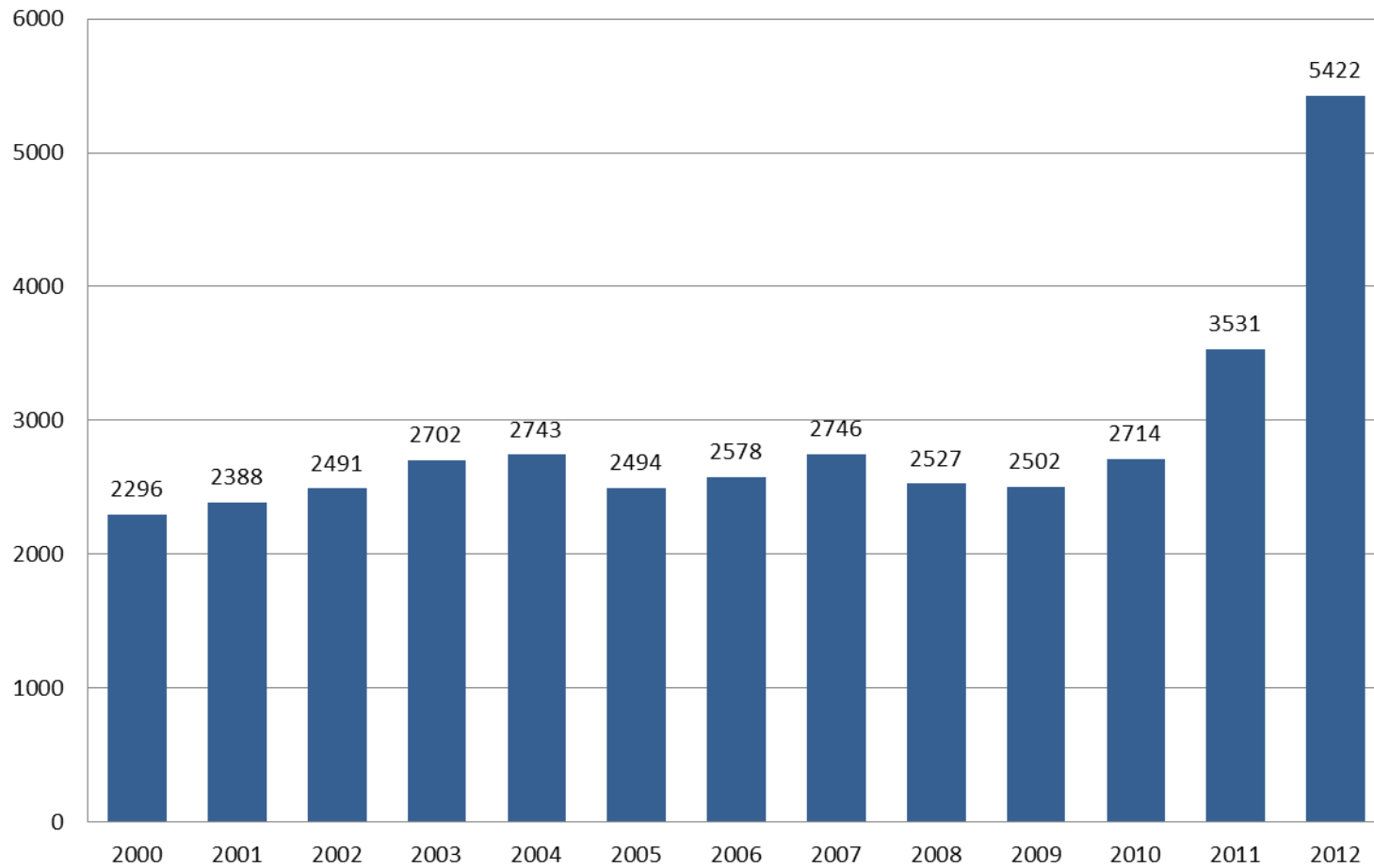
Marketa Trimble

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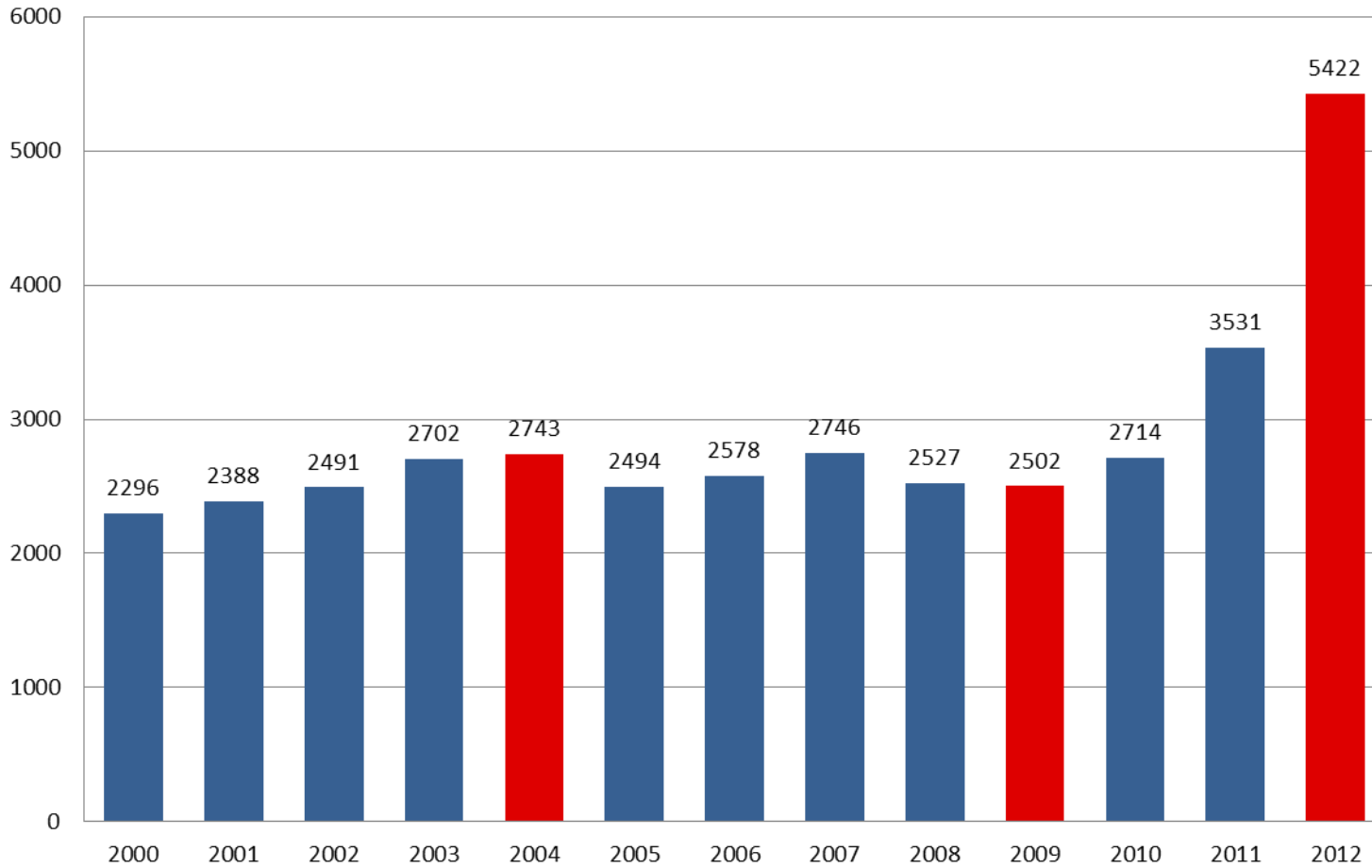
- **Questions asked**
- **2011 article with data for 2004 and 2009**
- **Statistical studies since 2010**
- **Selection of nine U.S. federal district courts**
- **Data sources**
- **Findings**

Marketa Trimble, *Foreigners in U.S. Patent Litigation: An Empirical Study of Patent Cases Filed in Nine U.S. Federal District Courts in 2004, 2009, and 2012*, 17 *Vanderbilt J. Ent. & Tech. L.* ... (2014) (forthcoming)

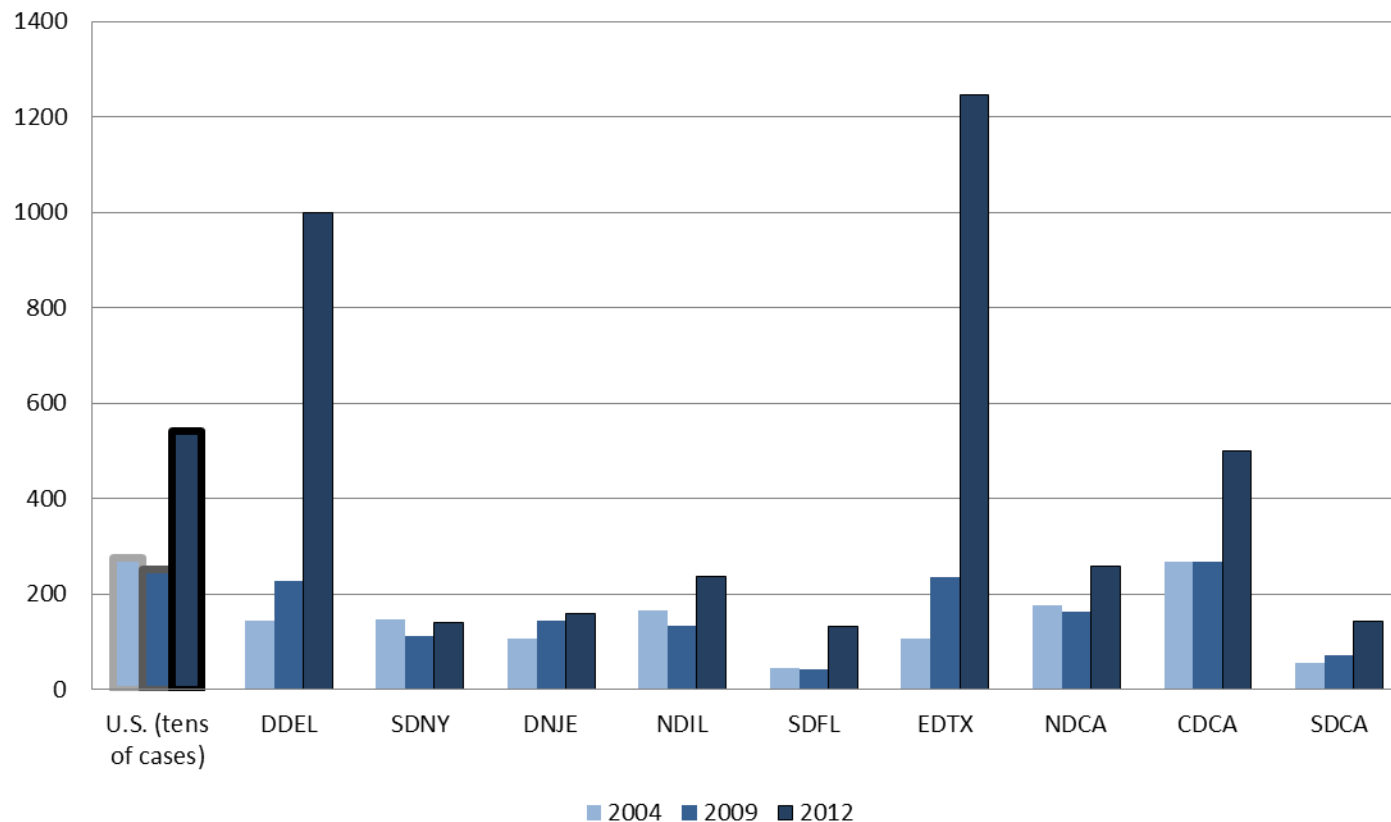
Patent cases filed in U.S. federal district courts in 2000 - 2012



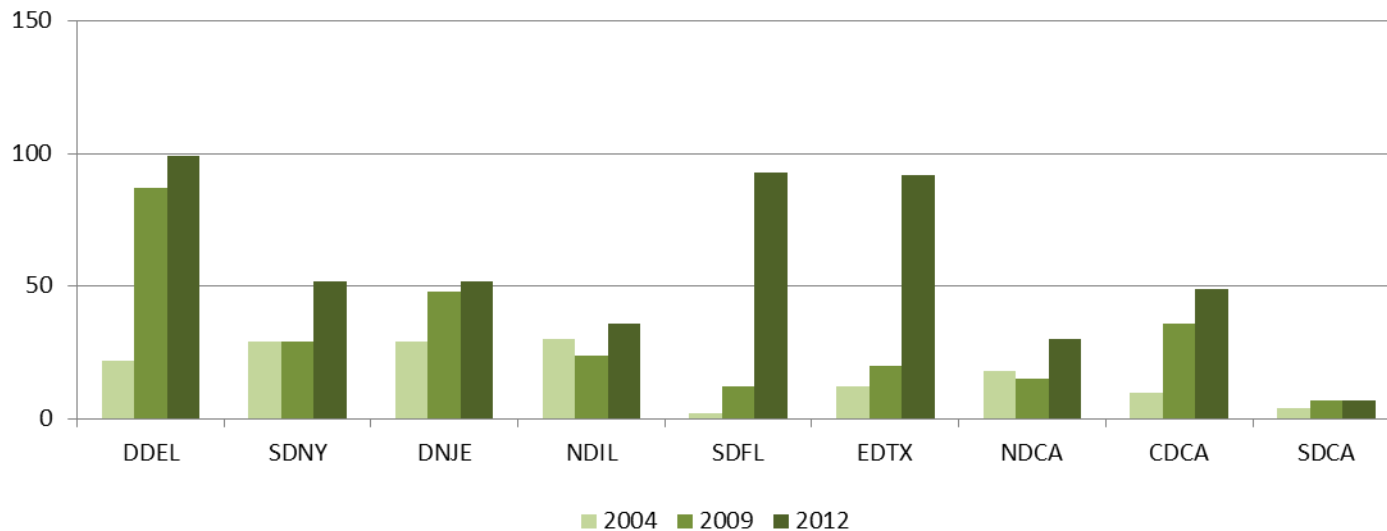
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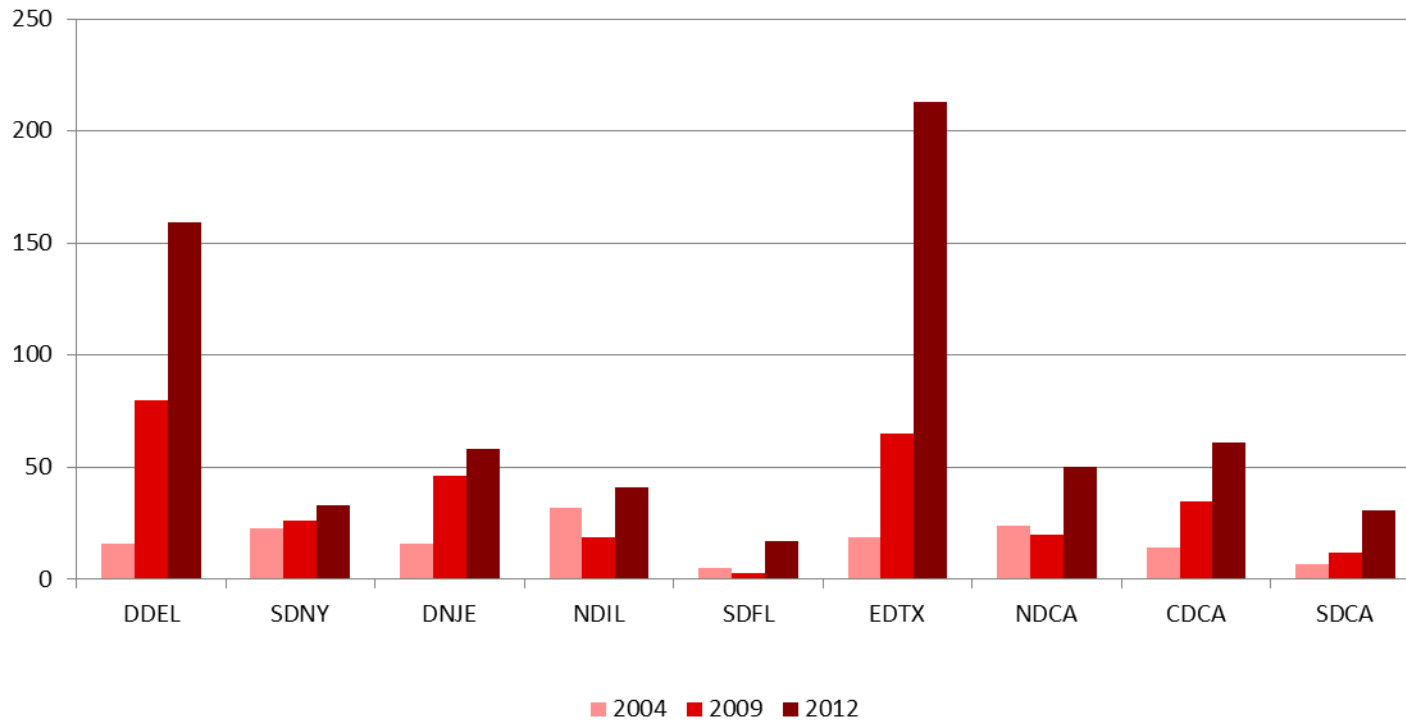
Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012



Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012, in which at least one plaintiff was a foreign person or entity



Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012, in which at least one defendant was a foreign person or entity

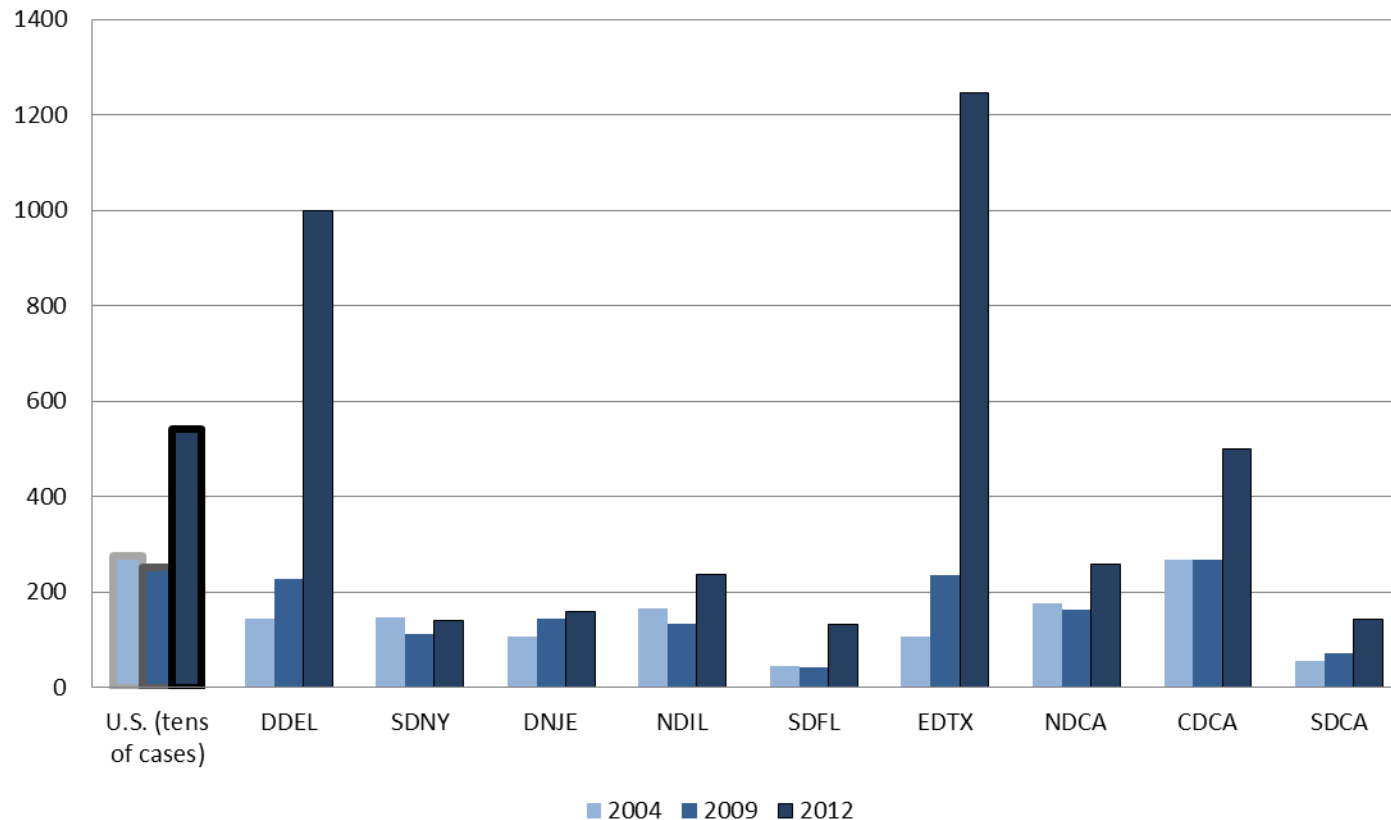


Patent Troll-Related Findings

- Cotropia, Kesan & Schwartz, 2013: NPEs filed 50% of suits in 2012
- RPX Corporation, 2013: PAEs filed 62% of all patent suits in 2012

- DDEL and EDTX
- a “repeat plaintiff” = a plaintiff who filed ten or more patent lawsuits in a single court in 2012

Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012



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- DDEL and EDTX
- a “repeat plaintiff” = a plaintiff who filed ten or more patent lawsuits in a single court in 2012

- DDEL, 2012:
 - 27 plaintiffs filed ten or more patent lawsuits in the district court in 2012
 - one of them filed 58 lawsuits
 - the lawsuits filed by the 27 plaintiffs accounted for 50% of all patent cases filed in DDEL in 2012

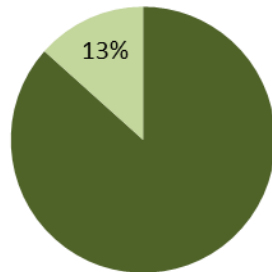
- EDTX, 2012:
 - 34 plaintiffs filed ten or more patent lawsuits in the district court in 2012
 - one of them filed 98 lawsuits
 - the lawsuits filed by the 34 plaintiffs accounted for 69% of all patent cases filed in EDTX in 2012

Patent Troll-Related Findings

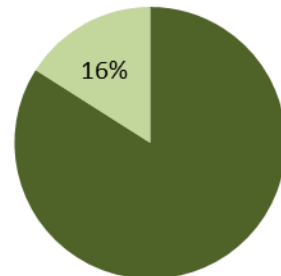
- Did the repeat plaintiff cases distort the numbers of patent cases filed by foreign plaintiffs and/or against foreign defendants?
- The 2012 data had to be cleaned of “repeat plaintiffs” - of 81 plaintiffs who filed ten or more patent lawsuits in the nine district courts taken as a whole; together these repeat plaintiffs filed 51% of the total number of all patent lawsuits filed in the nine district courts that year

Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012, in which at least one plaintiff was a foreign person or entity, as a percentage of the total number of patent cases filed in the nine districts

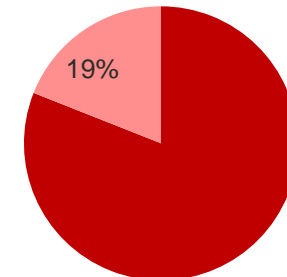
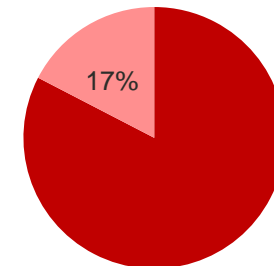
➤ All cases



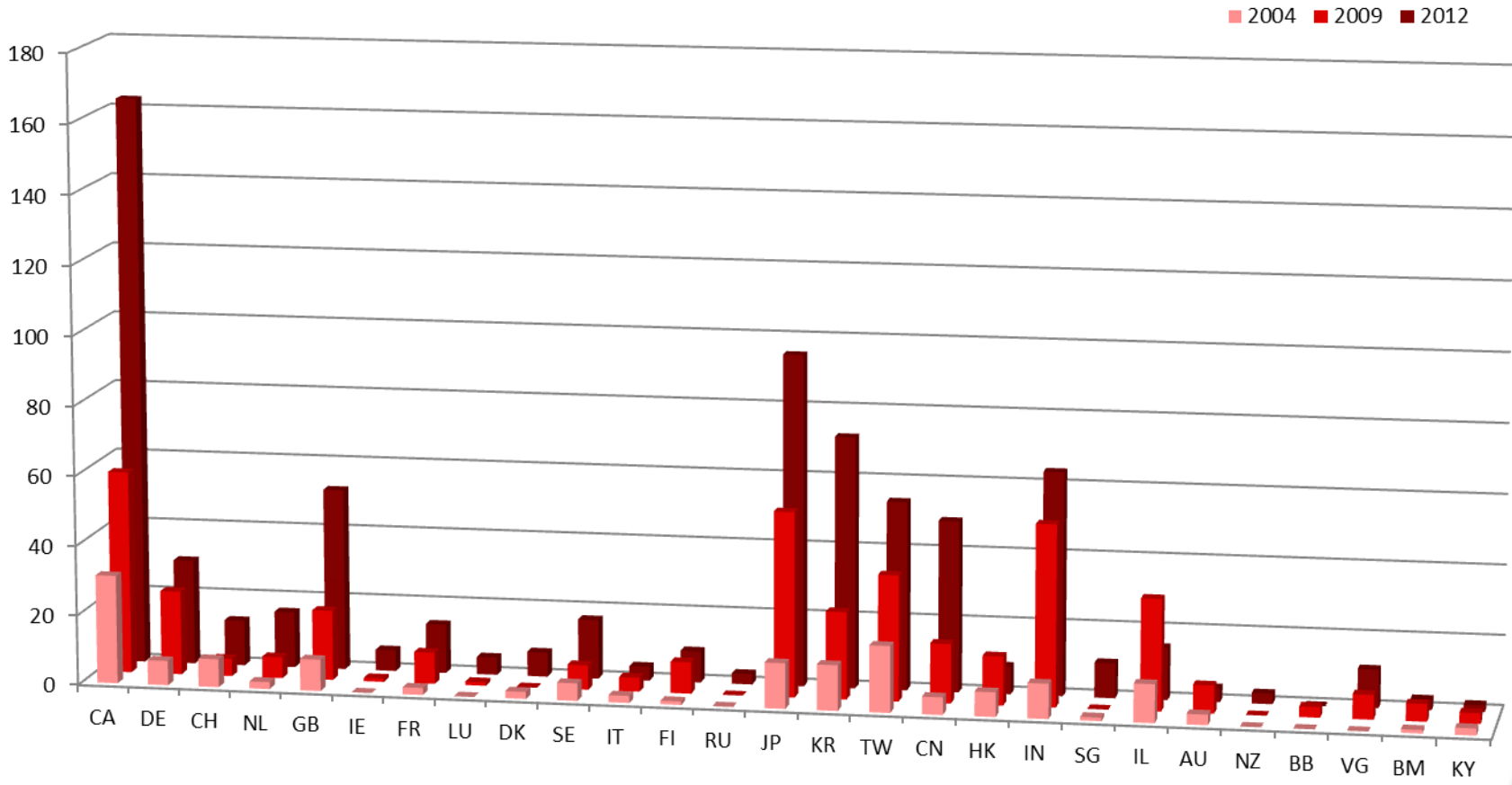
➤ All cases minus cases filed by repeat plaintiffs



Patent cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012, in which at least one defendant was a foreign person or entity, as a percentage of the total number of patent cases filed in the nine districts



Countries of defendants in cases filed in nine selected U.S. federal district courts in 2004, 2009, and 2012 (all countries represented that appeared three or more times in at least one of the three years)



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