

UNITED STATES
PATENT AND TRADEMARK OFFICE





PTAB Trial Statistics

October 2022

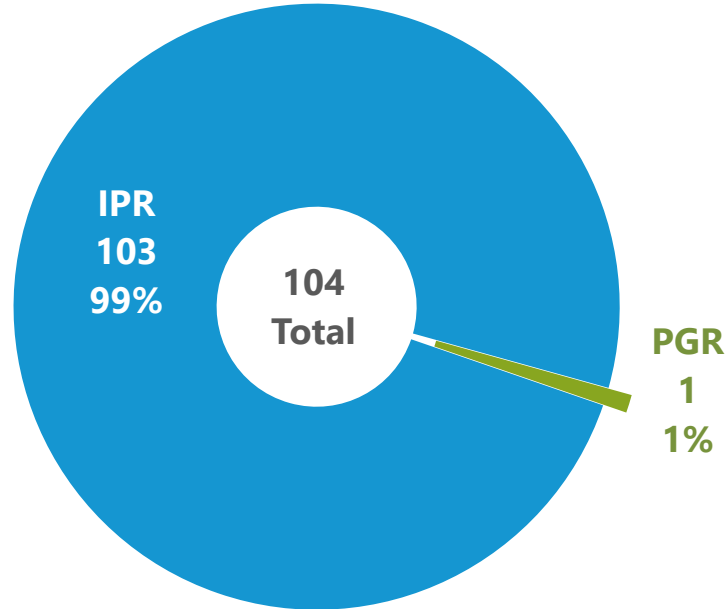
IPR, PGR

Patent Trial and Appeal Board



Petitions filed by trial type

(FY23 through October: Oct. 1, 2022 to Oct. 31, 2022)

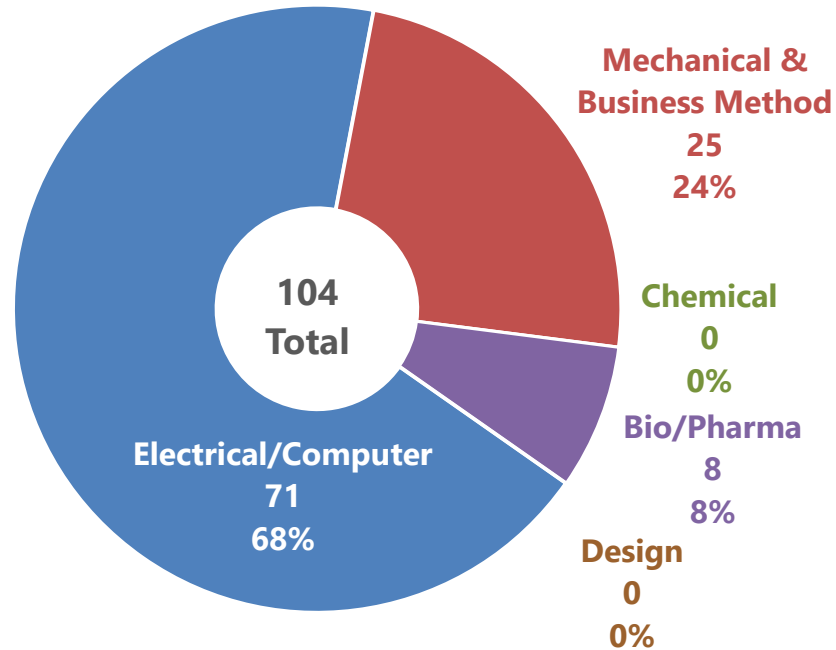


Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).



Petitions filed by technology

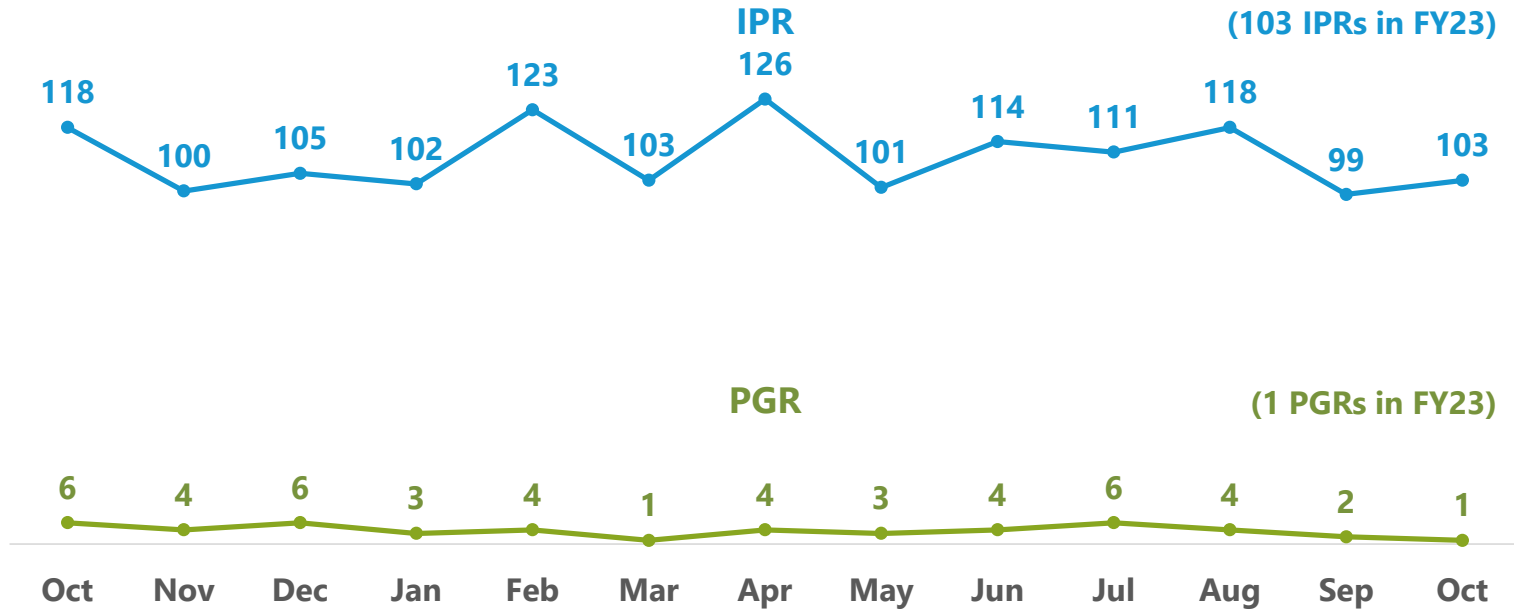
(FY23 through October: Oct. 1, 2022 to Oct. 31, 2022)



uspto

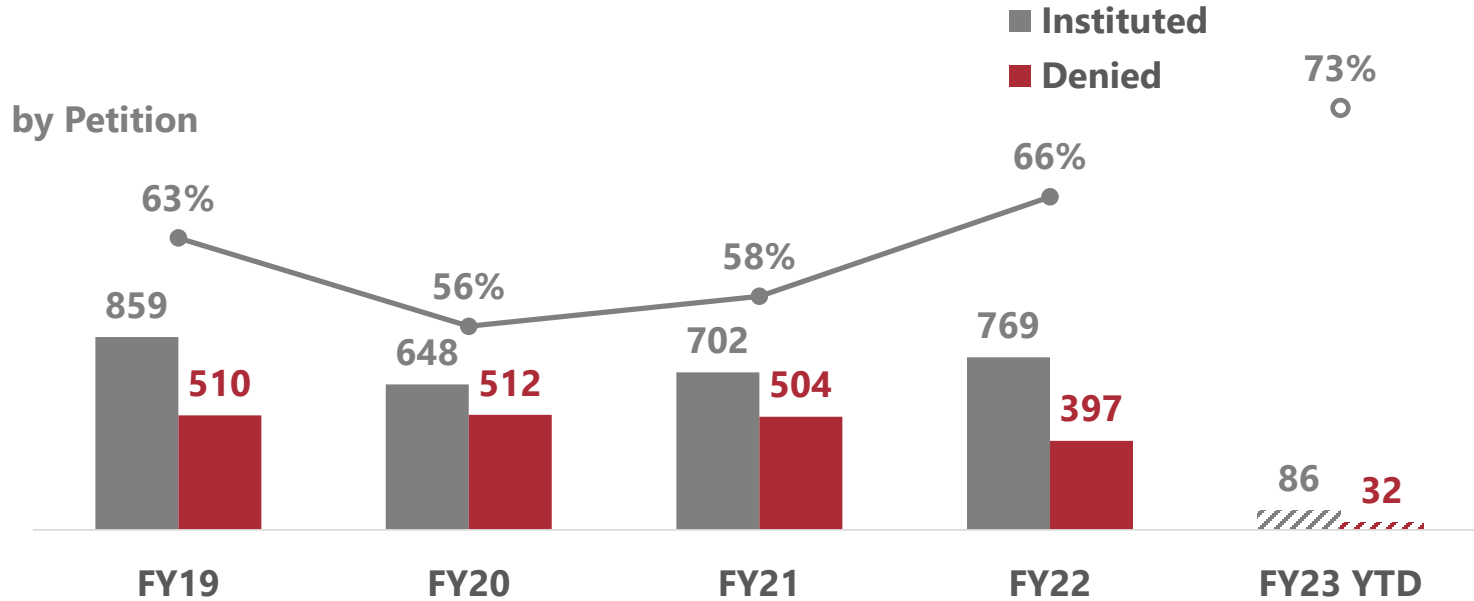
Petitions filed by month

(Oct. 2022 and Previous 12 Months: Oct. 1, 2021 to Oct. 31, 2022)



Institution rates by petition

(FY19 to FY23 through October: Oct. 1, 2018 to Oct. 31, 2022)

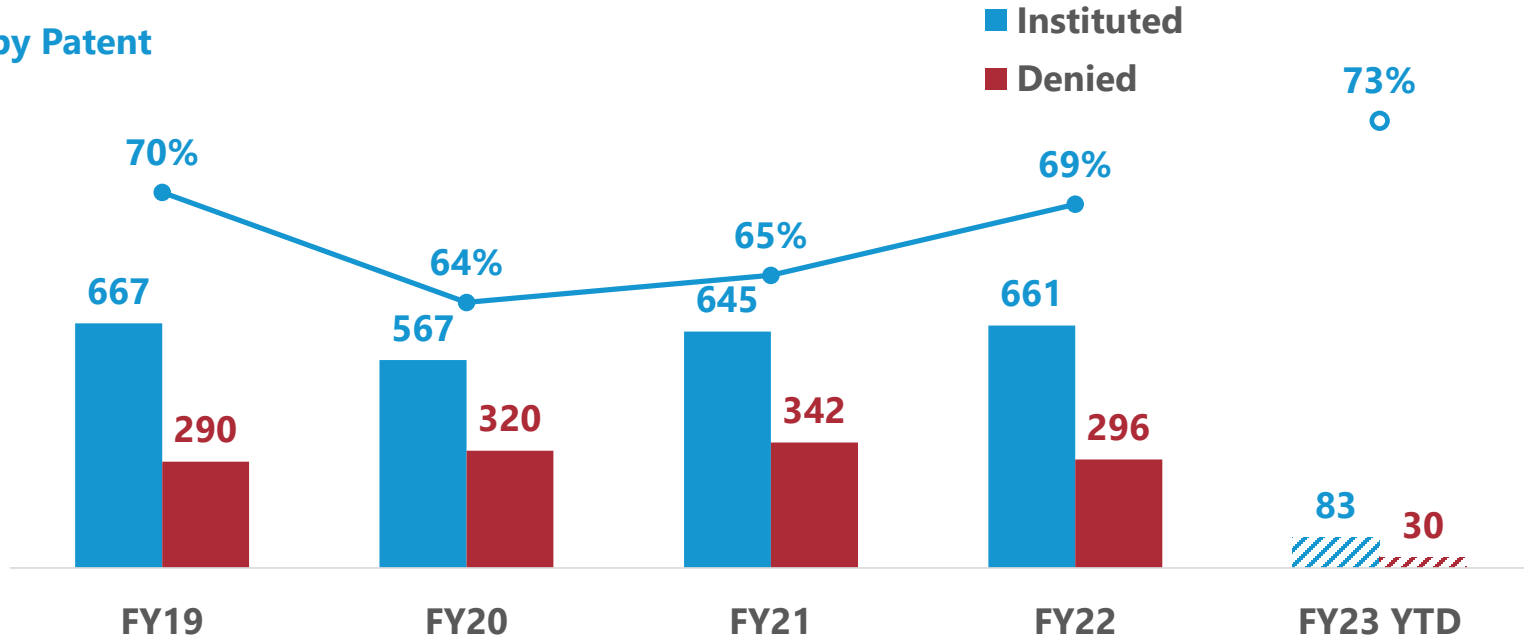


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Institution rates by patent

(FY19 to FY23 through October: Oct. 1, 2018 to Oct. 31, 2022)

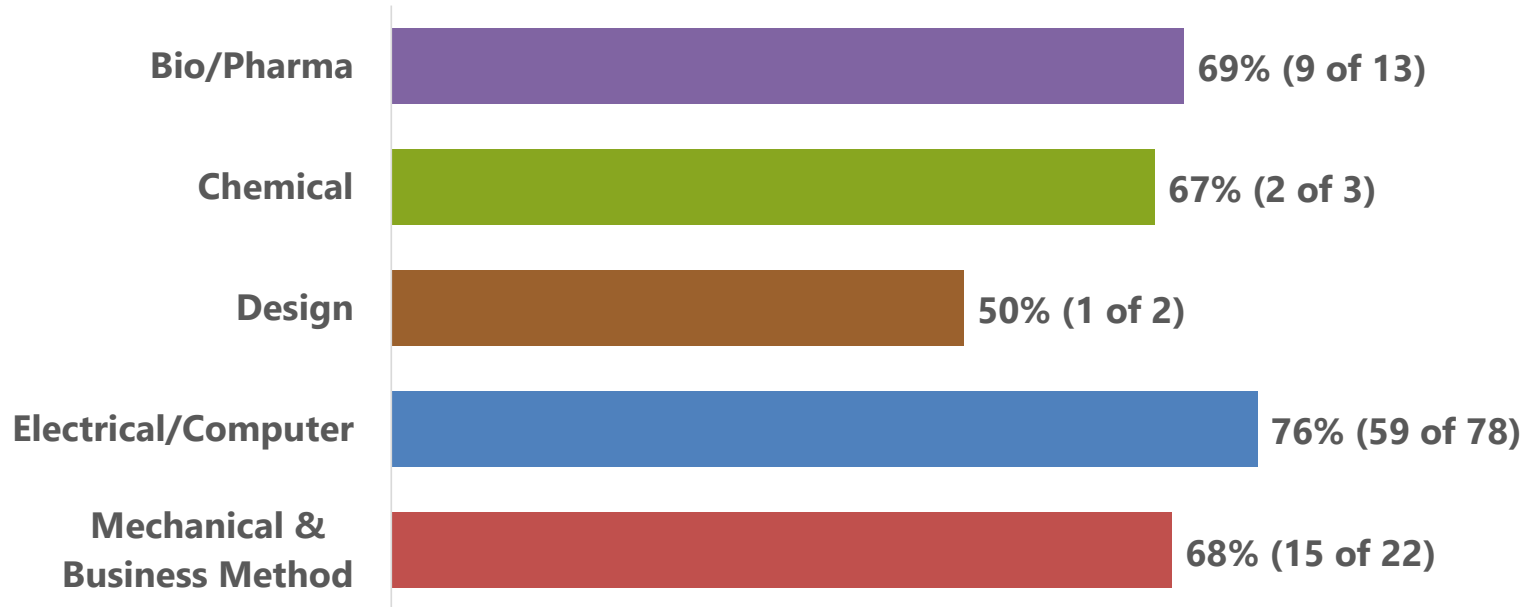
by Patent



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Institution rates by technology

(FY23 through October: Oct. 1, 2022 to Oct. 31, 2022)

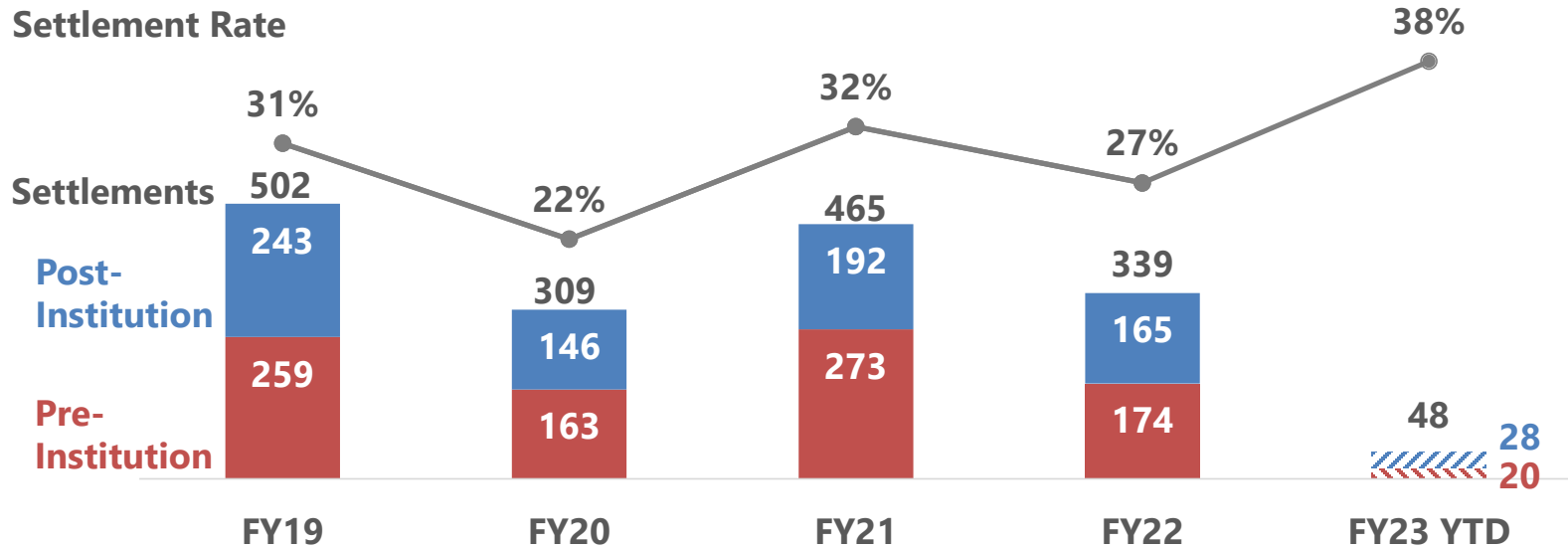


Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.



Settlements

(FY19 to FY23 through October: Oct. 1, 2018 to Oct. 31, 2022)



Settlement rate is calculated by dividing total settlements by concluded proceedings in each fiscal year (i.e., denied institution, settled, dismissed, requested adverse judgment, and final written decision), excluding joined cases.



Decision classification

- Decision classifications in this publication now better reflect classifications in other public data reports available through the USPTO website:
 - <https://www.uspto.gov/patents/ptab/decisions/aia-review-decisions>
 - <https://ptacts.uspto.gov/ptacts/ui/home>
 - <https://developer.uspto.gov/ptab-web/#/search/decisions>
- This updated classification was applied retroactively to decisions that were issued in fiscal years 2019 through 2022, and slightly changed some of the previously reported institution rates (i.e., by less than 1%) for those fiscal years. Specifically, the institution rate by petition in FY21 changed from 59% to 58%, and in FY22 changed from 67% to 66%. For by patent, the FY21 institution rate changed from 66% to 65%, and FY22 institution rate changed from 70% to 69%. These updated institution-rate statistics are shown on slides 6 and 7 of this publication, along with the year-to-date numbers for FY23.



