

Figure 1

District Courts Chosen to Participate in Pilot Program

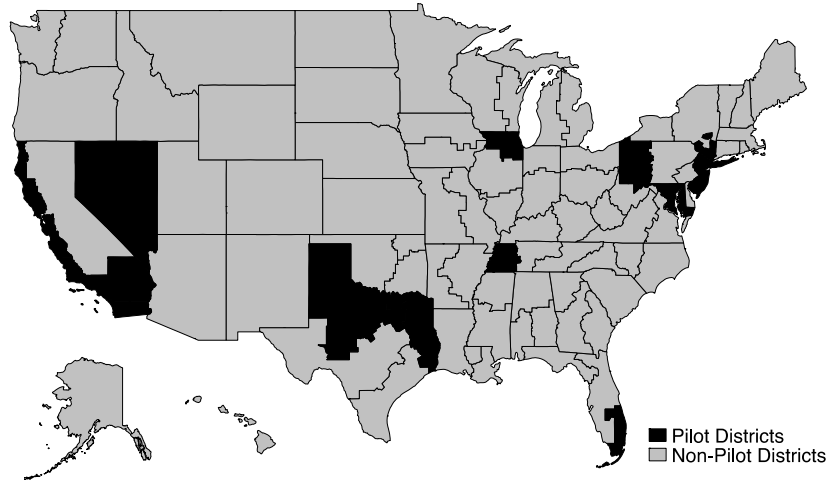


Table 1: Pilot Program Patent Cases and Judgeships

(as originally chosen on September 2011)

District	Cases Filed from Sept. 2011-Sept. 2016	Pilot Program Judgeships	Percent of District's Judges
N.D.Cal.	1,122	5 District Judges, 7 Magistrate Judges	39%
S.D.Cal.	616	5	29%
C.D.Cal.	1,901	6	16%
D.Nev.	182	4	30%
E.D.Tex.	7,943	6	71%
N.D.Tex.	382	3	21%
N.D.Ill.	1,012	10	26%
S.D.N.Y.	698	10	20%
E.D.N.Y.	179	6 District Judges, 9 Magistrate Judges	53%
D.N.J.	1,030	11	44%
W.D.Pa.	100	6	38%
D.Md.	149	3	17%
W.D.Tenn.	59	2	43%
S.D.Fla. ¹	699	3	12%

¹ The Southern District of Florida left the pilot program in 2014. *Patent Pilot Program in Southern District of Florida Scrubbed*, ASSOULINE & BERLOWE (Aug. 13, 2014), <https://assoulineberlowe.wordpress.com/2014/08/13/patent-pilot-program-in-southern-district-of-florida-scrubbed/> [https://perma.cc/6EJA-BWMX].

Figure 2

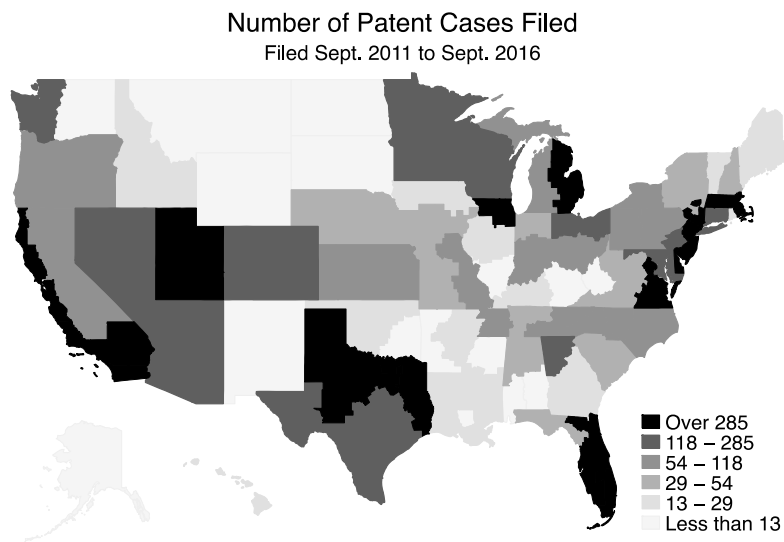


Figure 3

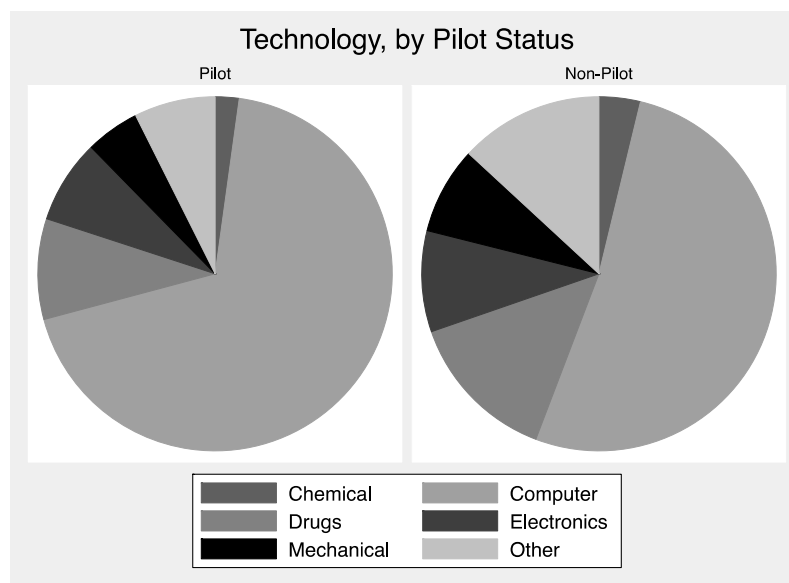


Figure 4

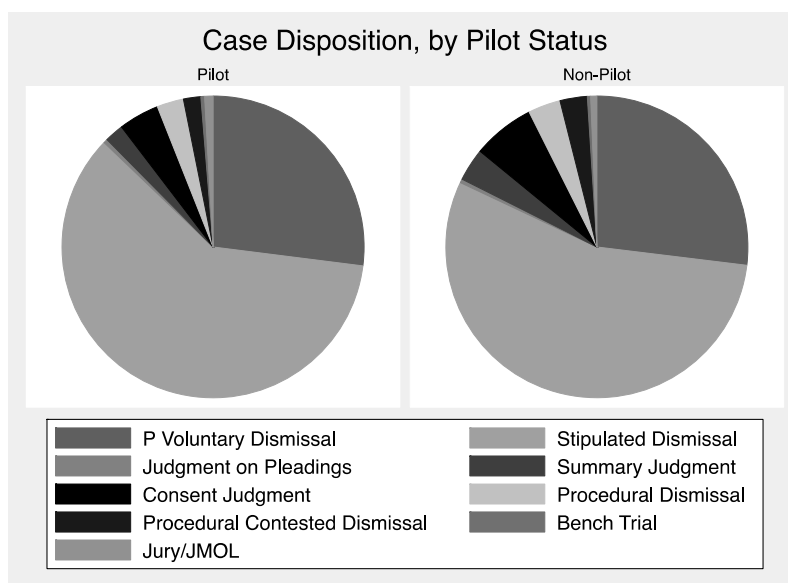


Table 2: Patent Experience by Pilot Judge Status

	Pilot Judge	Non-Pilot Judges
Mean Judicial Tenure	11.1	13.0
Median Judicial Tenure	11	12
Mean Terminated Patent Cases	201.7 (101.1)*	93.2 (69.2)*
Median Terminated Patent Cases	81 (73)*	28 (28)*
Mean Claim Construction Hearings	17.0 (8.7)*	8.3 (4.6)*
Median Claim Construction Hearings	7 (6)*	3 (2)*
Mean Patent Trials	4.4 (2.5)*	2.4 (1.4)*
Median Patent Trials	2 (1)*	1 (1)*

* Numbers in parentheses represent figures excluding judges from the Eastern District of Texas in pilot courts and the District of Delaware in the non-pilot courts.

Table 3: Rate of Appeal for Patent Cases

	All Cases	Unique Cases
C.D.Cal.	4.3 (3.1)*	5.6 (4.7)*
N.D.Cal.	10.2 (6.7)*	9.6 (5.6)*
S.D.Cal.	6.9 (5.9)*	8.2 (9.2)*
E.D.Tex.	1.9 (1.7)*	5.0 (4.8)*
N.D.Tex.	5.5 (5.0)*	6.4 (5.8)*
S.D.N.Y.	6.2 (8.1)*	6.8 (7.5)*
E.D.N.Y.	3.3 (2.9)*	2.0 (1.4)*
S.D.Fla.	4.4 (5.6)*	8.0 (13.0)*
D.Nev.	5.6 (5.5)*	7.4 (7.0)*
N.D.Ill.	3.8 (3.9)*	5.5 (5.1)*
D.N.J.	6.0 (7.5)*	6.0 (7.5)*
D.Md.	4.1 (3.6)*	5.9 (2.9)*
W.D.Pa.	7.5 (7.7)*	10.8 (11.3)*
W.D.Tenn.	5.2 (5.3)*	4.2 (4.4)*
D.Del.	5.8	9.4
D.Mass.	6.5	9.2
N.D.Tex.	5.5	6.4
W.D.Wash.	11.2	9.2
W.D.Wis.	8.4	11.0
M.D.Fla.	3.1	4.3
E.D.Va.	9.8	14.5
W.D.Tex.	4.8	4.4
D.Minn.	4.3	3.1
D.Utah	3.9	4.2
E.D.Mich.	0	0

*Signifies cases from pilot judge in a pilot district.

Figure 5

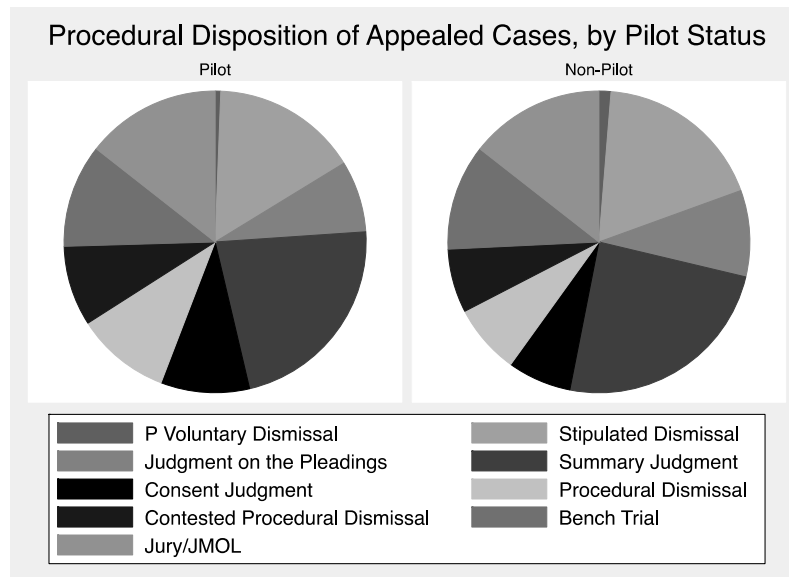


Figure 6

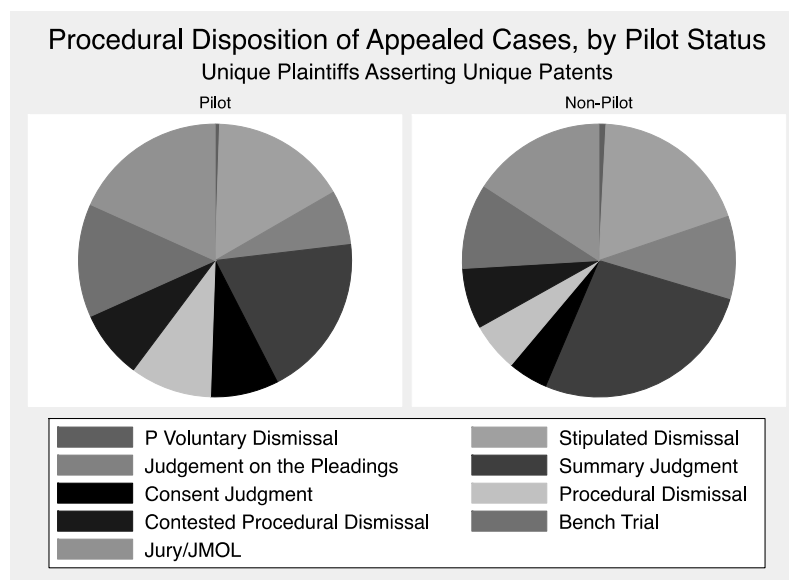


Figure 7

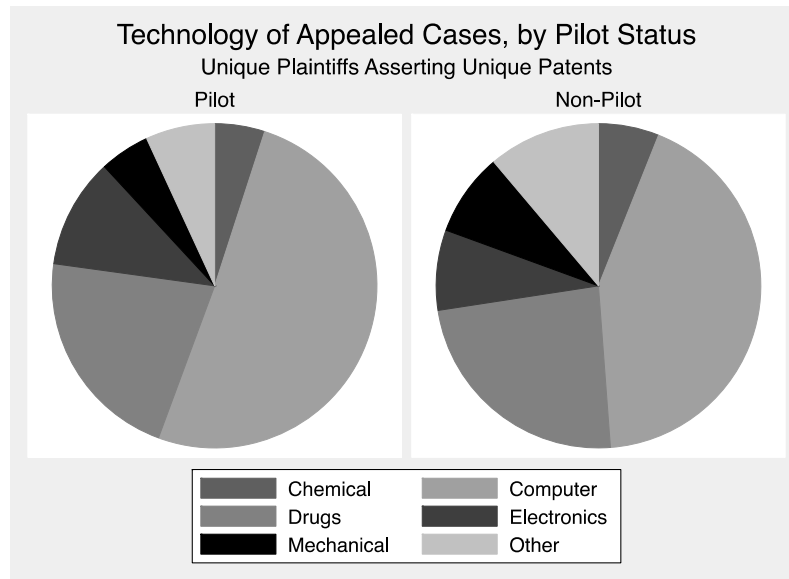


Figure 8

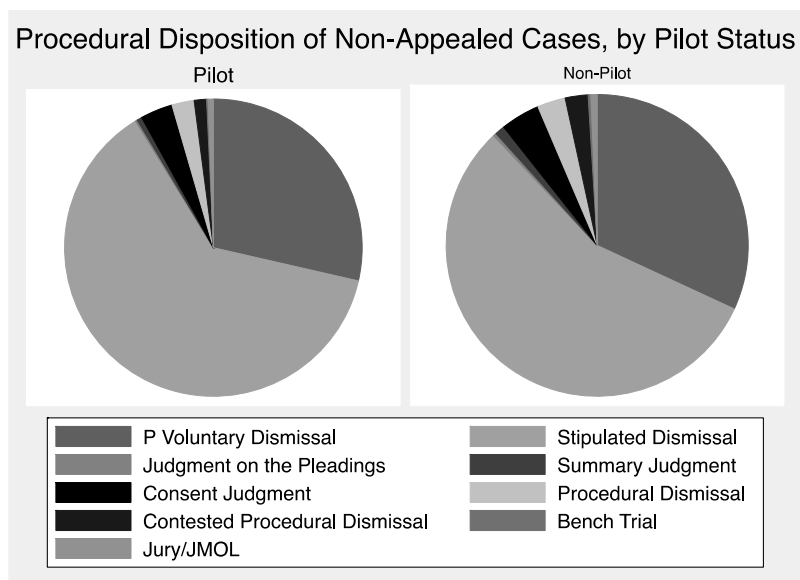


Table 4: Descriptive Statistics of Select Variables, Substantive Appealed Cases

Variable	Med.	Mean	Std. Dev.	Min.	Max.
Pilot Judge	0	0.41	0.49	0	1
Pilot District	1	0.60	0.49	0	1
Pilot Judge+DE	1	0.57	0.50	0	1
Median Cases	1	0.67	0.47	0	1
# Patent Cases	1,991	2,917.52	1,974.81	1	5,115
Tenure	3	4.99	6.17	0	50
Designated Judge	0	0.18	0.39	0	1
Docket	28	59.93	96.58	5	1,952
High-Volume P	0	0.39	0.49	0	1
Pleadings	0	0.22	0.41	0	1
Sum. Jud.	1	0.84	0.37	0	1
Bench Trial	0	0.12	0.33	0	1
Jury Trial/JMOL	0	0.13	0.33	0	1
PI	0	0.04	0.19	0	1
Claim	0	0.34	0.47	0	1
Infringe	0	0.14	0.35	0	1
Validity	1	0.57	0.50	0	1
Inequit. Cond.	0	0.02	0.15	0	1
Chemical	0	0.03	0.17	0	1
Computers	1	0.59	0.49	0	1
Drug	0	0.12	0.33	0	1
Electronics	0	0.08	0.28	0	1
Mechanical	0	0.07	0.25	0	1
Other Technology	0	0.11	0.31	0	1
Lower Court	0	0.48	0.50	0	1
Filing Year	0	2014	2013	2011	2016
CAFC Ideology	-0.48	-0.48	-0.48	-0.48	0.72

Table 5: Logit Estimation of Likelihood of CAFC Overruling Decision in Full

	Model 1	Model 2	Model 3	Model 4
	Pilot	Pilot Dist.	Pilot+DE	Median
Specialized	-0.118 (0.462)	-0.081 (0.456)	-0.118 (0.462)	-0.168 (0.442)
Patent Cases	-0.0001 (0.0002)	-0.0001 (0.0002)	-0.0001 (0.0002)	-0.0001 (0.0002)
Tenure	0.046* (0.019)	0.046* (0.020)	0.046* (0.019)	0.048** (0.018)
Designated	-1.019* (0.470)	-1.027* (0.467)	-1.019* (0.470)	-1.005* (0.480)
Docket	0.001 (0.0008)	0.001 (0.0008)	0.001 (0.0008)	0.001 (0.0008)
Claim	0.843* (0.369)	0.844* (0.371)	0.843* (0.369)	0.856* (0.382)
High-Vol.	1.574*** (0.385)	1.570*** (0.386)	1.574*** (0.385)	1.600*** (0.384)
Infringe	-1.130** (0.424)	-1.121** (0.426)	-1.130** (0.424)	-1.114** (0.432)
Validity	-0.387 (0.378)	-0.379 (0.377)	-0.387 (0.378)	-0.370 (0.374)
Inequ. Cond.	0.276 (1.160)	0.275 (1.154)	0.276 (1.160)	0.247 (1.161)
Precedent	0.780* (0.370)	0.780* (0.371)	0.780* (0.370)	0.774* (0.376)
Procedural	Included	Included	Included	Included
Lower Ct.	Included	Included	Included	Included
Technology	Included	Included	Included	Included
Ideology	Included	Included	Included	Included
District Ct.	Included	Included	Included	Included
Year	Included	Included	Included	Included
_cons	-2.965*** (0.765)	-2.953*** (0.831)	-2.965*** (0.765)	-2.956*** (0.778)
<i>N</i>	434	434	434	434

Standard errors in parentheses clustered by judge. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 6: Logit Estimation of Likelihood of CAFC Overruling Decision in Part

	Model 1	Model 2	Model 3	Model 4
	Pilot	Pilot Dist.	DE+Pilot	Median
Specialized	-0.257 (0.389)	-0.110 (0.370)	-0.257 (0.389)	-0.141 (0.352)
Patent Cases	0.00002 (0.0002)	-0.00006 (0.0002)	0.00002 (0.0002)	0.000007 (0.0002)
Tenure	0.033* (0.016)	0.033* (0.017)	0.033* (0.016)	0.034* (0.016)
Designated	-1.044** (0.357)	-1.064** (0.355)	-1.044** (0.357)	-1.048** (0.356)
Docket	0.002*** (0.0006)	0.002*** (0.0006)	0.002*** (0.0006)	0.002*** (0.0006)
Claim	0.964** (0.325)	0.960** (0.327)	0.964** (0.325)	0.969** (0.332)
High-Vol.	1.296** (0.408)	1.283** (0.407)	1.296** (0.408)	1.307** (0.407)
Infringe	-0.594 (0.328)	-0.577 (0.333)	-0.594 (0.328)	-0.575 (0.332)
Validity	0.011 (0.352)	0.024 (0.351)	0.011 (0.352)	0.028 (0.349)
Inequ. Cond.	0.178 (1.178)	0.183 (1.165)	0.178 (1.178)	0.172 (1.162)
Precedent	1.236*** (0.260)	1.244*** (0.261)	1.236*** (0.260)	1.245*** (0.261)
Procedural	Included	Included	Included	Included
Lower Ct.	Included	Included	Included	Included
Technology	Included	Included	Included	Included
Ideology	Included	Included	Included	Included
District Ct.	Included	Included	Included	Included
Year	Included	Included	Included	Included
_cons	-2.061** (0.701)	-2.074** (0.723)	-2.061** (0.701)	-2.100** (0.703)
<i>N</i>	434	434	434	434

Standard errors in parentheses clustered by judge. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Figure 9

