LegalMetric District Report
Texas Eastern District Court
in Patent Cases

January 2019-April 2024

This report contains confidential and proprietary information of LegalMetric, Inc.

The information contained in this report is obtained from the official docket records of the federal courts. No attempt has been made to correct that data. For example, cases may be misclassified in the official docket records. In addition, cases are classified only by the primary cause of action. Cases having multiple causes of action are analyzed only under the primary cause of action identitied on the official court docket.

LegalMetric, Inc. is not a law firm, does not provide legal advice, and is not engaged in the practice of law. No attorney-client relationship exists between LegalMetric, Inc. and any user of its products. LegalMetric provides statistical and analytical information to anyone who desires to purchase that information. Any purchaser of LegalMetric products who wants legal advice should hire an attorney.

Overview

This report covers the patent cases of the active judges in the Texas Eastern District Court as of April 2024 (the date of the most recent LegalMetric docket download for this court). Cases of inactive judges are not included.

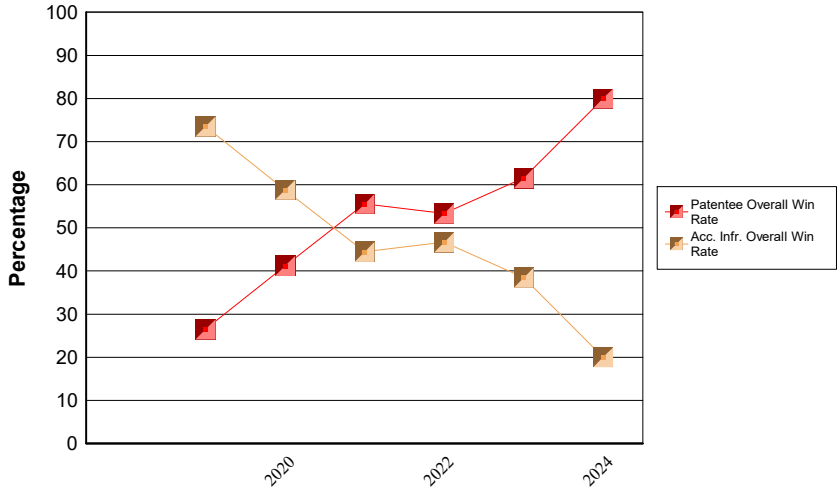
The number of cases, judgments, contested judgments, and trials for this court are shown below.

	Number
Total Cases	3026
Open Cases	727
Closed Cases	2299
Judgments	102
Contested Judgmnts	73
Trials	42
Bench	2
Jury	40

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	12.0
Judgments	25.1
Contested	26.7
Trial	28.0
Bench	49.4
Jury	26.9

Patentee and Accused Infringer Overall Win Rate by Year

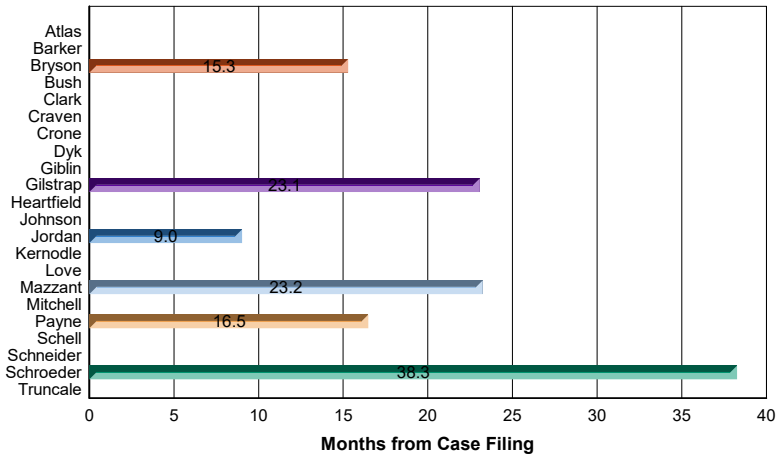


	Pat. Win Rate
Overall	45.1
Contested	39.7
Trial	69.0
Bench	50.0
Jury	70.0

	Accused Win Rate
Overall	54.9
Contested	60.3
Trial	31.0
Bench	50.0
Jury	30.0

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



Larger Version in Body of Report

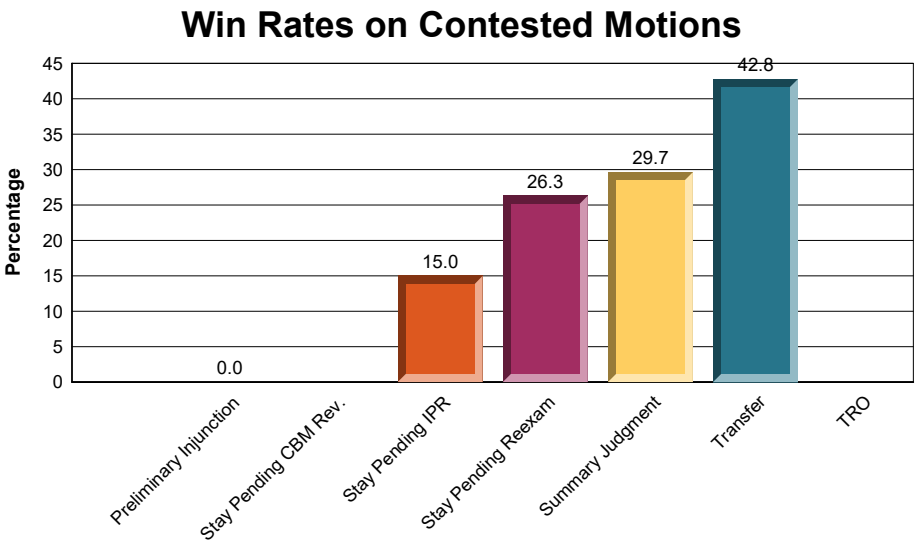
The average and median award amounts for this district are:

Average: $86,037,303
Median: $12,317,000

Appeals:

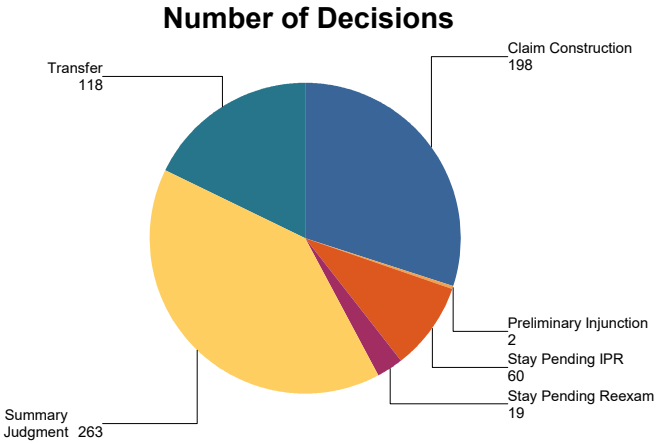
	Number of Appeals	Complete Affirmance Rate
Total	54	76.2

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 Rate
Stay Pending IPR	15.0
Stay Pending Reexam	26.3
Summary Judgment	29.7
Transfer	42.8

	Number of Decisions
Claim Construction	198
Preliminary Injunction	2
Stay Pending IPR	60
Stay Pending Reexam	19
Summary Judgment	263
Transfer	118



Alice/101 Motions: The number of Alice motions (if any) and win rates on those motions are shown below, by motion type.

			Total		
			Accised Infringer Win Rate	Number of Decisions	Patentee Win Rate
Total			28.8	193	71.2
Texas Eastern	**Total**		28.8	193	71.2
	Bryson	**Total**	100.0	8	0.0
		Dismissal Motion	100.0	4	0.0
		Judgment on the Pleadings	100.0	2	0.0
		Summary Judgment	100.0	2	0.0
	Gilstrap	**Total**	24.7	79	75.3
		Dismissal Motion	31.8	55	68.2
		Judgment on the Pleadings	5.9	17	94.1
		Summary Judgment	14.3	7	85.7
	Jordan	**Total**	33.3	3	66.7
		Dismissal Motion	33.3	3	66.7
	Kernodle	**Total**	0.0	1	100.0
		Dismissal Motion	0.0	1	100.0
	Love	**Total**	100.0	2	0.0
		Dismissal Motion	100.0	2	0.0
	Mazzant	**Total**	0.0	9	100.0
		Dismissal Motion	0.0	5	100.0
		Judgment on the Pleadings	0.0	2	100.0
		Summary Judgment	0.0	2	100.0
	Mitchell	**Total**	0.0	16	100.0
		Dismissal Motion	0.0	13	100.0
		Summary Judgment	0.0	3	100.0
	Payne	**Total**	16.7	21	83.3
		Dismissal Motion	23.1	13	76.9
		Judgment on the Pleadings	0.0	3	100.0
		Summary Judgment	10.0	5	90.0
	Schroeder	**Total**	39.8	54	60.2
		Dismissal Motion	41.7	48	58.3
		Judgment on the Pleadings	25.0	6	75.0

Home Field Advantage?

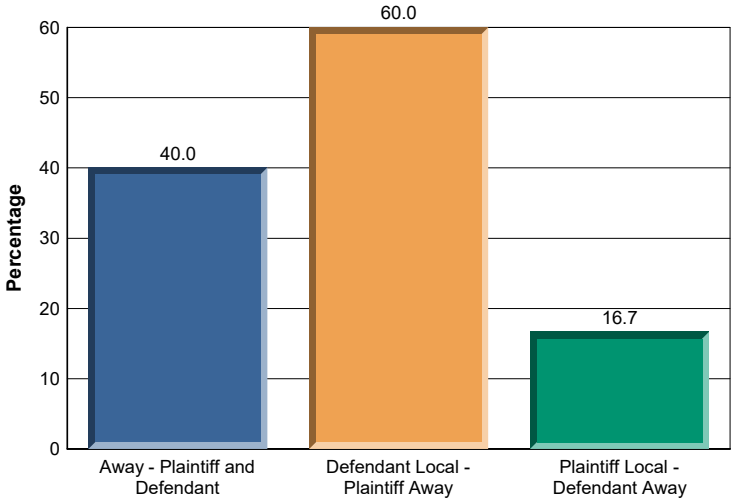
The plaintiff and defendant contested win rates in Texas Eastern District Court are shown below, broken out by party location:

> (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).

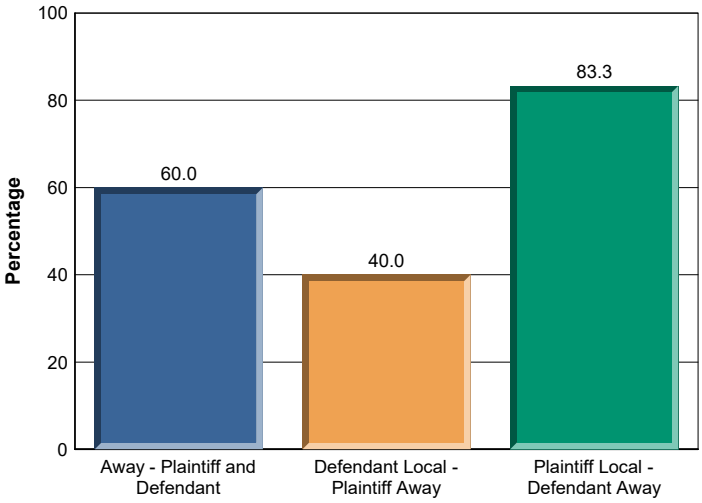
Not all courts fit the expected pattern of favoring local plaintiffs. Many courts in fact show a distinct preference for non-local plaintiffs.

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.

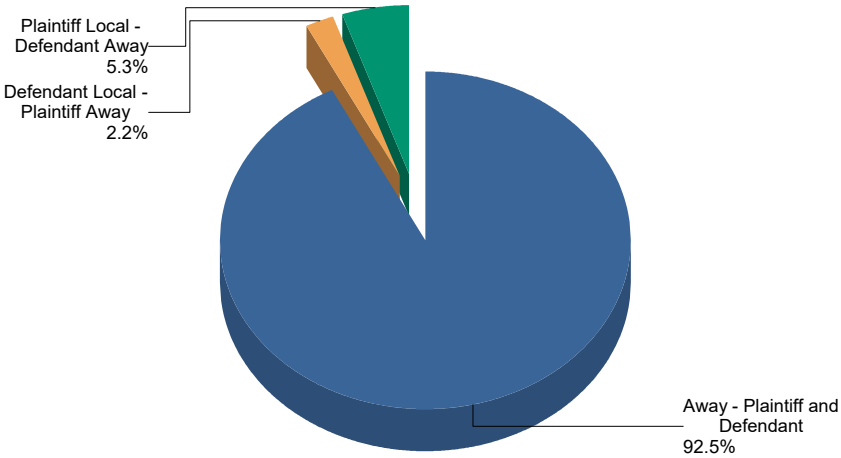
Plaintiff Win Rate, by Party Location



Defendant Win Rate, by Party Location

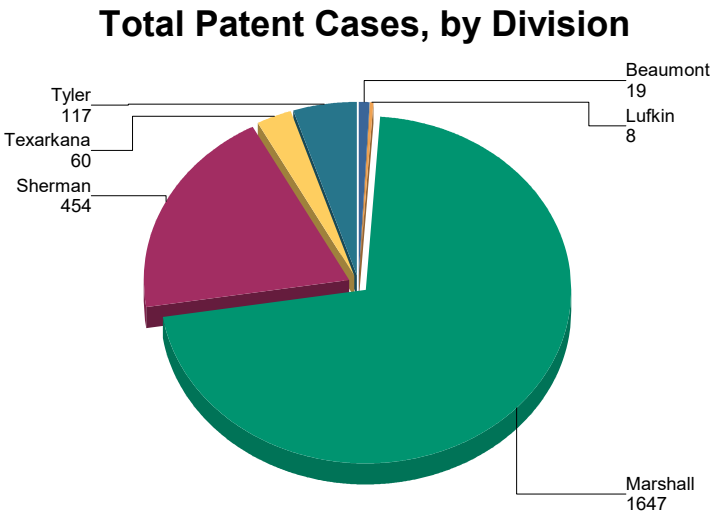


Fraction of Contested Judgments, by Party Location



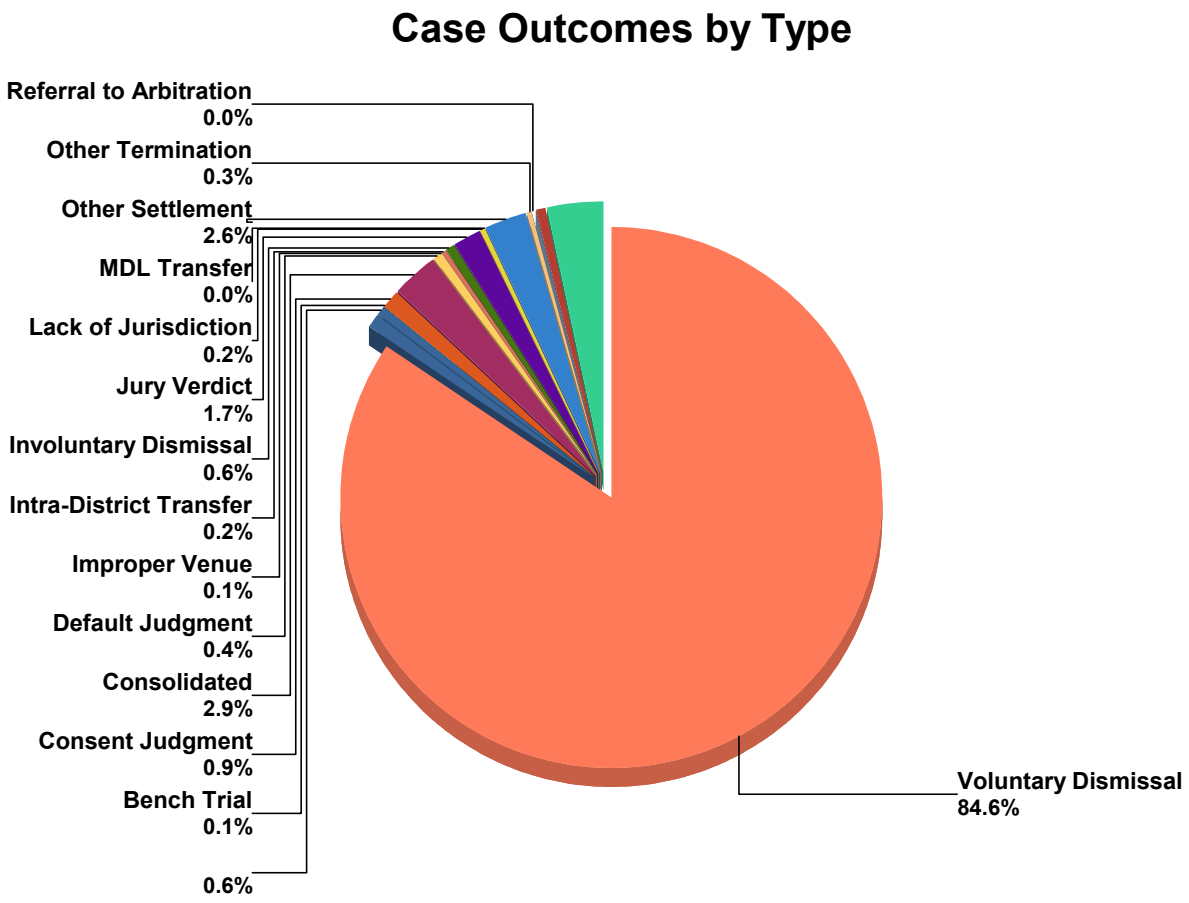
Breakdown by Division

The breakdown of patent cases by division is illustrated in the following chart:



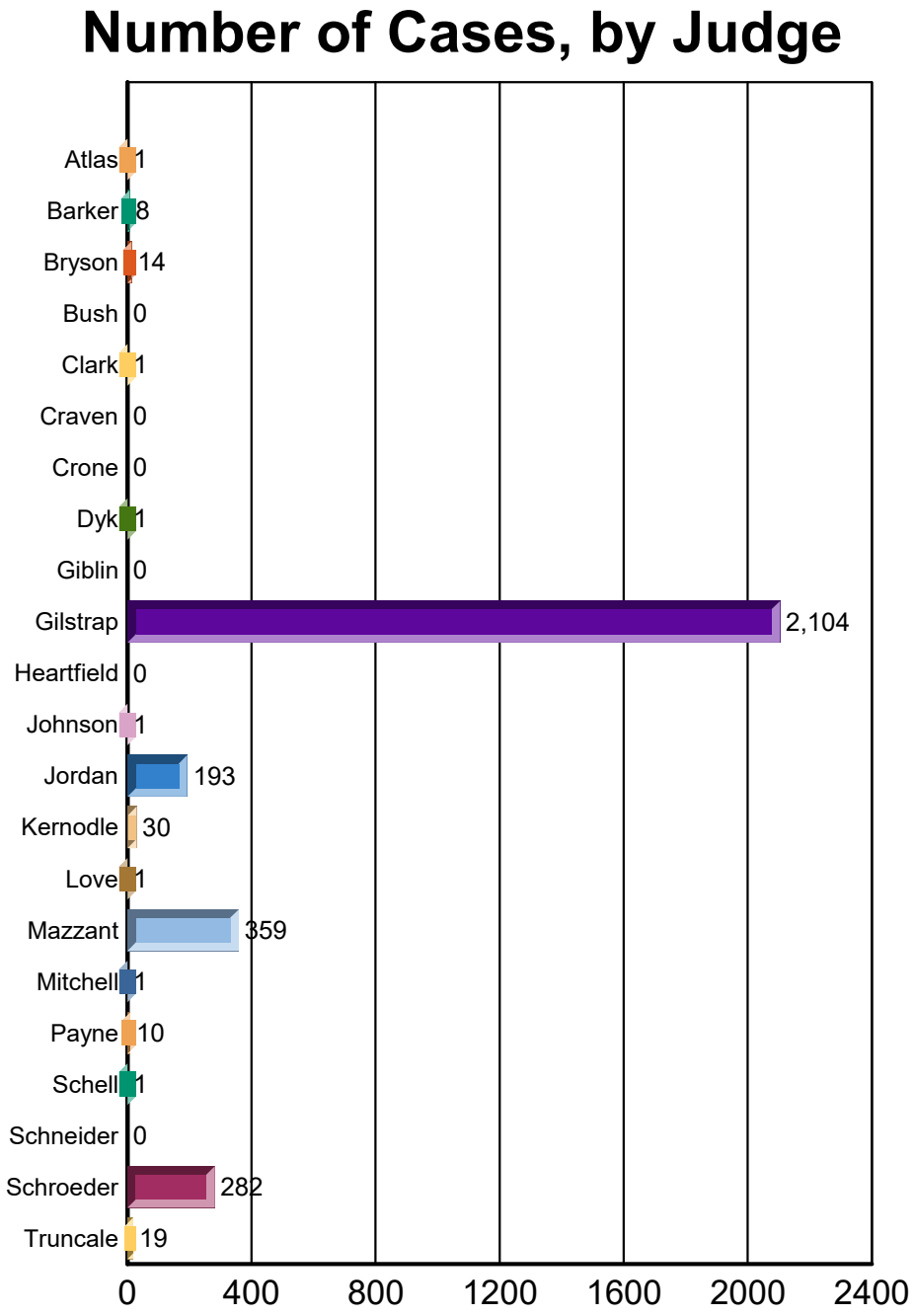
Breakdown by Case Outcome

The breakdown of patent cases by case outcome is illustrated in the following chart:



Breakdown by Judge

The chart and table below illustrates the total number of patent cases for each of the active judges in the district. In addition, the table shows the number of patent cases for the past three years assigned to each judge.

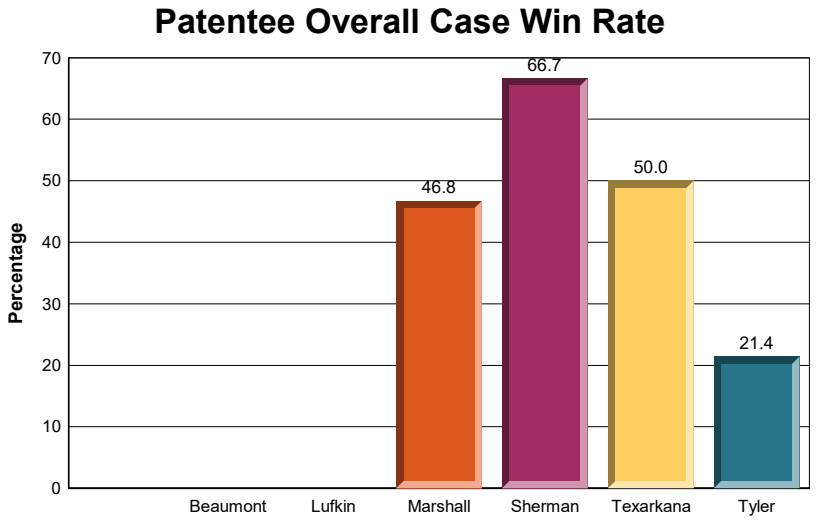


	All Cases	Last Three Years
District	3026	1692
Atlas	1	0
Barker	8	5
Bryson	14	0
Clark	1	0
Dyk	1	0
Gilstrap	2104	1236
Johnson	1	0
Jordan	193	114
Kernodle	30	5
Love	1	0
Mazzant	359	172
Mitchell	1	0
Payne	10	4
Schell	1	0
Schroeder	282	140
Truncale	19	16

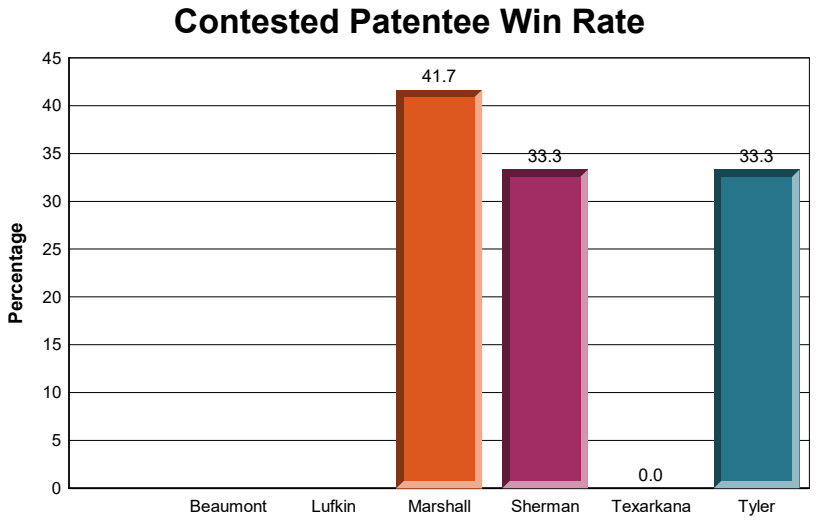
Divisional Comparisons

The overall patentee case win rate (includes consent and default judgments), contested win rate (does NOT include consent and default judgments), trial win rate, complete affirmance rate (appeals affirmed with no other action, divided by the total number of appeals except for dismissed and pending appeals), and average time to termination by judgment (includes consent and default judgments) are shown below for each division.

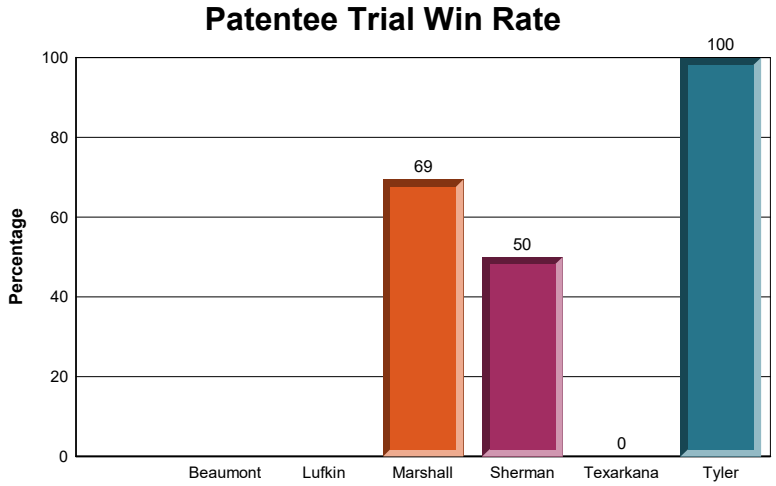
	Plaintiff Win Rate/ No. of Judgments	
District	45.1	102
Marshall	46.8	77
Sherman	66.7	9
Texarkana	50.0	2
Tyler	21.4	14



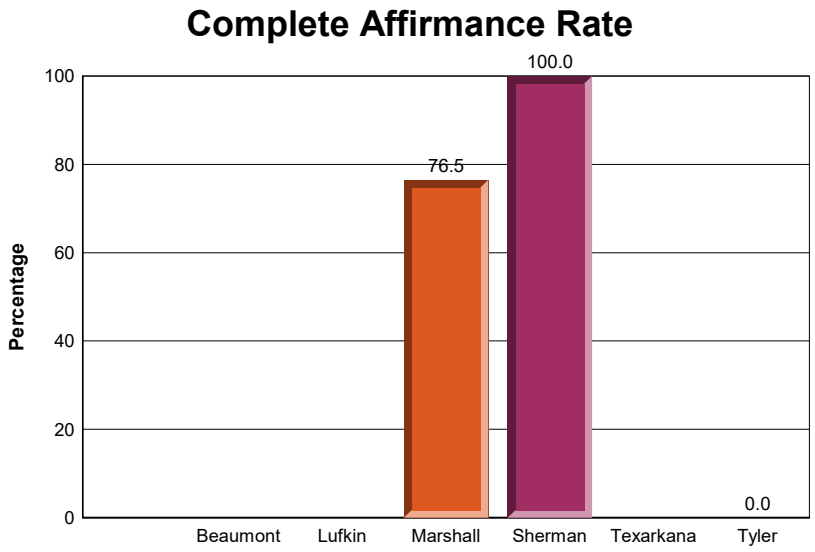
	Contested Win Rate/ Number Contested	
District	39.7	73
Marshall	41.7	60
Sherman	33.3	3
Texarkana	0.0	1
Tyler	33.3	9



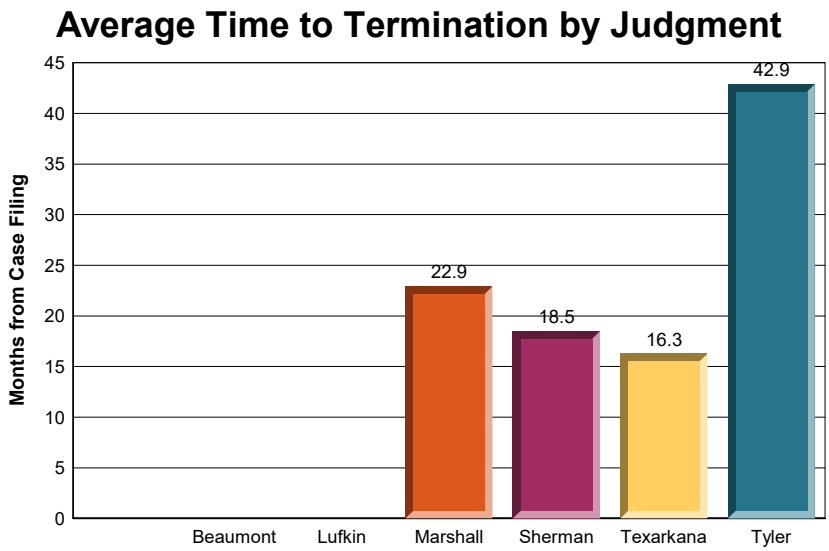
	Trial Win Rate/ Number of Trials	
District	69.0	42
Marshall	69.4	36
Sherman	50.0	2
Texarkana	0.0	1
Tyler	100.0	3



	Complete Aff. Rate/ Number of Appeals	
District	76.2	21
Marshall	76.5	17
Sherman	100.0	3
Tyler	0.0	1

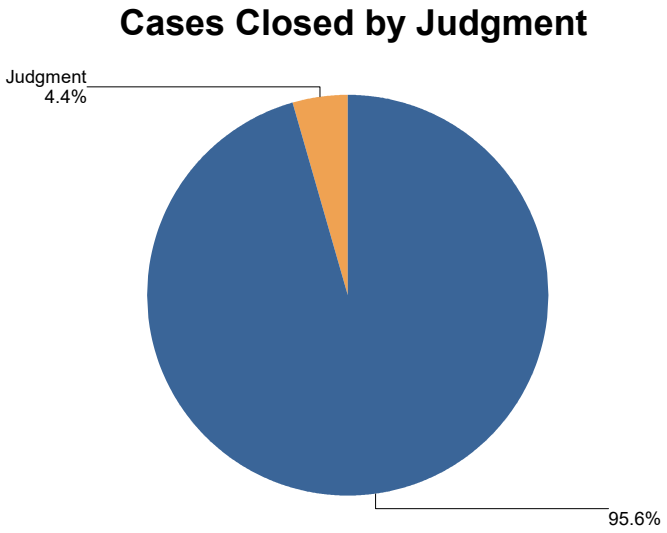


	Time to Term./ Number of Judgmts.	
District	25.1	102
Marshall	22.9	77
Sherman	18.5	9
Texarkana	16.3	2
Tyler	42.9	14



What are the Odds: Termination by Judgment

The percentage of closed patent cases terminated by judgment are shown in the chart to the right. Terminations by judgments include terminations resulting from trials, from dispositive summary judgment motions, from involuntary dismissals, from consent judgments, and from default judgments.

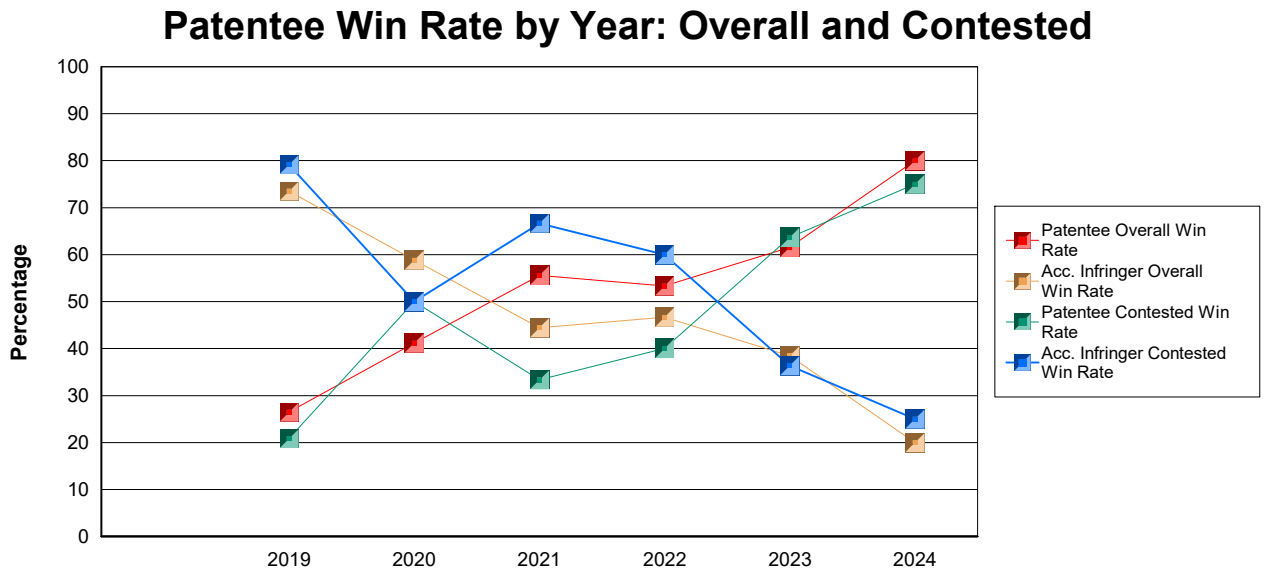


The number of judgments by each outcome, the overall patentee win rate, the contested patentee win rate, and the trial win rate for each outcome are shown below. Note that the overall win rate includes consent and default judgments, whereas the contested win rate does not include consent and default judgments. The figures given are for "patentees", rather than "plaintiffs". These figures take into account those declaratory judgment cases where the plaintiff is not the patentee.

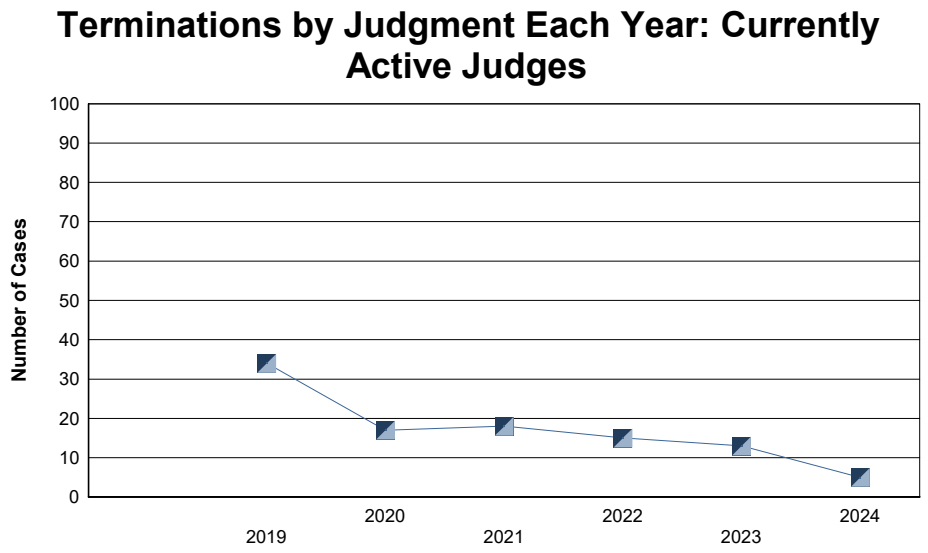
	Number of Judgments	Overall Win Rate	Contested Win Rate	Trial Win Rate
Bench Trial	2	50.0	50.0	50.0
Consent Judgment	20	40.0		
Default Judgment	9	100.0		
Involuntary Dismissal	14	0.0	0.0	
Jury Verdict	40	70.0	70.0	70.0
Lack of Jurisdiction	2	0.0	0.0	
Other Termination	2	0.0	0.0	
Summary Judgment	13	0.0	0.0	

Win Rates by Year

The following chart shows the patentee overall win rate and contested win rate for the active judges in the Texas Eastern District Court by year. The overall patentee win rate should be compared with the nationwide overall win rate of 54.9%, and the contested patentee win rate should be compared with the nationwide patentee contested win rate of 21.4%. A chart with a considerable amount of "jitter" reflects relatively few data points. Note that the contested patentee win rates are usually much lower than the overall win rates since they exclude consent and default judgments.



The total number of terminations by judgment per year by the currently active judges during the same period in the Texas Eastern District Court is shown in the following chart:

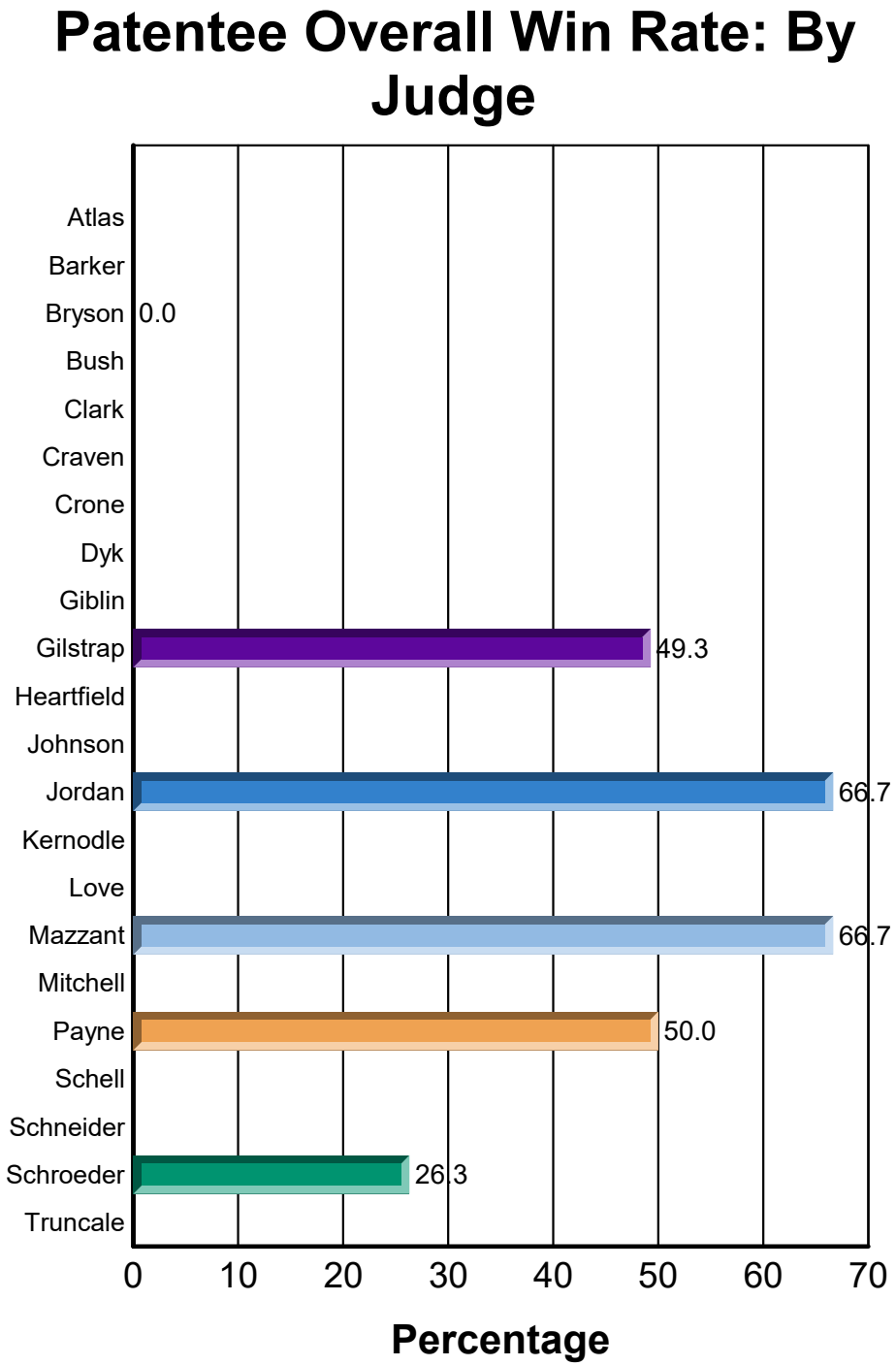


The actual number of judgments, number of patentee "wins", and the corresponding win rates are shown below. In this report, a judgment entered in favor of both the plaintiff and the defendant on their respective patent infringement claims is counted as "1/2" a win for each party. This could happen, for example, where the plaintiff files a patent infringement action, the defendant files a patent infringement counterclaim on its own patents, and both prevail on their respective claims.

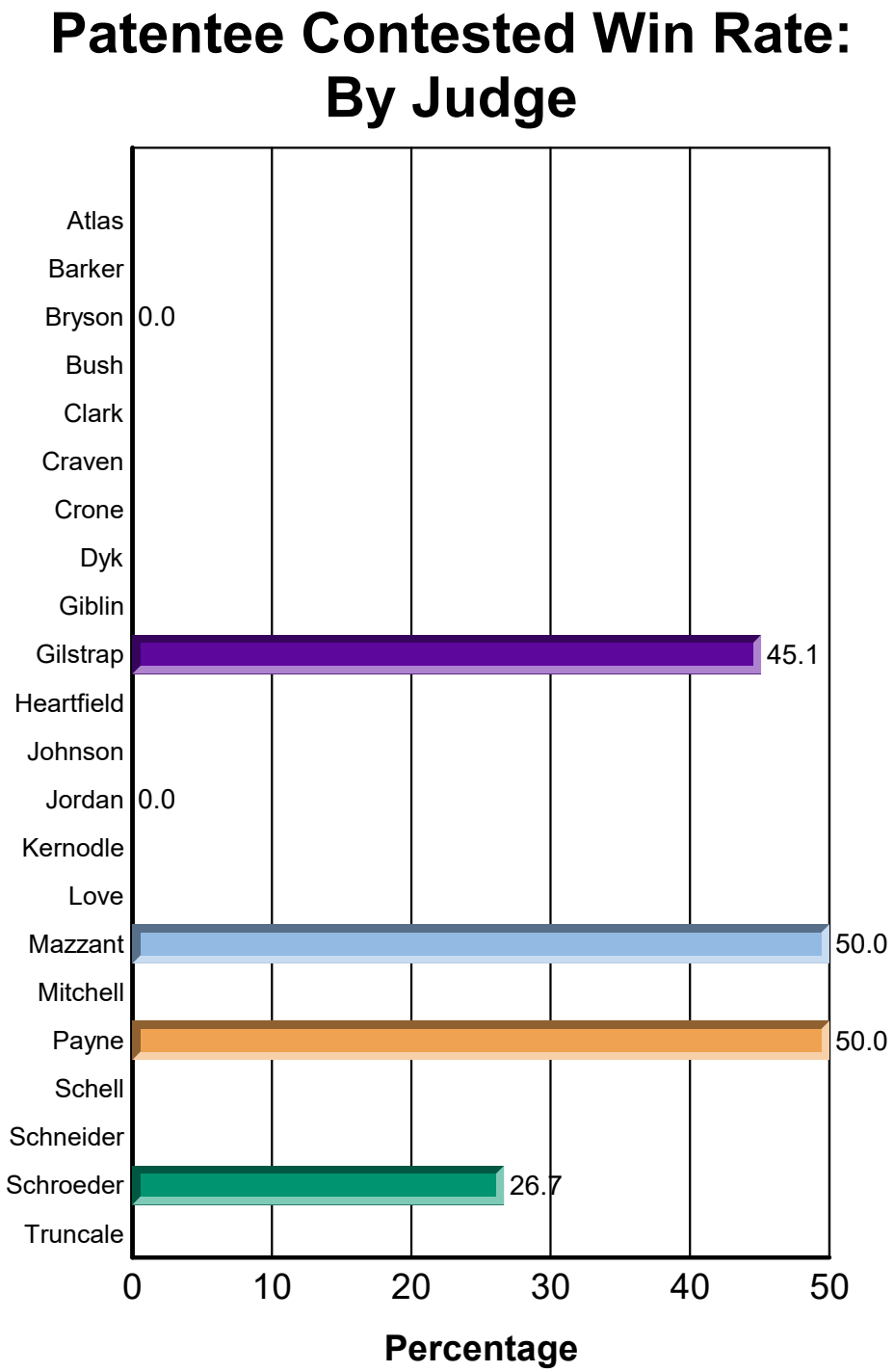
	Patentee Wins	Total Decisions	Patentee Win Rate	Acc. Infr. Win Rate
2019	9	34	26	74
2020	7	17	41	59
2021	10	18	56	44
2022	8	15	53	47
2023	8	13	62	38
2024	4	5	80	20

Patentee Overall and Contested Win Rates: By Judge

The overall patentee win rate varies significantly from judge to judge over the period covered by this report. The chart below illustrates these win rates for these judges. The win rate for judges with no terminations by judgment is left blank.



The patentee contested win rate for these judges is shown below. Note that contested win rates do not include consent and default judgments. The win rate for judges with no contested judgments is left blank.

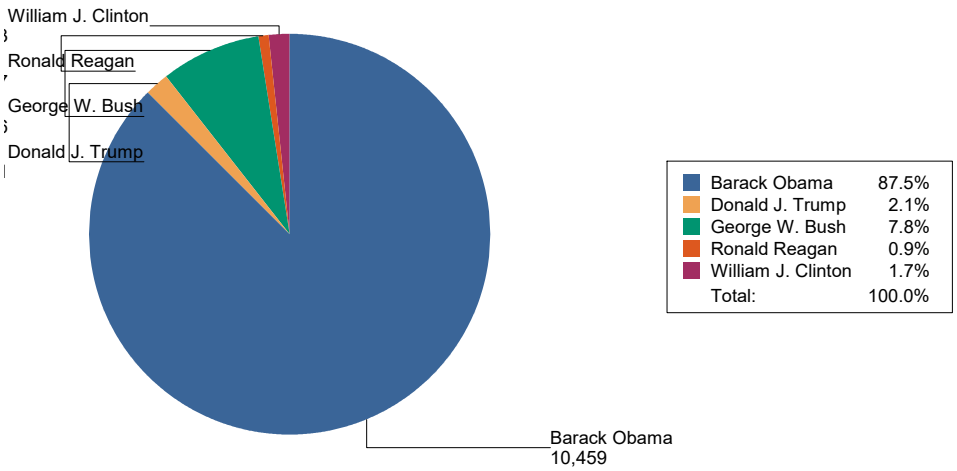


The table below includes the patentee overall and contested win rates for each active judge, along with the number of terminations by judgment and by contested judgment by that judge in patent cases during the period covered by this report. Judges with no judgments are not included.

	Overall Win Rate	Number of Judgments	Contested Win Rate	Contested Judgments
Total	45.1	102	39.7	73
Bryson	0.0	3	0.0	2
Gilstrap	49.3	69	45.1	51
Jordan	66.7	3	0.0	1
Mazzant	66.7	6	50.0	2
Payne	50.0	2	50.0	2
Schroeder	26.3	19	26.7	15

Patentee Win Rates: By Nominating President: The number of patent cases in this district assigned to active judges and the win rates for those cases are shown below, broken out by the nominating president.

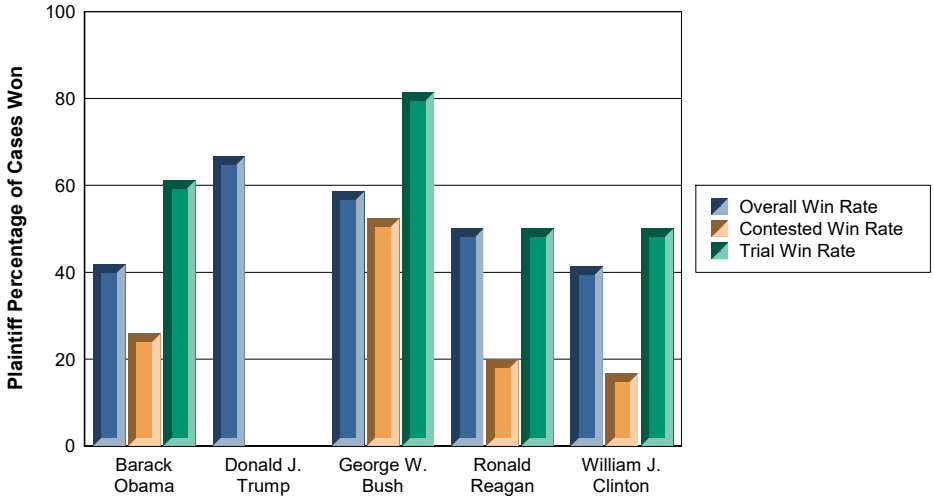
Number of Cases - by Nominating President



Number of Cases: The number of cases assigned to active jduges in this district is shown in the chart to the left, broken out by nominating president. This includes all cases of the type covered by this report.

Patentee Win Rates: The win rates for these cases, broken out by nominating president, are shown in the chart to the right. This includes overall win rates (includes consent and default judgments), contested win rates (does NOT include consent and default judgments), and trial win rates (cases decided by bench trial or jury verdict).

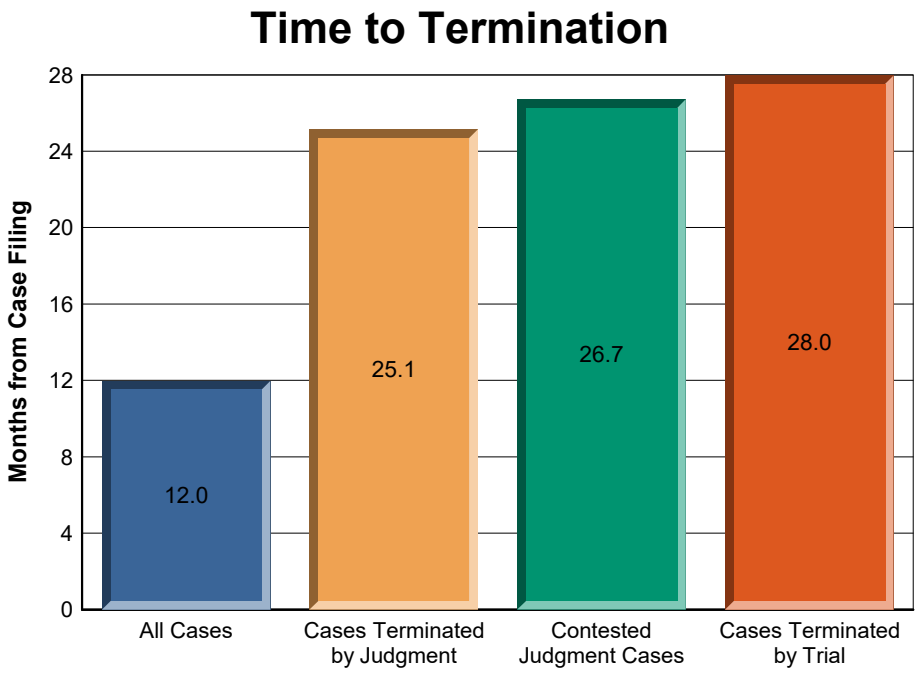
Win Rates by Nominating President



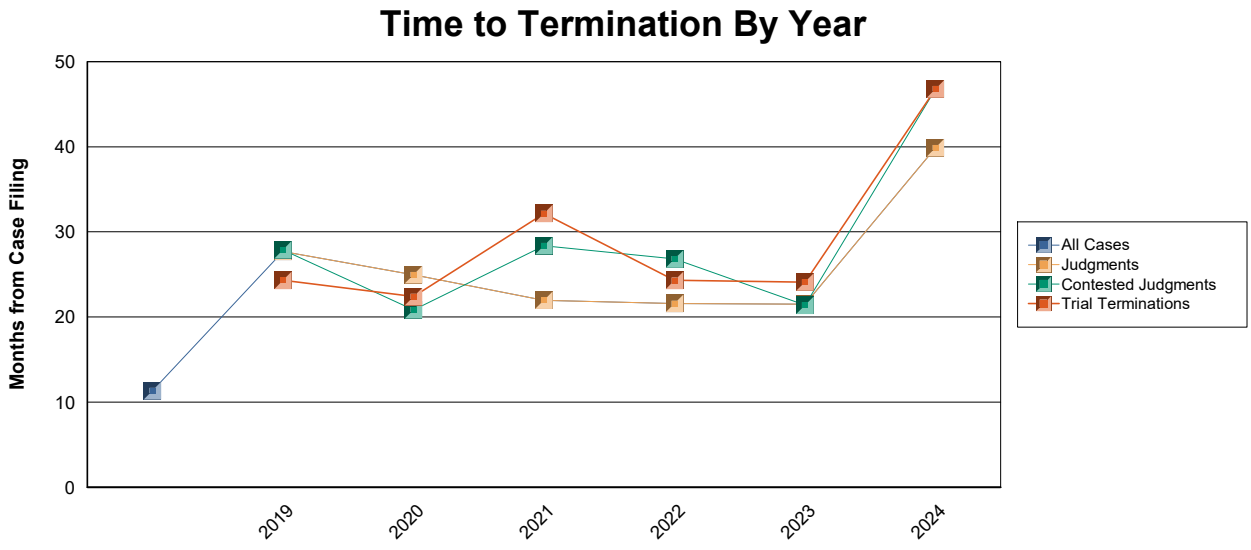
	Total					
	Overall Win Rate	**# of Judgments**	**Contested Win Rate**	**# of Contested Judgments**	**Trial Win Rate**	**# of Trial Jugements**
Barack Obama	41.8	342	25.8	240	61.2	98
Donald J. Trump	66.7	3	0.0	1		0
George W. Bush	58.6	58	52.4	42	81.5	27
Ronald Reagan	50.0	8	20.0	5	50.0	2
William J. Clinton	41.3	23	16.7	15	50.0	5

How Long? Time to Termination

The average time from case filing to termination for all closed cases, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.

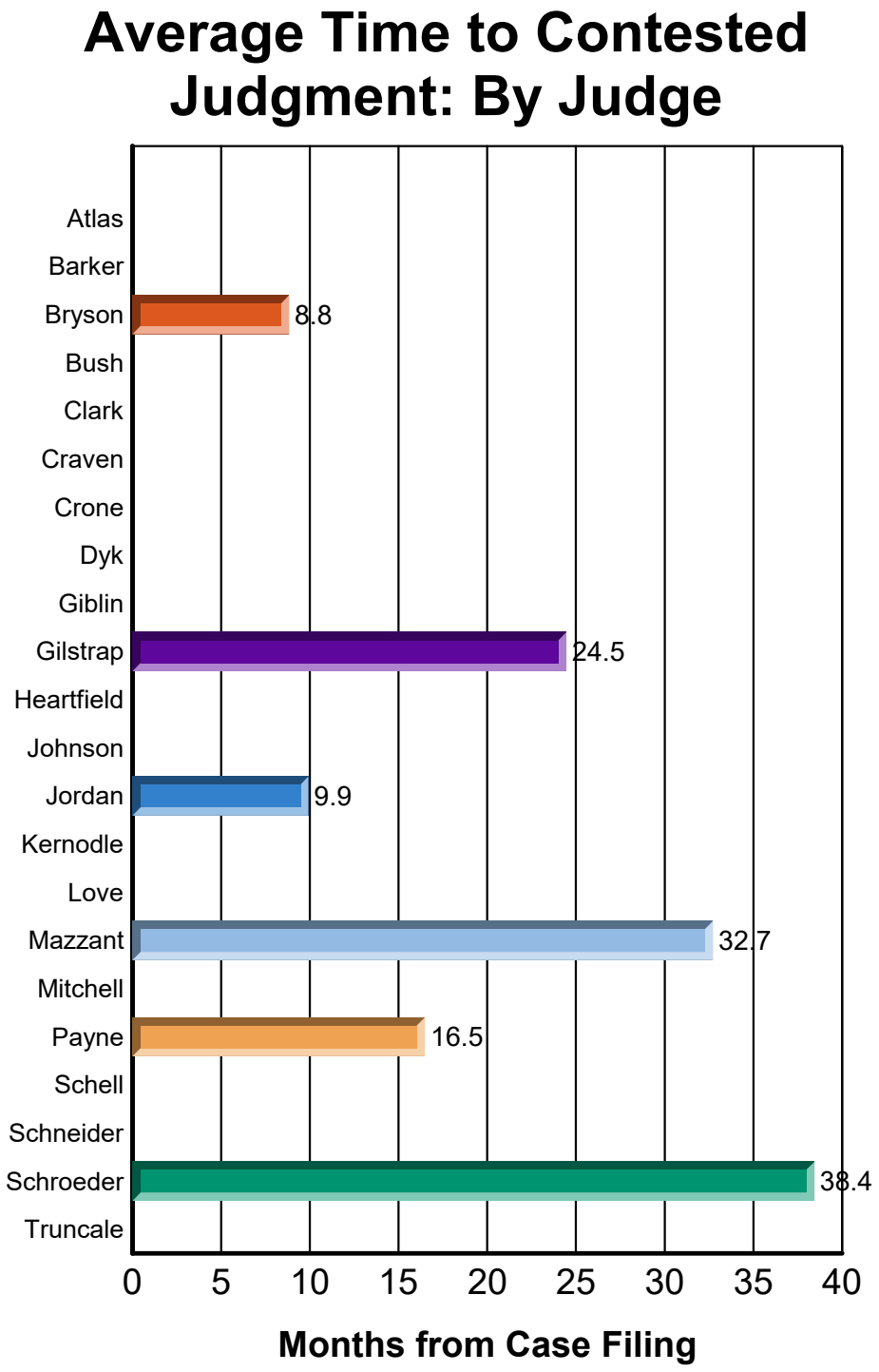


The average time from case filing to termination for all closed cases by year, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.



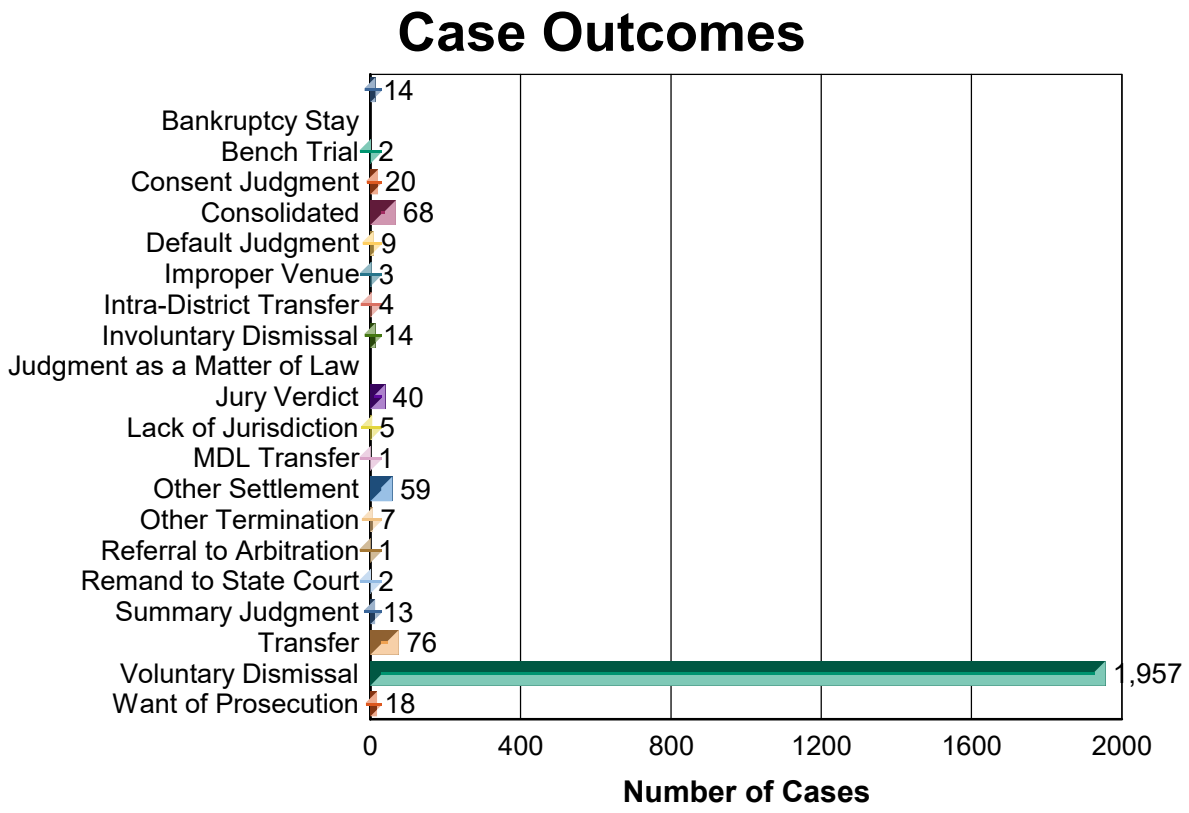
Time to Contested Judgment: By Judge

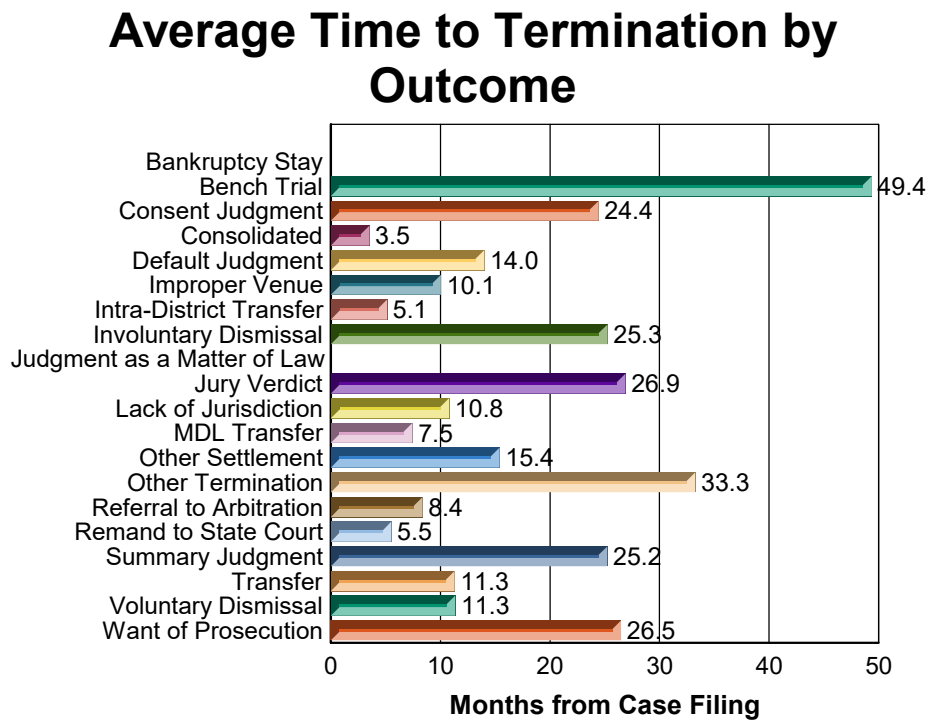
The average time from case filing to contested judgment for the active judges in this district is shown in the chart below.



Average Time to Termination by Case Outcomes

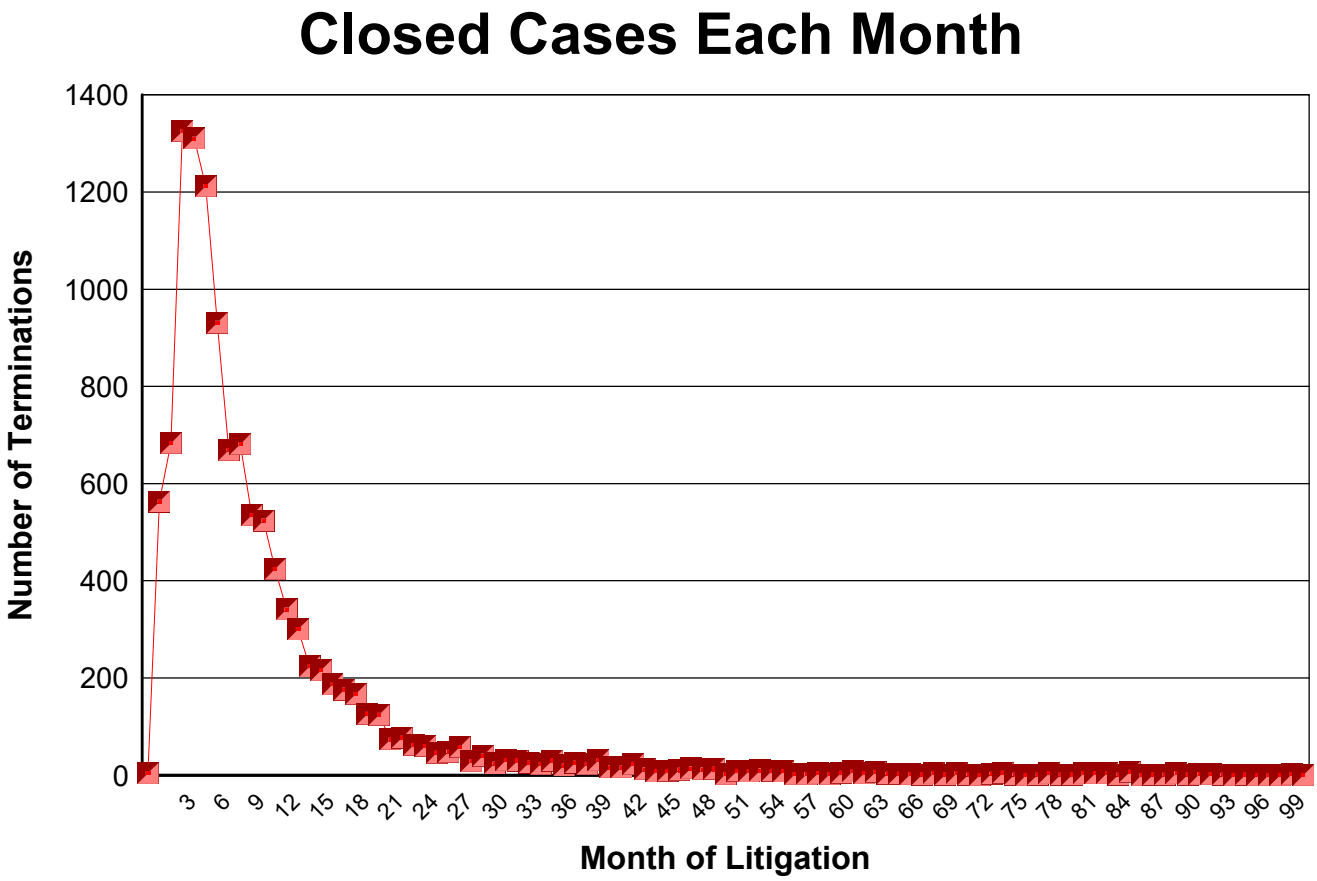
The number of cases terminated by each outcome for the active judges in this district is shown in the chart below, and the average time to termination for each outcome is shown in the second chart below.





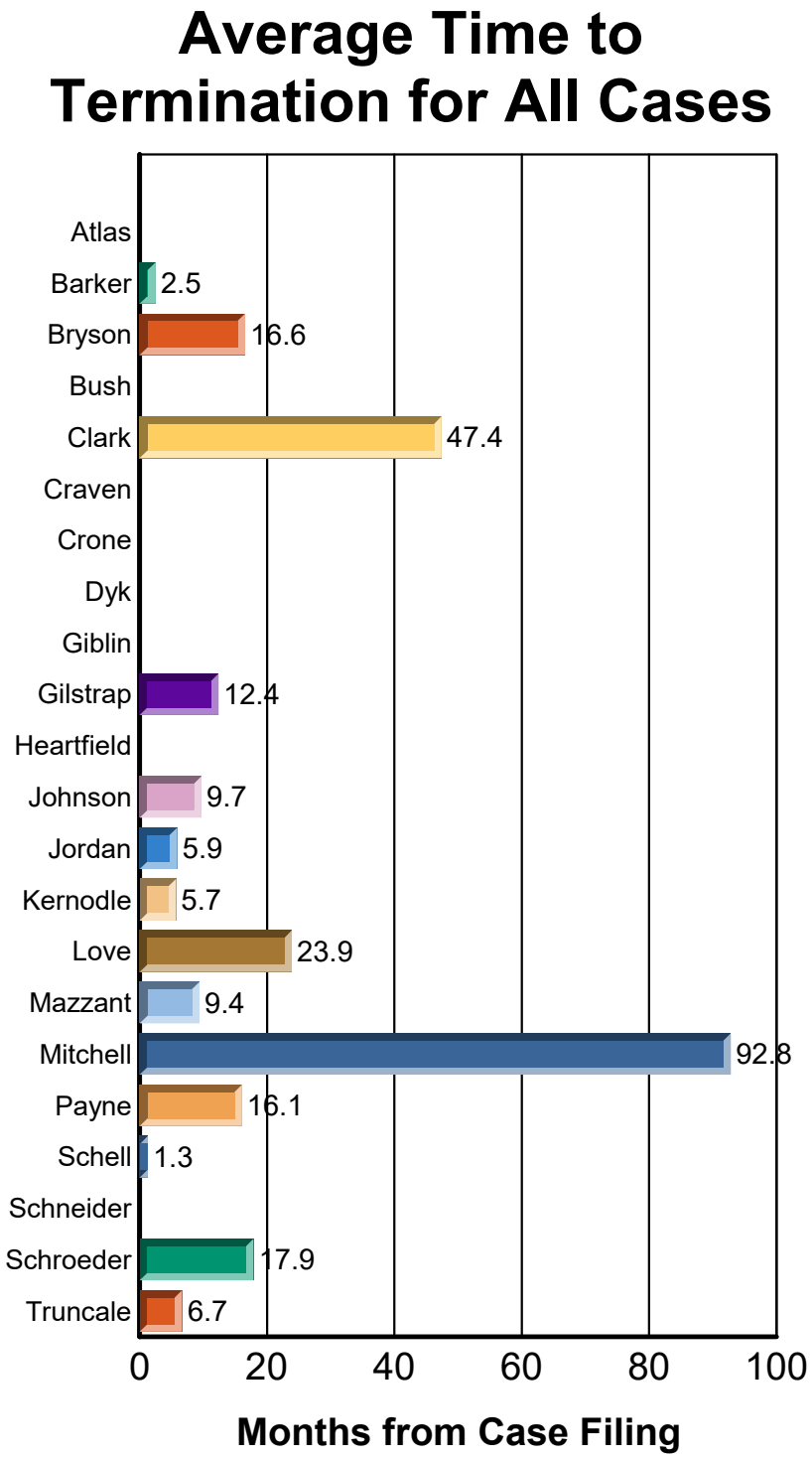
Termination by Month of Litigation

An overview of when terminations typically occur is found in the following chart, which shows the number of patent cases in the Texas Eastern District Court that were terminated each month of litigation. The first month of litigation is labeled "1", etc. Months with no case terminations are omitted from the chart.



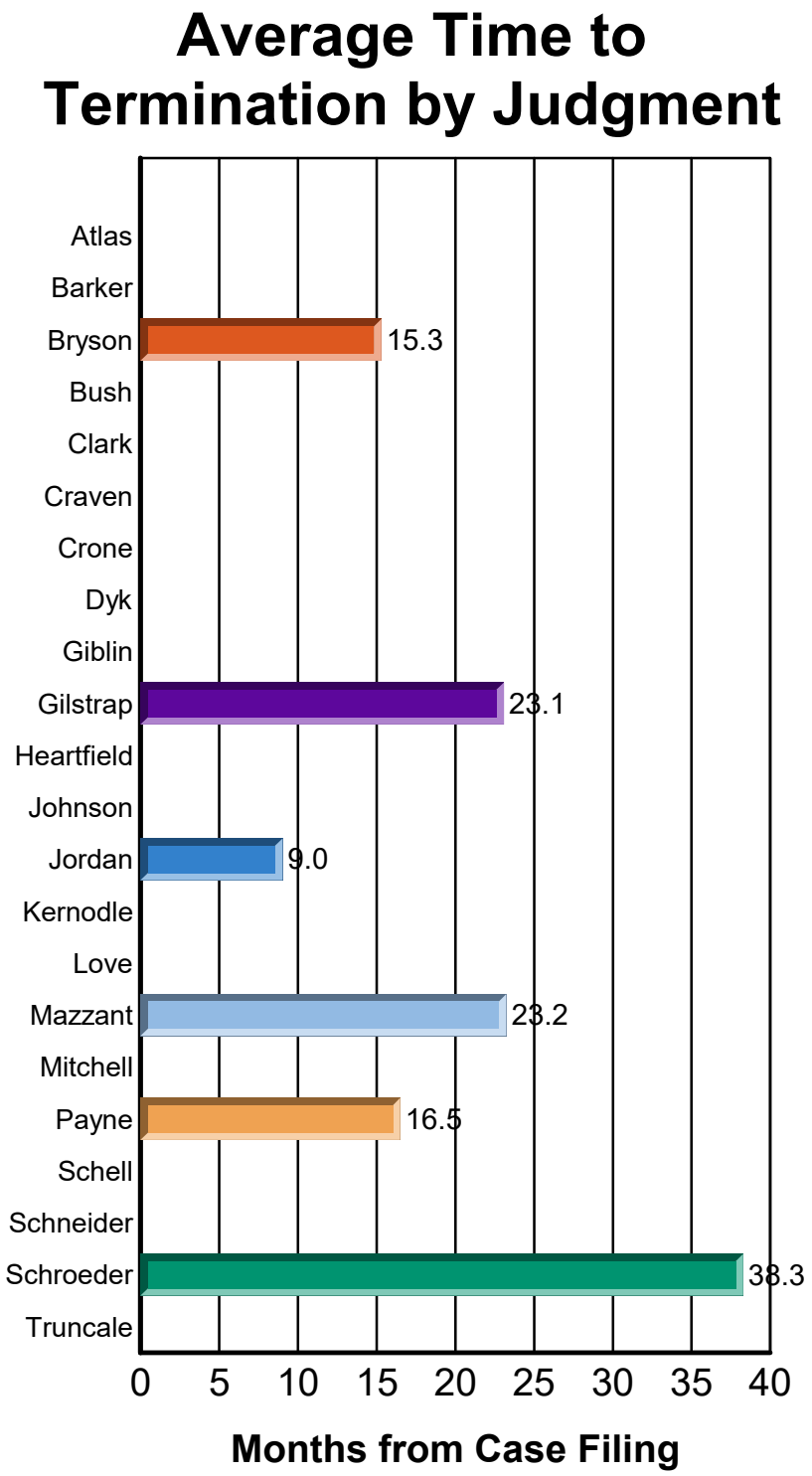
Average Pendency for All Cases: By Judge

The variation in pendency for all closed cases is shown below.



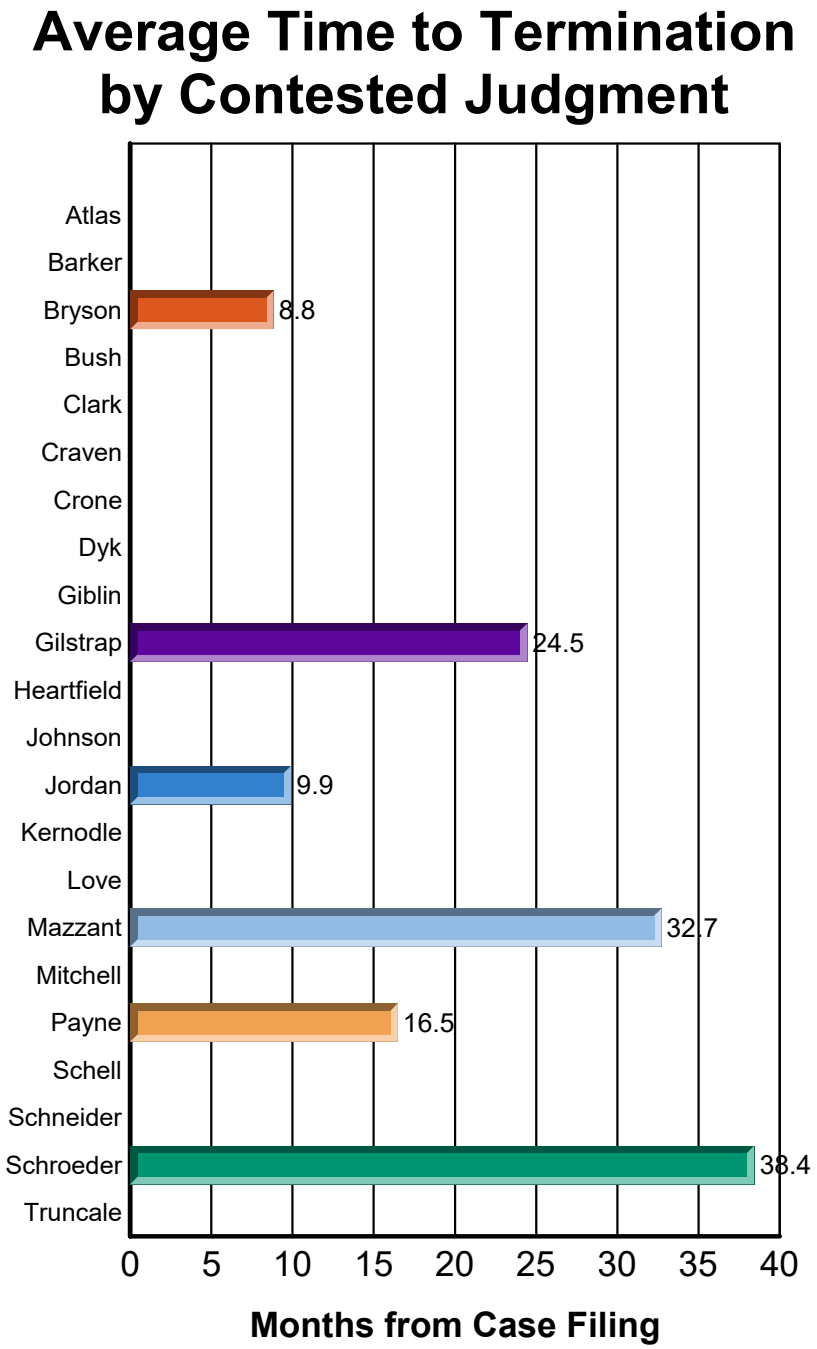
Average Pendency for Cases Terminated by Judgment: By Judge

The variation in pendency for all cases terminated by judgment is shown below.



Average Pendency for Cases Terminated by Contested Judgment: By Judge

The variation in pendency for all cases terminated by contested judgment is shown below.



Case and Judgment Outcomes

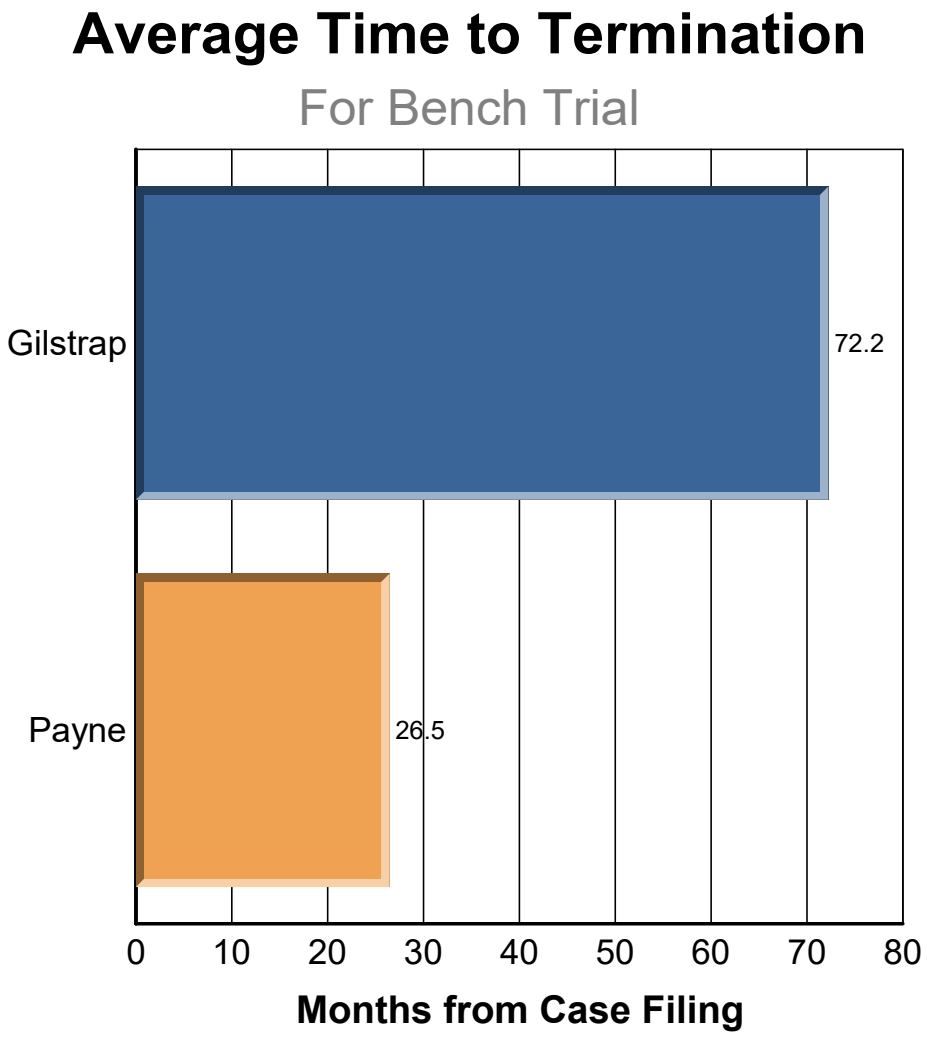
The number of outcomes by judgment, the patentee win rate for those outcomes, and the average time to termination for those outcomes for this court are shown below, broken out by type of outcome.

	Number of Judgments	Pat. Win Rate	Average Time to Termination
Total	102	45.1	25.1
Bench Trial	2	50.0	49.4
Consent Judgment	20	40.0	24.4
Default Judgment	9	100.0	14.0
Involuntary Dismissal	14	0.0	25.3
Jury Verdict	40	70.0	26.9
Lack of Jurisdiction	2	0.0	6.8
Other Termination	2	0.0	40.5
Summary Judgment	13	0.0	25.2

Detailed information about these cases, broken out by type of outcome, is shown in the following sections.

Bench Trial

The number of Bench Trial outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

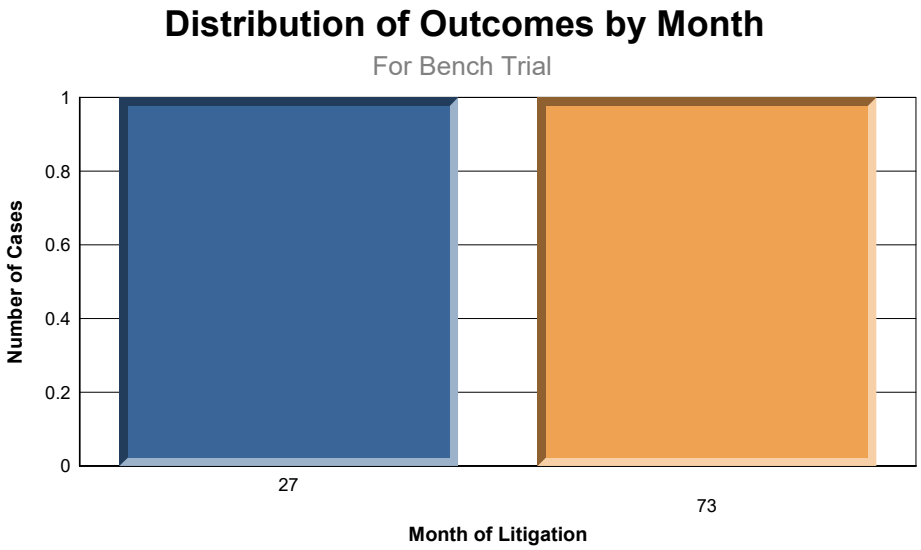


Bench Trial

	Average Time to Termination	Number of Cases
District	49.4	2
Gilstrap	72.2	1
Payne	26.5	1

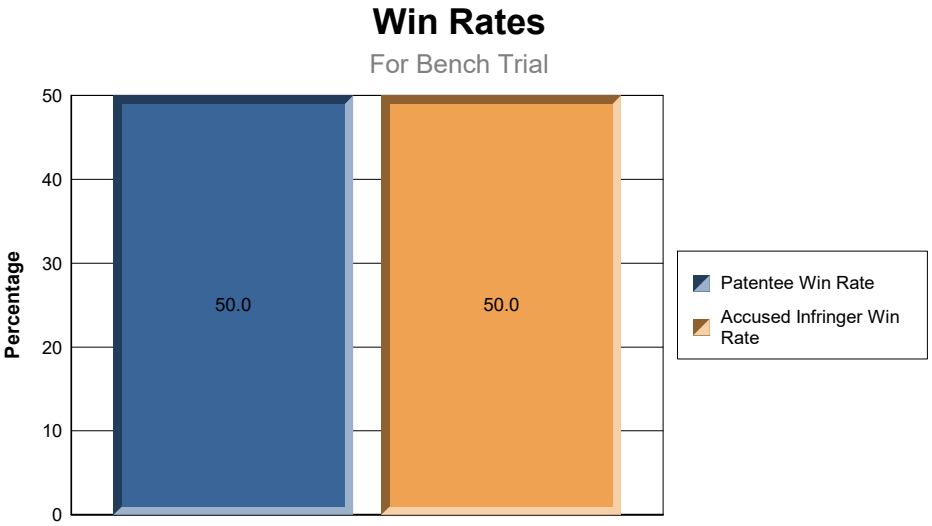
Bench Trial

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Bench Trial

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

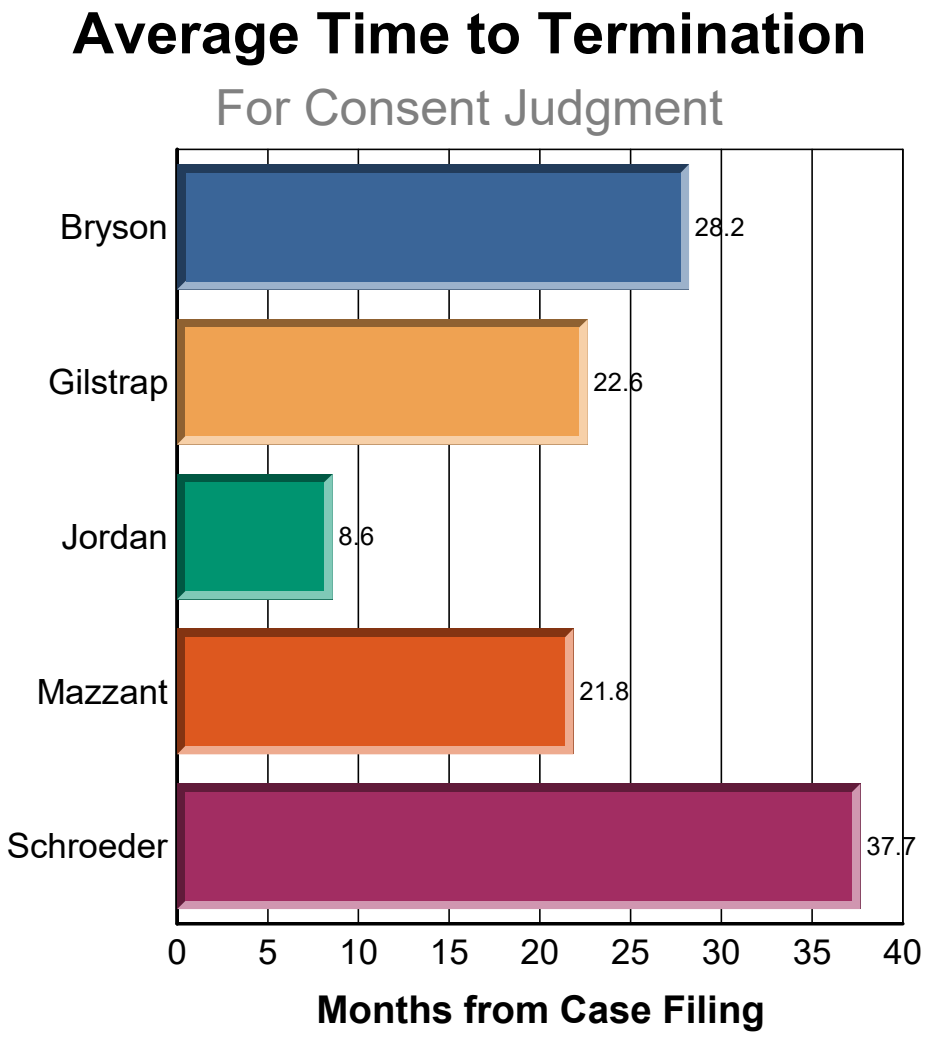


Bench Trial

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:17cv00101	Payne	Patentee	26.5	Red Rock Analytics, LLC v. Samsung Electronics Co. Ltd. et al
2:15cv01366	Gilstrap	Accused Infringer	72.2	Personalized Media Communications, LLC v. Apple, Inc.

Consent Judgment

The number of Consent Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

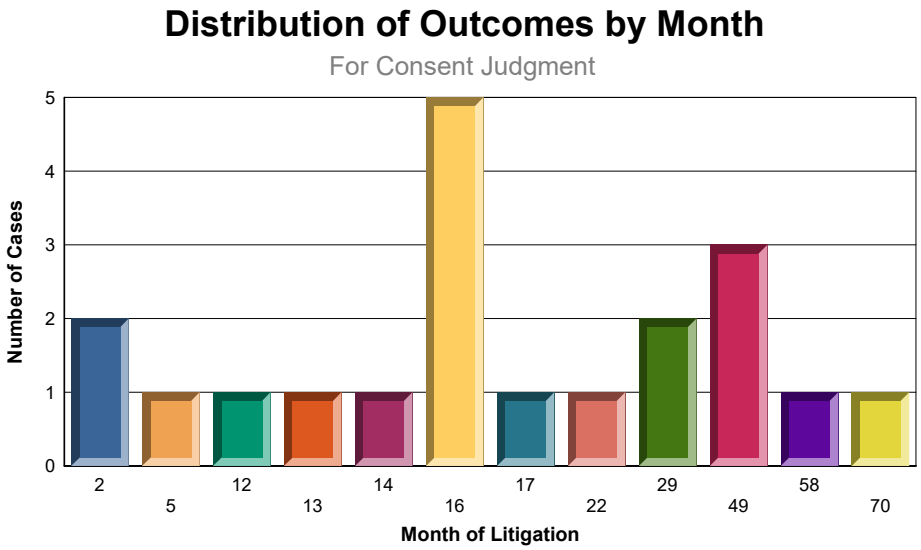


Consent Judgment

	Average Time to Termination	Number of Cases
District	24.4	20
Bryson	28.2	1
Gilstrap	22.6	11
Jordan	8.6	2
Mazzant	21.8	2
Schroeder	37.7	4

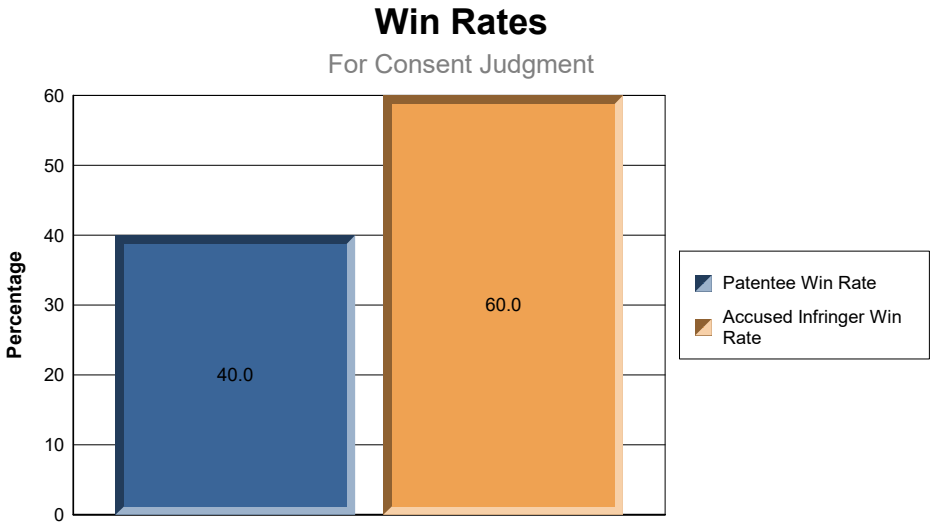
Consent Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



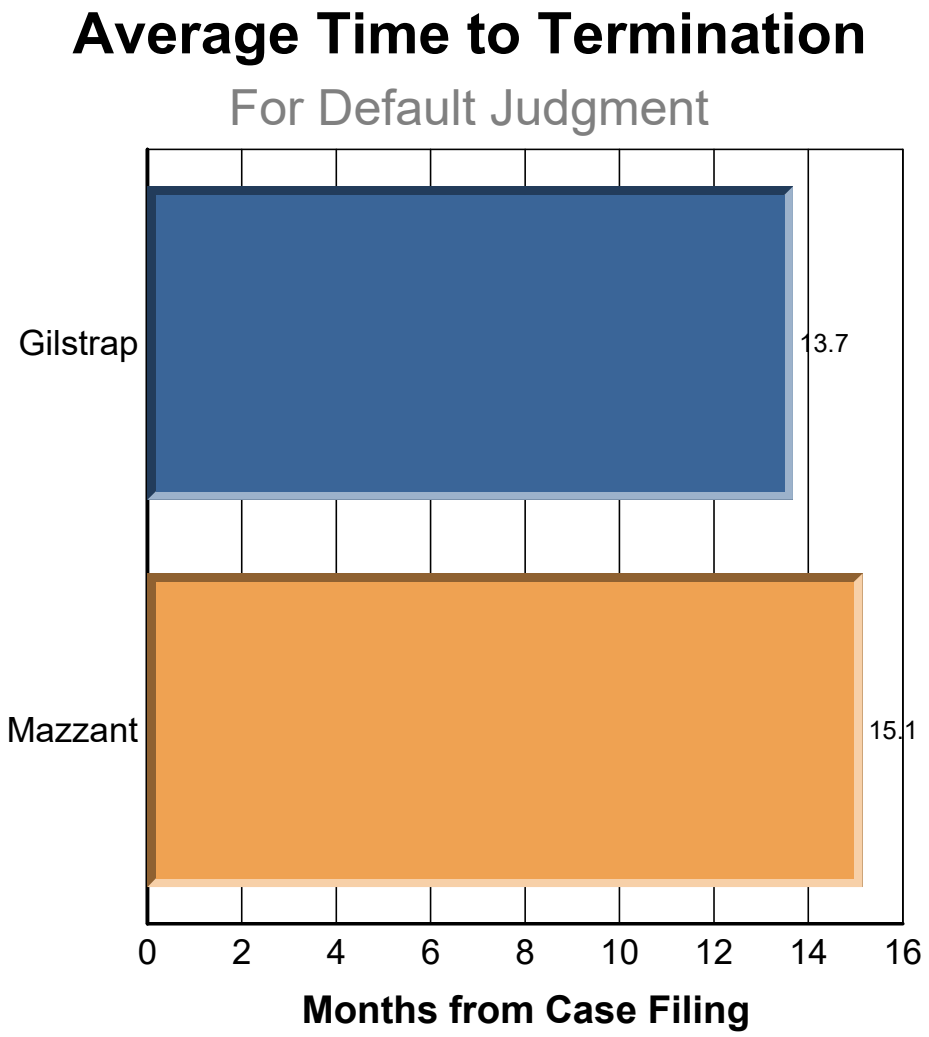
Consent Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Default Judgment

The number of Default Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

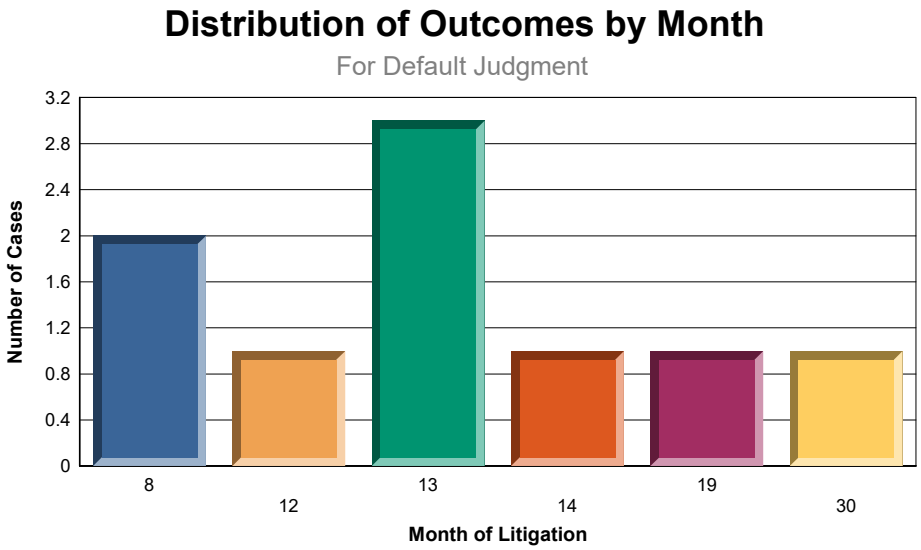


Default Judgment

	Average Time to Termination	Number of Cases
District	14.0	9
Gilstrap	13.7	7
Mazzant	15.1	2

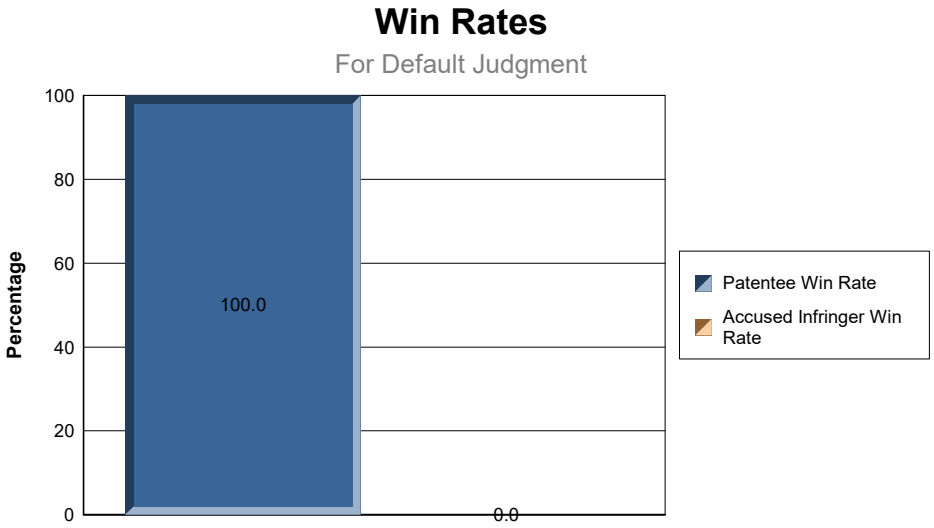
Default Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



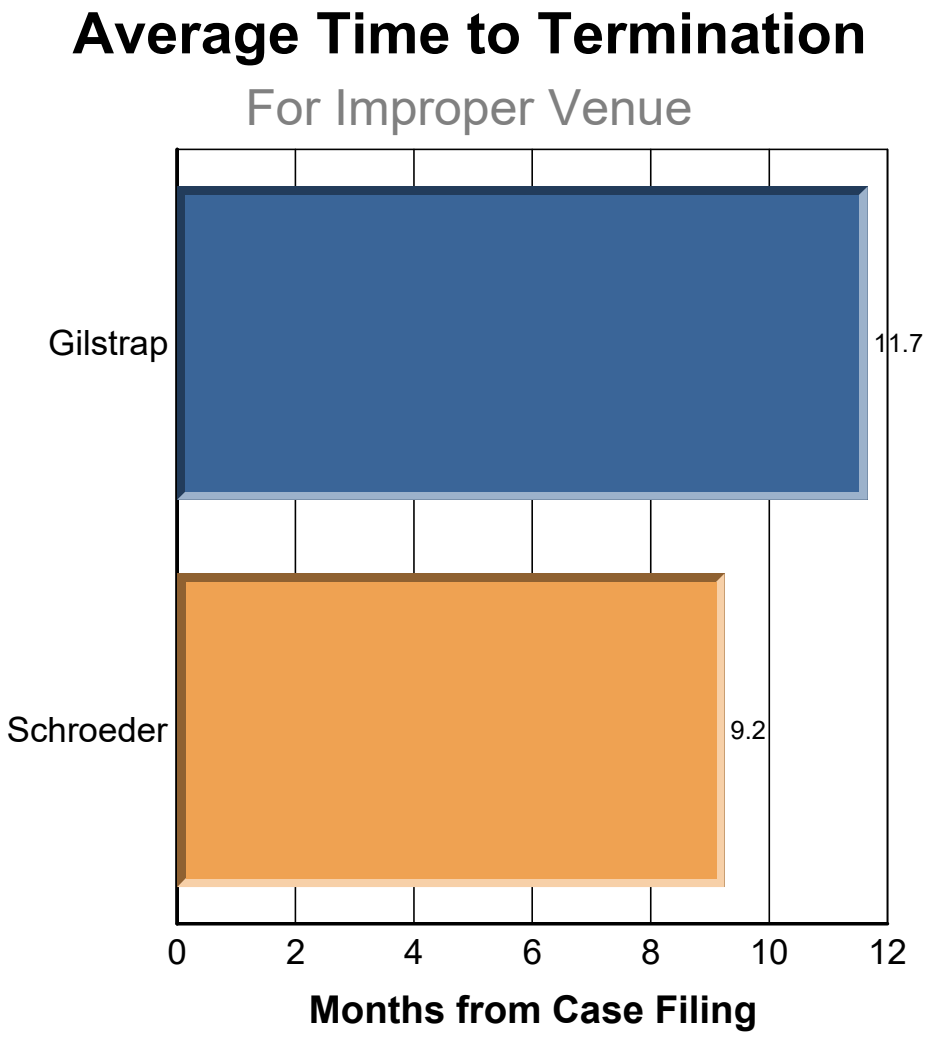
Default Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Improper Venue

The number of Improper Venue outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

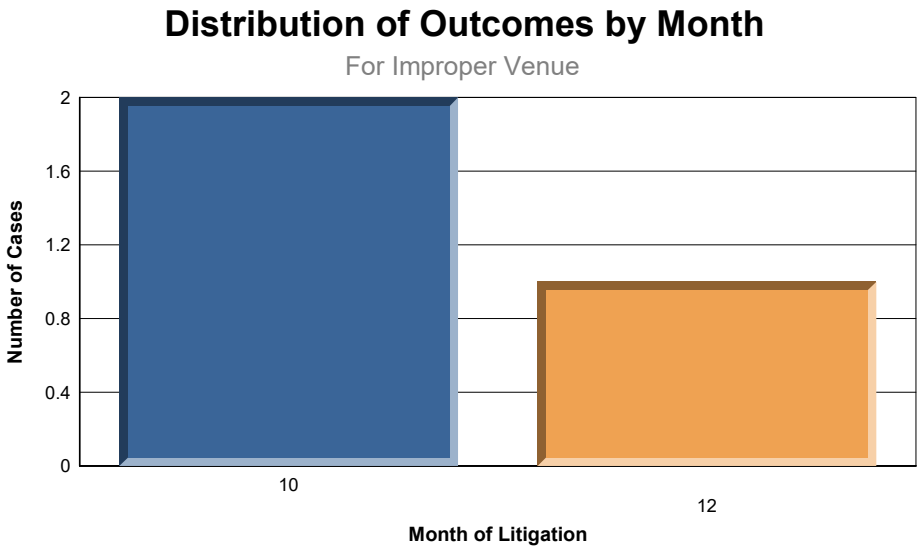


Improper Venue

	Average Time to Termination	Number of Cases
District	10.1	3
Gilstrap	11.7	1
Schroeder	9.2	2

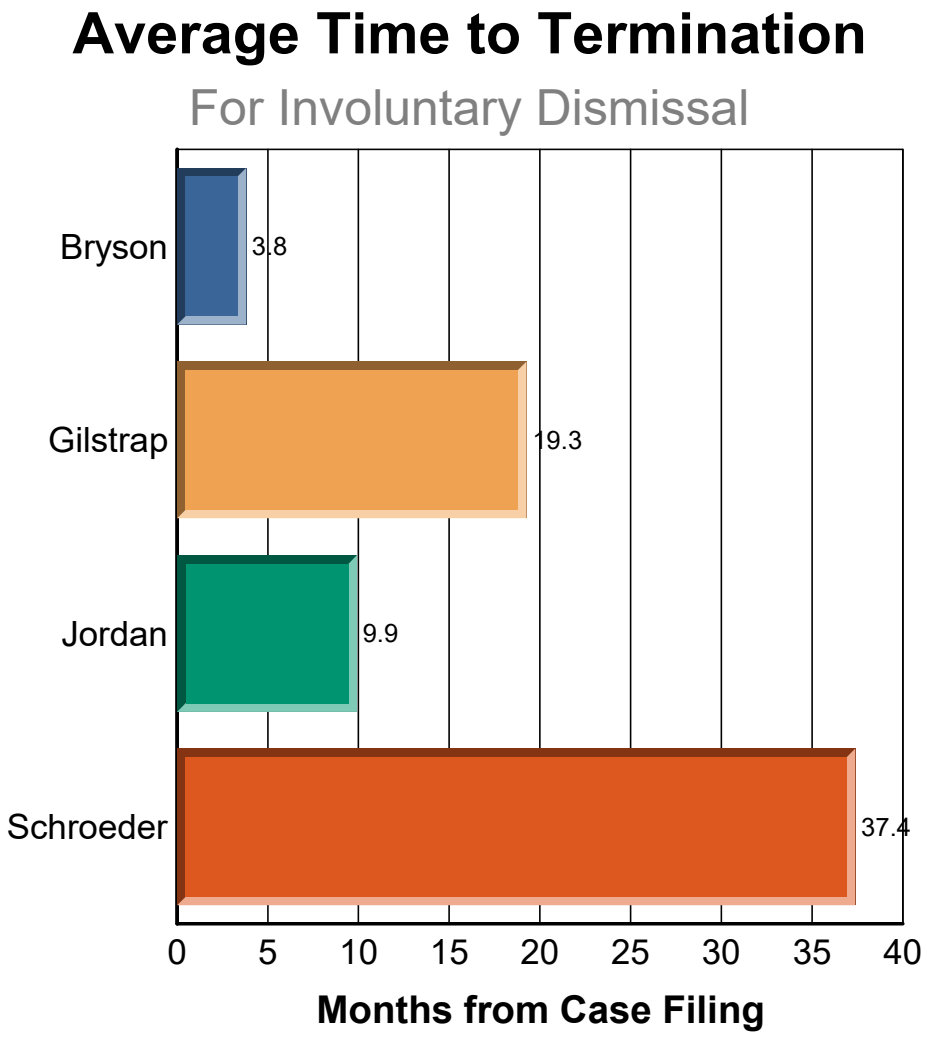
Improper Venue

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Involuntary Dismissal

The number of Involuntary Dismissal outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

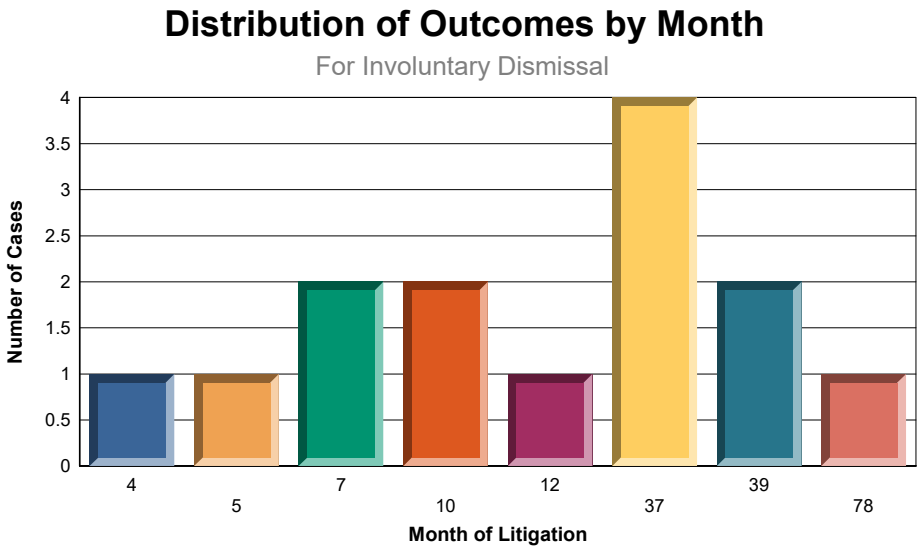


Involuntary Dismissal

	Average Time to Termination	Number of Cases
District	25.3	14
Bryson	3.8	1
Gilstrap	19.3	6
Jordan	9.9	1
Schroeder	37.4	6

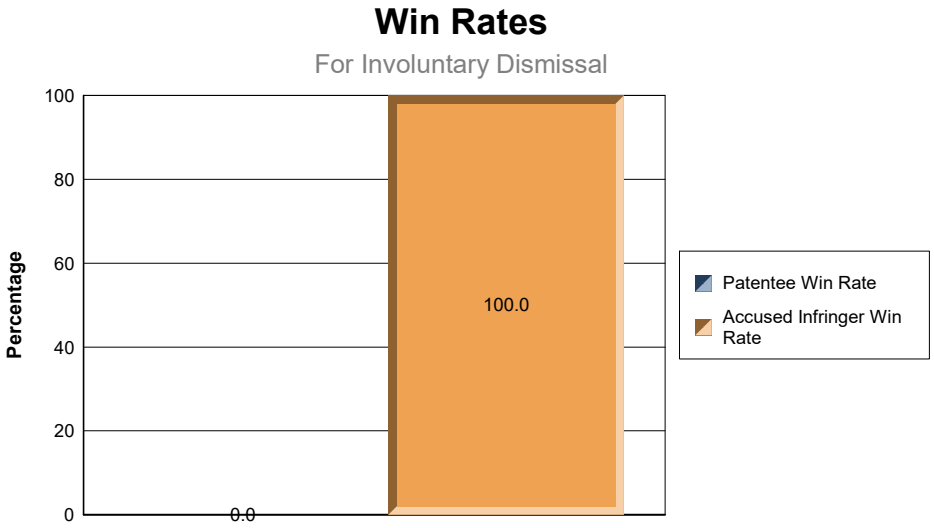
Involuntary Dismissal

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Involuntary Dismissal

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

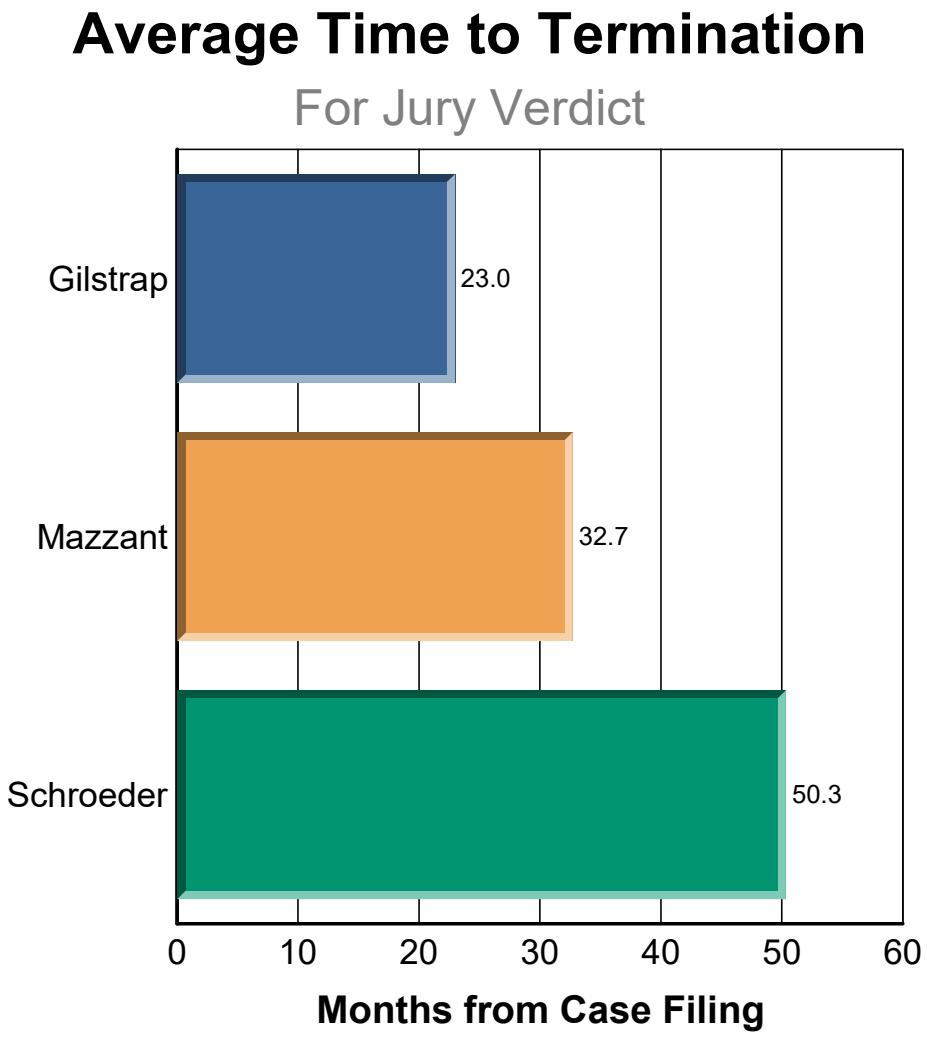


Involuntary Dismissal

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:19cv00106	Bryson	Accused Infringer	3.8	First-Class Monitoring, LLC v. United Parcel Service of America, Inc.
2:21cv00445	Gilstrap	Accused Infringer	4.4	Miller Mendel, Inc. v. City of Anna, Texas et al
2:19cv00316	Gilstrap	Accused Infringer	6.1	Kutt v. Apple Inc et al
2:22cv00314	Gilstrap	Accused Infringer	6.9	Palo Alto Networks, Inc. v. Taasera Licensing LLC et al
2:20cv00382	Gilstrap	Accused Infringer	9.0	Mad Dogg Athletics, Inc. v. Peloton Interactive, Inc.
4:20cv00448	Jordan	Accused Infringer	9.9	Repifi Vendor Logistics, Inc. v. Intellicentrics, Inc. et al
2:21cv00172	Gilstrap	Accused Infringer	11.2	Arigna Technology Limited v. Bayerische Motoren Werke AG et al
6:16cv01058	Schroeder	Accused Infringer	36.8	Semantic Search Technologies LLC v. ALDO U.S., Inc.
6:16cv01061	Schroeder	Accused Infringer	36.8	Semantic Search Technologies LLC v. Fry's Electronics, Incorporated
6:16cv01066	Schroeder	Accused Infringer	36.8	Semantic Search Technologies LLC v. O'Reilly Automotive, Inc.
6:16cv01068	Schroeder	Accused Infringer	36.8	Semantic Search Technologies LLC v. SHOP MA, Inc.
6:16cv01062	Schroeder	Accused Infringer	38.5	Semantic Search Technologies LLC v. Gander Mountain Company
6:16cv01071	Schroeder	Accused Infringer	38.6	Semantic Search Technologies LLC v. The Pep Boys - Manny, Moe & Jack, Inc.
2:16cv00129	Gilstrap	Accused Infringer	78.0	Customedia Technologies, L.L.C. v. Dish Network Corporation et al

Jury Verdict

The number of Jury Verdict outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

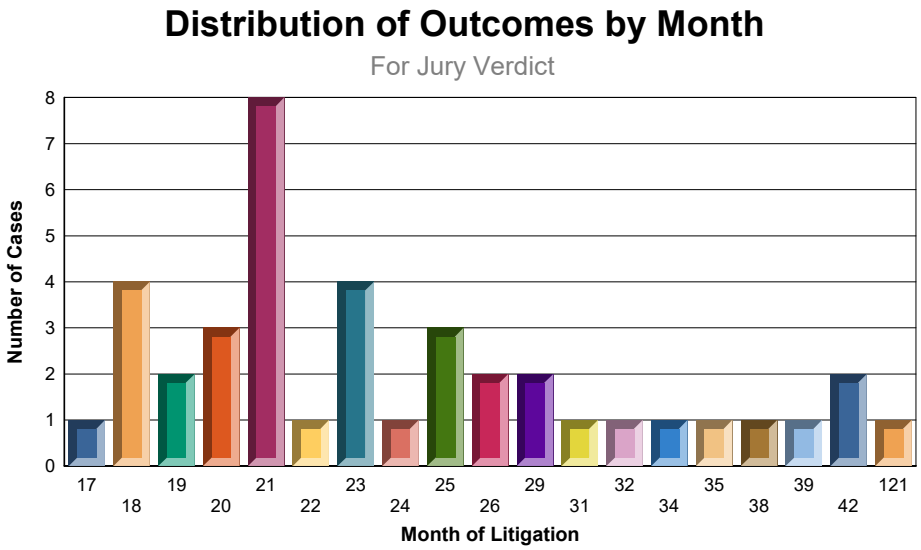


Jury Verdict

	Average Time to Termination	Number of Cases
District	26.9	40
Gilstrap	23.0	33
Mazzant	32.7	2
Schroeder	50.3	5

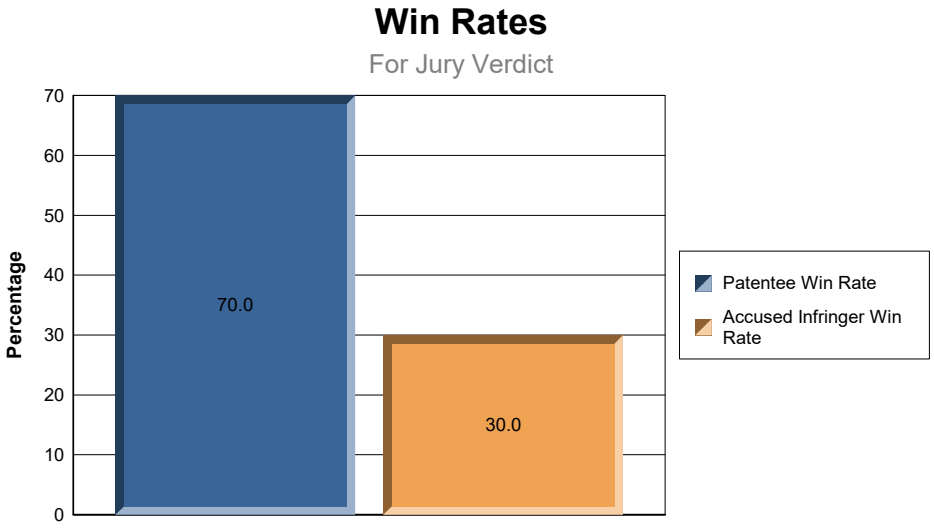
Jury Verdict

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Jury Verdict

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



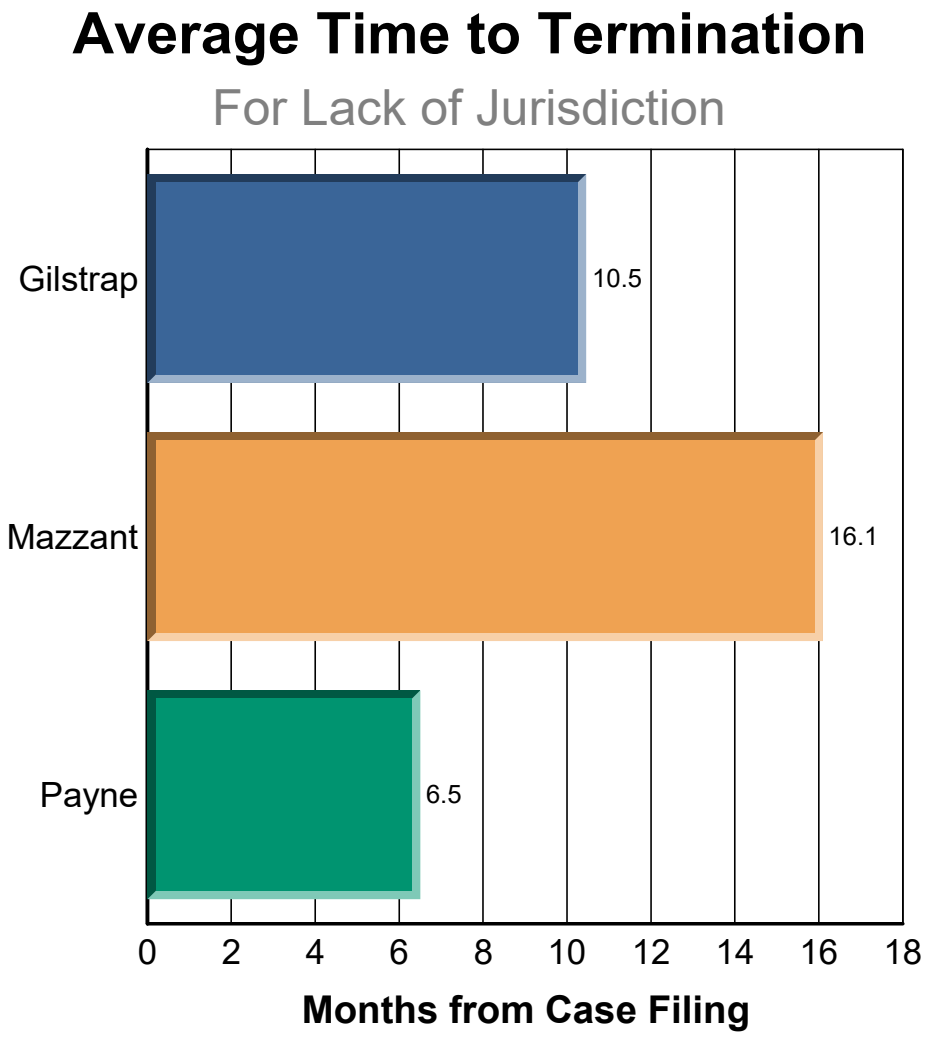
Jury Verdict

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:18cv00366	Gilstrap	Patentee	16.8	United Services Automobile Association v. Wells Fargo Bank, N.A.
2:18cv00245	Gilstrap	Patentee	17.2	United Services Automobile Association v. Wells Fargo Bank, N.A.
2:21cv00113	Gilstrap	Patentee	17.2	Koninklijke Kpn N.V. v. Telefonaktiebolaget LM Ericsson et al
2:21cv00316	Gilstrap	Patentee	17.5	Finesse Wireless LLC v. AT&T Mobility LLC
2:18cv00014	Gilstrap	Patentee	17.8	Plastronics Socket Partners, Ltd. et al v Dong Weon Hwang et al
2:20cv00349	Gilstrap	Accused Infringer	18.9	Longhorn HD LLC. v. NetScout Systems, Inc.
2:19cv00123	Gilstrap	Patentee	19.0	Vocalife LLC v. Amazon.com, Inc. et al
2:21cv00463	Gilstrap	Patentee	19.7	Netlist, Inc. v. SAMSUNG ELECTRONICS CO., LTD. et al
2:19cv00090	Gilstrap	Accused Infringer	19.8	Personalized Media Communications, LLC v. Google LLC
2:19cv00300	Gilstrap	Accused Infringer	19.9	Gigamon Inc. v. Apcon, Inc.
2:19cv00070	Gilstrap	Patentee	20.0	GREE, INC v. SUPERCELL OY
2:19cv00071	Gilstrap	Patentee	20.0	GREE, INC v. SUPERCELL OY
2:18cv00007	Gilstrap	Accused Infringer	20.1	PPS DATA, LLC v. Jack Henry & Associates, Inc.
2:21cv00448	Gilstrap	Patentee	20.4	Constellation Designs, LLC v. LG ELECTRONICS, INC. et al
2:22cv00296	Gilstrap	Accused Infringer	20.5	Smart Path Connections, LLC v. Nokia Corporation et al
2:21cv00310	Gilstrap	Patentee	20.6	TQ Delta, LLC v. CommScope Holding Company, Inc. et al
2:19cv00347	Gilstrap	Patentee	20.7	Acorn Semi, LLC v. Samsung Electronics Co., Ltd. et al
2:20cv00337	Gilstrap	Patentee	21.0	Seagen Inc. v. Daiichi Sankyo Co., Ltd.
2:18cv00053	Gilstrap	Accused Infringer	21.3	Implicit, LLC v. NETSCOUT Systems, Inc.
2:22cv00232	Gilstrap	Patentee	22.1	Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd. et al
6:18cv00388	Schroeder	Patentee	22.5	Papst Licensing GmbH & Co., KG v. Samsung Electronics Co., LTD. et al

2:20cv00319	Gilstrap	Patentee	22.6	United Services Automobile Association v. PNC Bank N.A.
2:19cv00152	Gilstrap	Patentee	22.7	Solas OLED Ltd. v. Samsung Display Co., Ltd. et al
2:22cv00072	Gilstrap	Patentee	23.8	Ollnova Technologies Limited v. Ecobee Technologies, ULC d/b/a/ Ecobee
2:19cv00066	Gilstrap	Patentee	24.0	Optis Wireless Technology, LLC et al v. Apple Inc.
2:21cv00430	Gilstrap	Patentee	24.7	Atlas Global Technologies LLC v. TP-Link Technologies Co., Ltd. et al
2:21cv00084	Gilstrap	Patentee	24.9	The Chamberlain Group LLC v. Overhead Door Corporation et al
2:17cv00123	Gilstrap	Patentee	25.2	Optis Wireless Technology, LLC et al v. Huawei Device (Shenzhen) Co., Ltd
2:20cv00004	Gilstrap	Accused Infringer	26.0	Salazar v. AT&T Mobility LLC et al
5:16cv00183	Schroeder	Accused Infringer	28.6	Arterbury et al v. Odessa Separator, Inc.
2:19cv00248	Gilstrap	Accused Infringer	28.9	Infernal Technology, LLC v. Sony Interactive Entertainment America, LLC
2:20cv00298	Gilstrap	Patentee	30.6	U.S. Silica Company v. Amberger Kaolinwerke Eduard Kick GmbH & Co. KG
4:18cv00474	Mazzant	Accused Infringer	31.8	Innovation Sciences, LLC v. Amazon.Com, Inc.,
4:18cv00469	Mazzant	Patentee	33.7	Wapp Tech Limited Partnership et al v. Micro Focus International PLC
2:21cv00033	Gilstrap	Accused Infringer	34.3	Evolved Wireless, LLC v. Samsung Electronics Co., Ltd. et al
6:16cv00033	Schroeder	Patentee	38.0	Tinnus Enterprises, LLC et al v. Telebrands Corporation
2:16cv01314	Gilstrap	Patentee	38.7	KAIST IP US LLC v. Samsung Electronics Co., LTD., et al
2:18cv00100	Gilstrap	Accused Infringer	41.6	Ultravision Technologies, LLC v. GoVision, LLC
6:19cv00059	Schroeder	Patentee	41.9	Lone Star Technological Innovations, LLC v. ASUS Computer International et al
2:14cv00287	Schroeder	Patentee	120.8	SynQor Inc. v. Vicor Corporation

Lack of Jurisdiction

The number of Lack of Jurisdiction outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

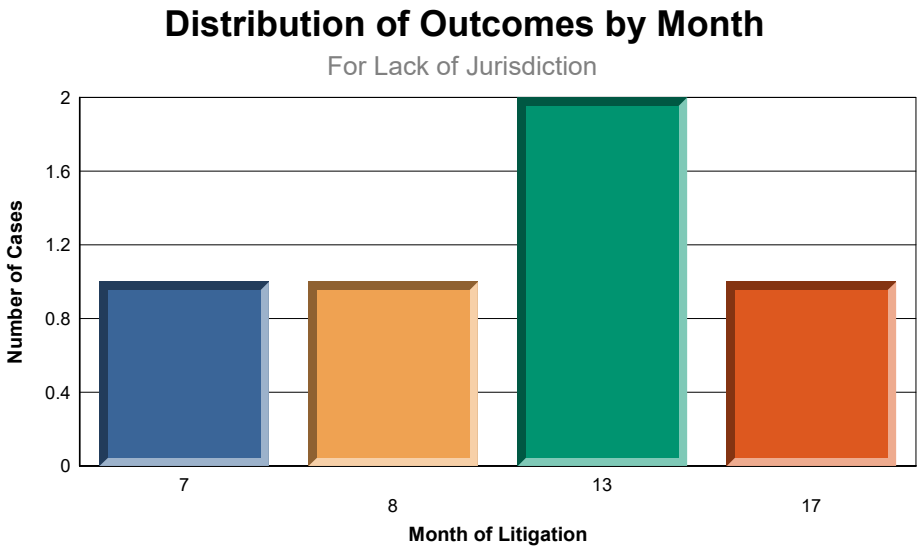


Lack of Jurisdiction

	Average Time to Termination	Number of Cases
District	10.8	5
Gilstrap	10.5	3
Mazzant	16.1	1
Payne	6.5	1

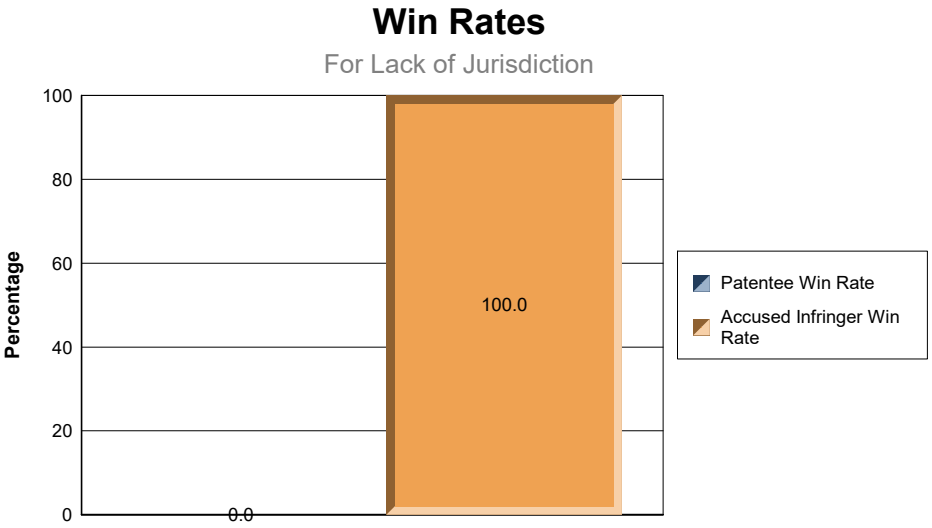
Lack of Jurisdiction

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Lack of Jurisdiction

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

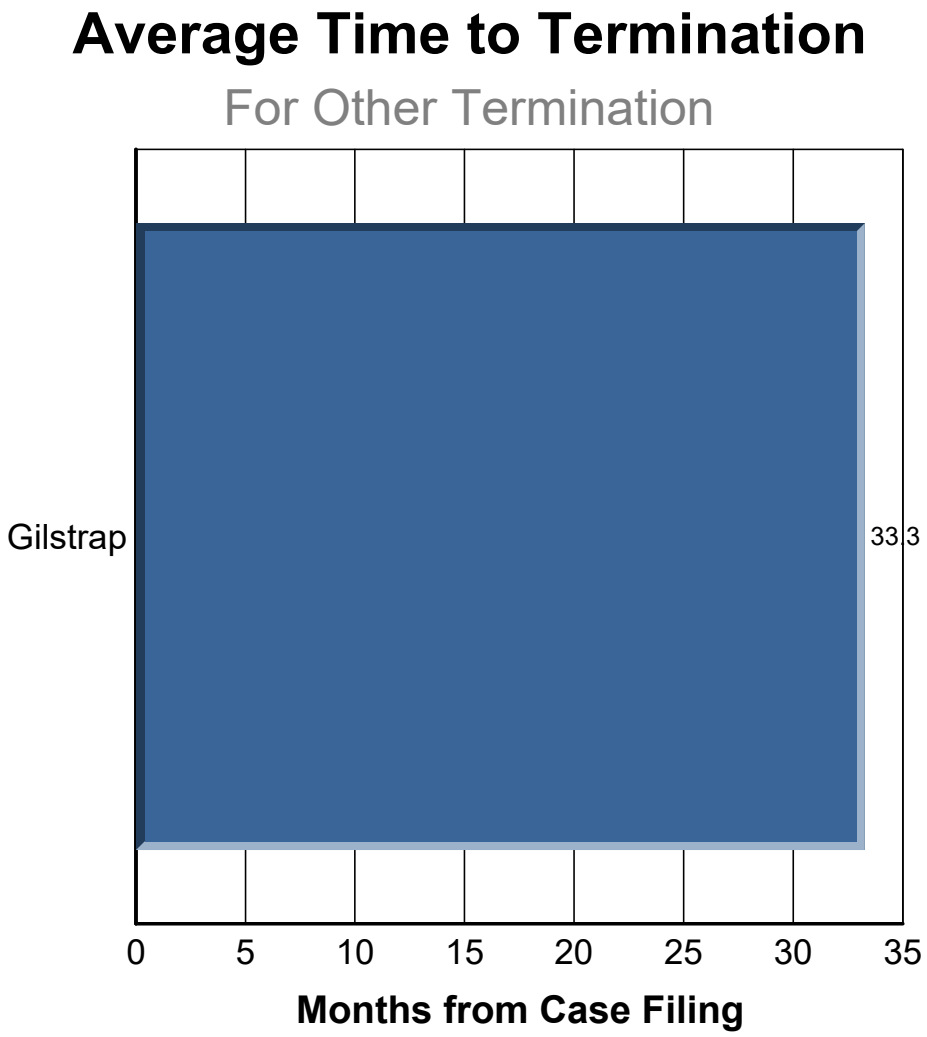


Lack of Jurisdiction

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:19cv00068	Payne	Accused Infringer	6.5	Sgromo v. Imperial Toy LLC
2:19cv00060	Gilstrap	Accused Infringer	7.1	Sgromo et al v. Bestway Enterprise Co. Ltd. et al

Other Termination

The number of Other Termination outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

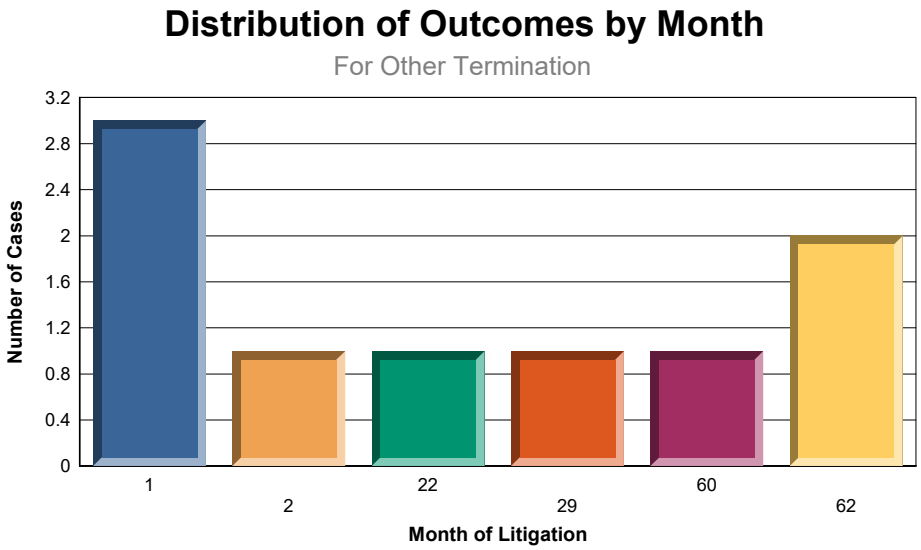


Other Termination

	Average Time to Termination	Number of Cases
District	33.3	7
Gilstrap	33.3	7

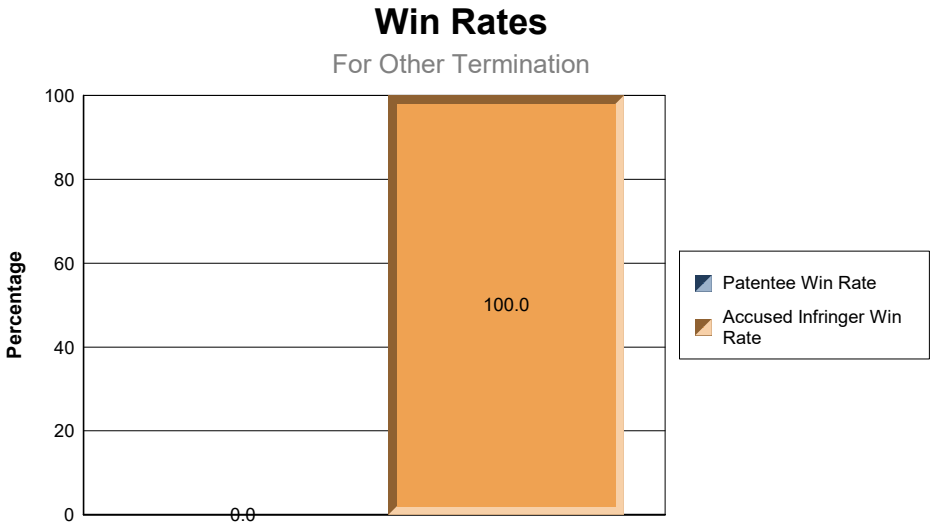
Other Termination

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Other Termination

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

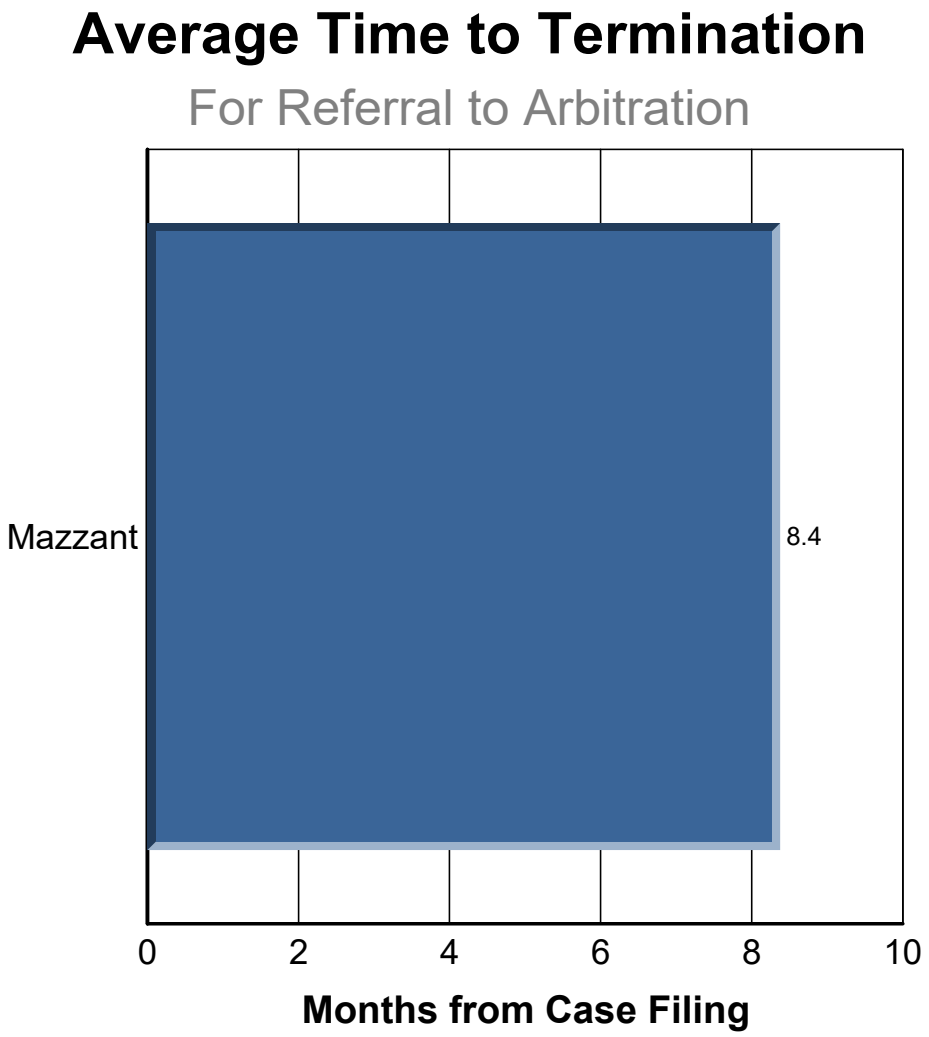


Other Termination

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:18cv00156	Gilstrap	Accused Infringer	21.6	WPEM, LLC v. SOTI Inc.
2:14cv00053	Gilstrap	Accused Infringer	59.4	Queens University at Kingston et al v. Samsung Electronics Co., Ltd. et al

Referral to Arbitration

The number of Referral to Arbitration outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

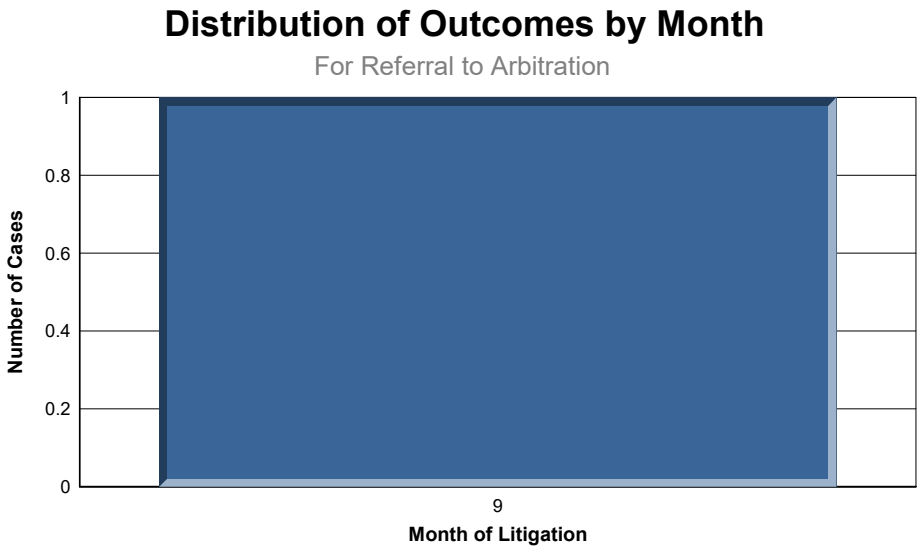


Referral to Arbitration

	Average Time to Termination	Number of Cases
District	8.4	1
Mazzant	8.4	1

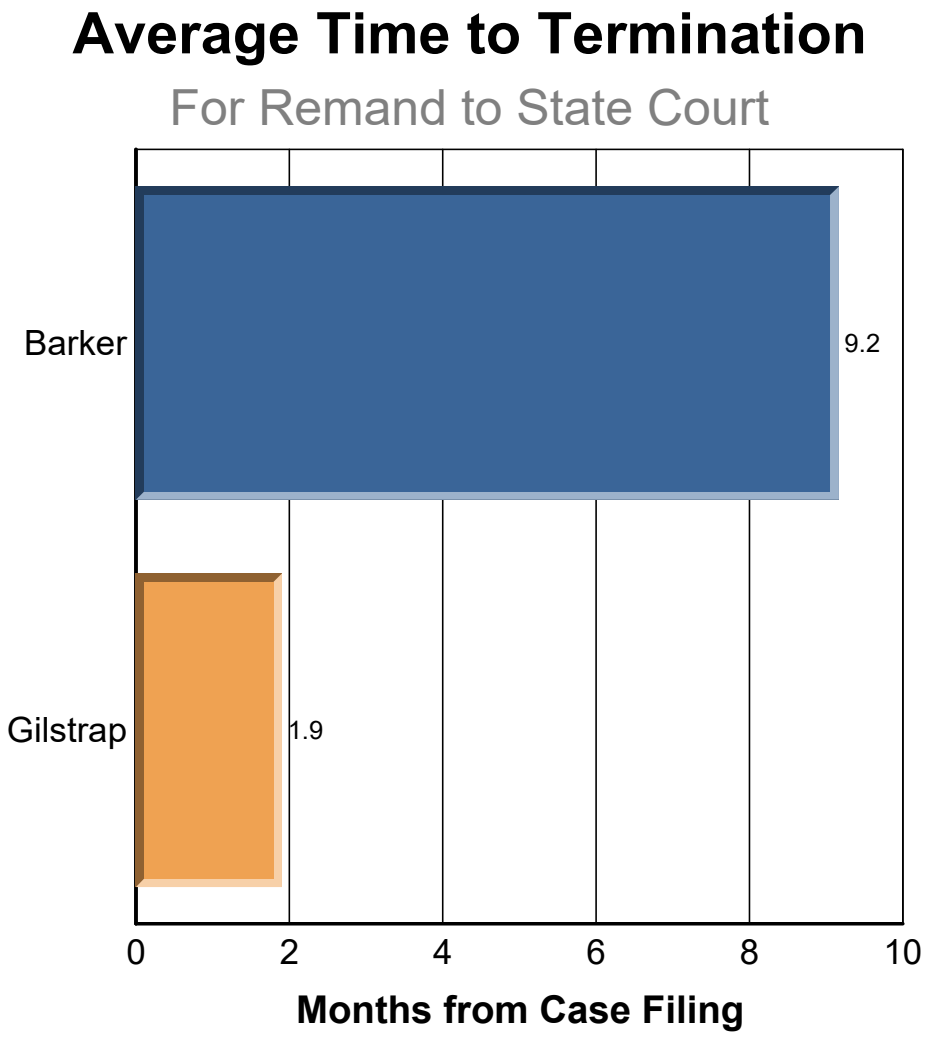
Referral to Arbitration

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Remand to State Court

The number of Remand to State Court outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

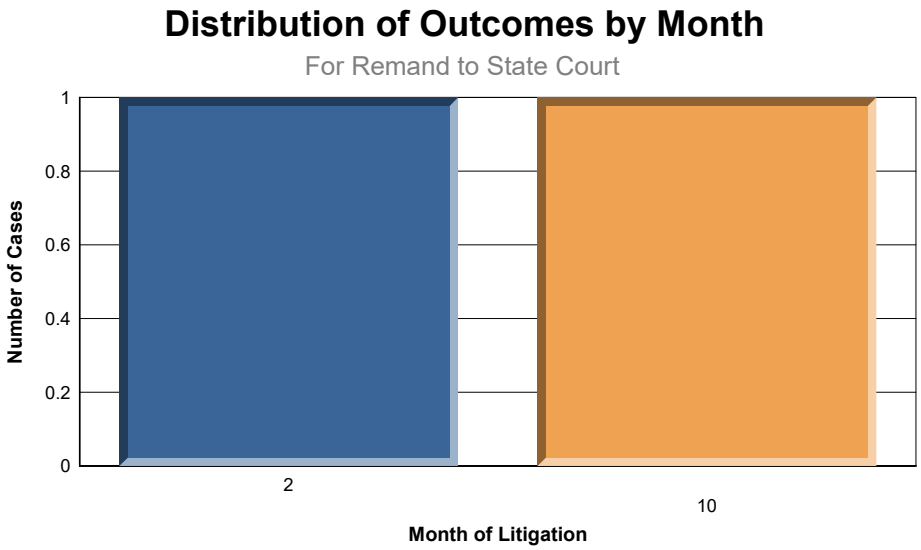


Remand to State Court

	Average Time to Termination	Number of Cases
District	5.5	2
Barker	9.2	1
Gilstrap	1.9	1

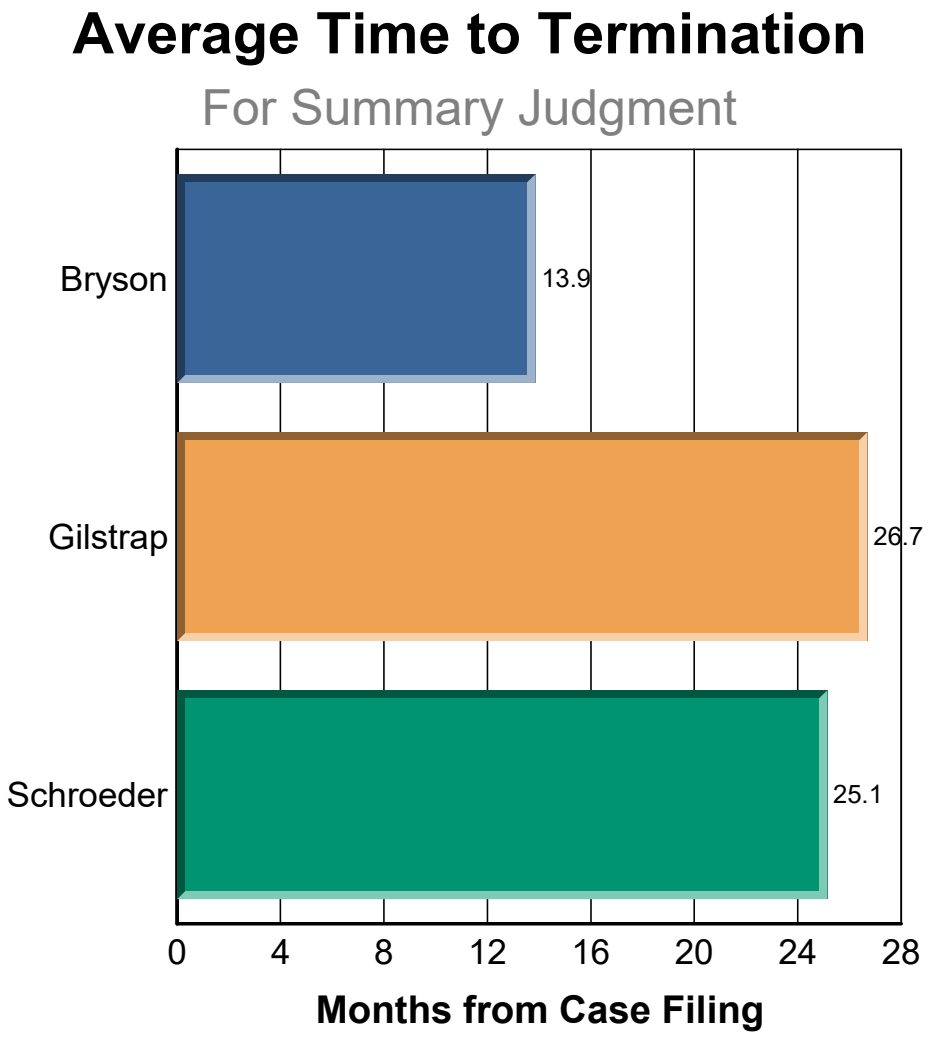
Remand to State Court

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Summary Judgment

The number of Summary Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

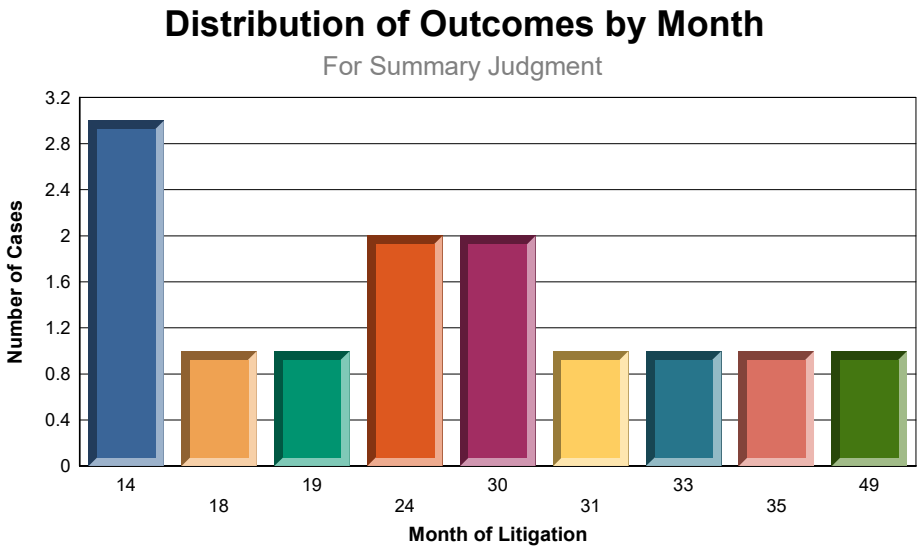


Summary Judgment

	Average Time to Termination	Number of Cases
District	25.2	13
Bryson	13.9	1
Gilstrap	26.7	8
Schroeder	25.1	4

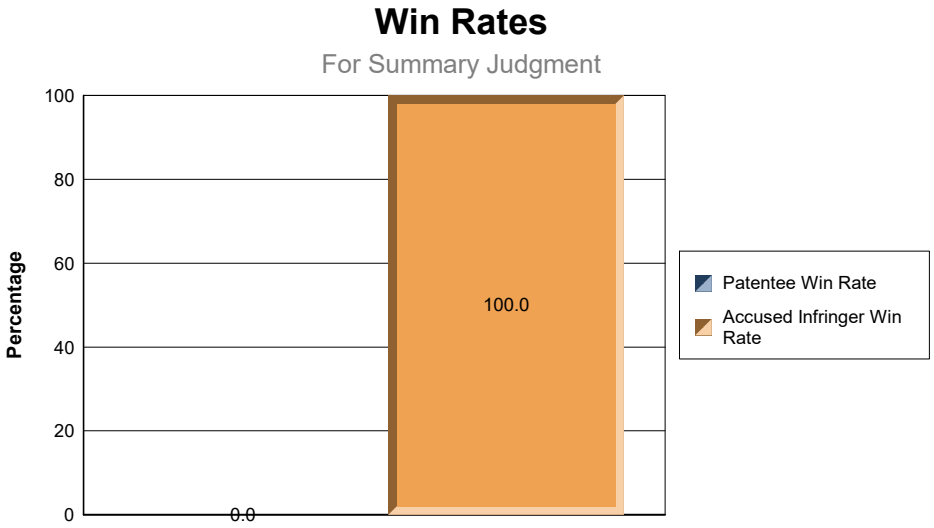
Summary Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Summary Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.

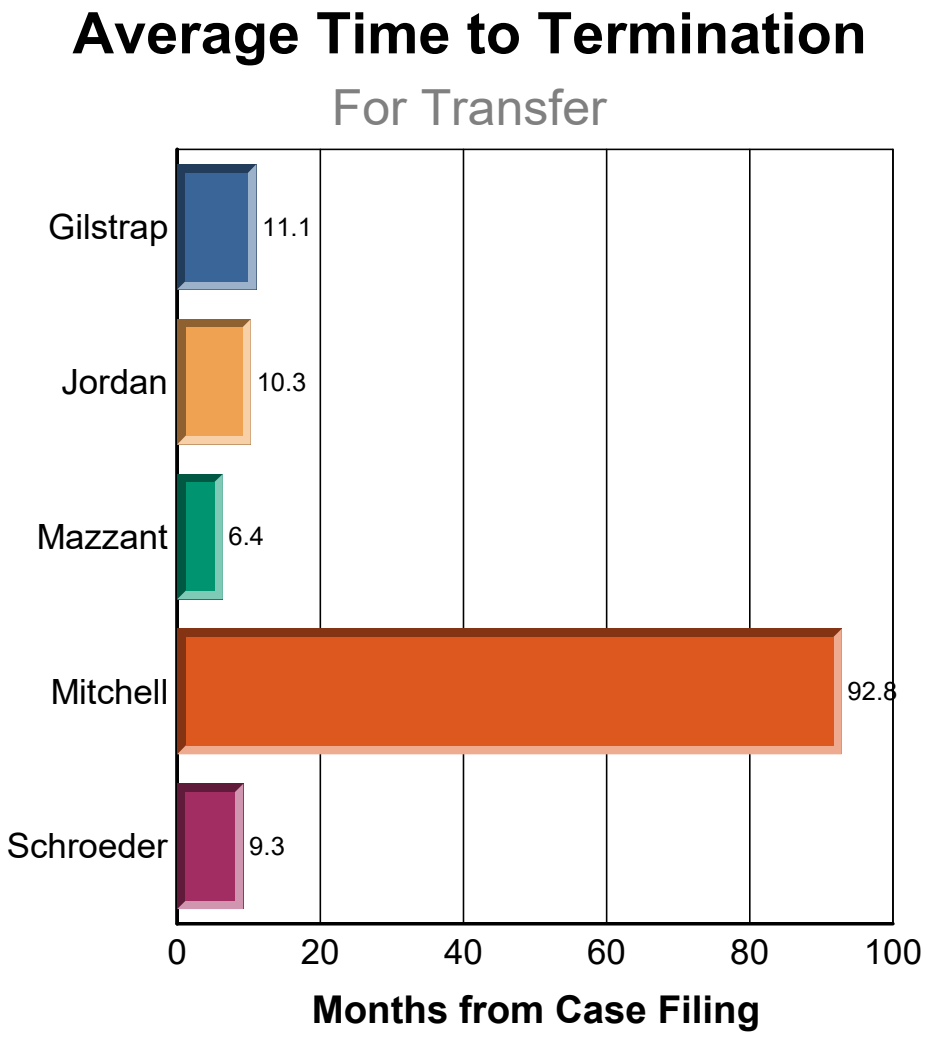


Summary Judgment

Case Number	Judge	Prevailing Party	Pendency	Case Name
2:19cv00023	Schroeder	Accused Infringer	13.1	Fireblok IP Holdings, LLC v. Hilti, Inc.
2:18cv00206	Gilstrap	Accused Infringer	13.4	Oyster Optics, LLC v. Infinera Corporation
2:17cv00768	Bryson	Accused Infringer	13.9	Specialized Monitoring Solutions, LLC v. ADT LLC d/b/a ADT Security Services
2:22cv00040	Gilstrap	Accused Infringer	17.5	Howlink Global LLC v. AT&T Inc. et al
2:21cv00273	Gilstrap	Accused Infringer	18.0	Island Intellectual Property LLC v. TD Ameritrade, Inc. et al
2:18cv00119	Schroeder	Accused Infringer	23.0	Level Sleep LLC v. Sleep Number Corporation et al
2:20cv00081	Gilstrap	Accused Infringer	24.0	Alexsam, Inc. v. Cigna Corporation et al
2:19cv00331	Gilstrap	Accused Infringer	29.2	Alexsam, Inc. v. Simon Property Group (Texas), L.P.
2:17cv00718	Schroeder	Accused Infringer	29.5	Traxcell Technologies, LLC v. AT&T, Inc. et al
2:16cv00947	Gilstrap	Accused Infringer	30.7	Huang v. Huawei Technologies Co. Ltd.
2:16cv00543	Gilstrap	Accused Infringer	32.6	Bytemark, Inc. v. Masabi Ltd.
2:17cv00042	Schroeder	Accused Infringer	34.9	Traxcell Technologies, LLC v. Huawei Technologies USA Inc.
2:15cv01167	Gilstrap	Accused Infringer	48.1	EMED Technologies Corporation et al v Repro-Med Systems, Inc.

Transfer

The number of Transfer outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

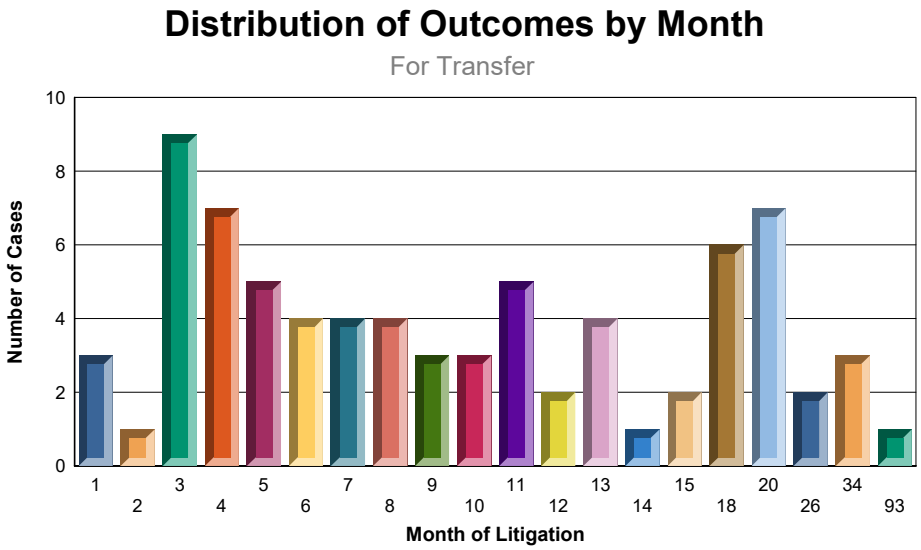


Transfer

	Average Time to Termination	Number of Cases
District	11.3	76
Gilstrap	11.1	55
Jordan	10.3	2
Mazzant	6.4	11
Mitchell	92.8	1
Schroeder	9.3	7

Transfer

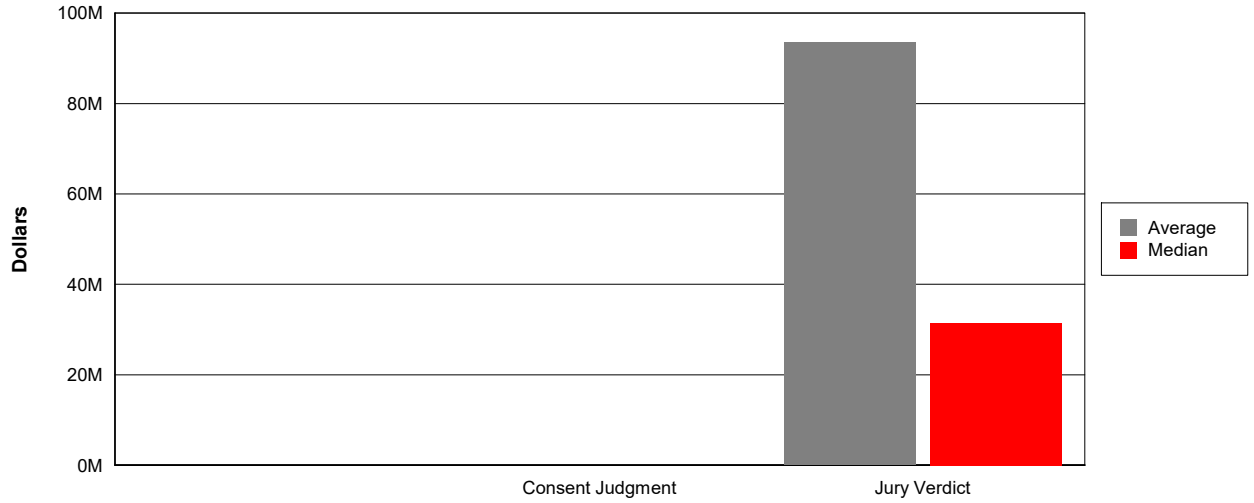
The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Awards and Settlement Amounts - What Will it Cost: The damages portion of litigation expense is heavily fact dependent, but there are norms one can use to ensure the reasonableness of predicted damage awards and total cost in a particular case. The chart and table below show the average and median amounts for the selected court. Award amounts not entered into the records of the federal courts or otherwise not brought to the attention of LegalMetric are not included in this report.

Studies have shown that attorney fees and related expenses can run from 33% to 100% of the damage awards. The total cost for various outcomes can be estimated by multiplying the average or median awards by 1.33 (for a low figure) or 2.0 (for a high figure). These total cost estimates are shown in the table below.

Award Amounts by Case Outcome Type



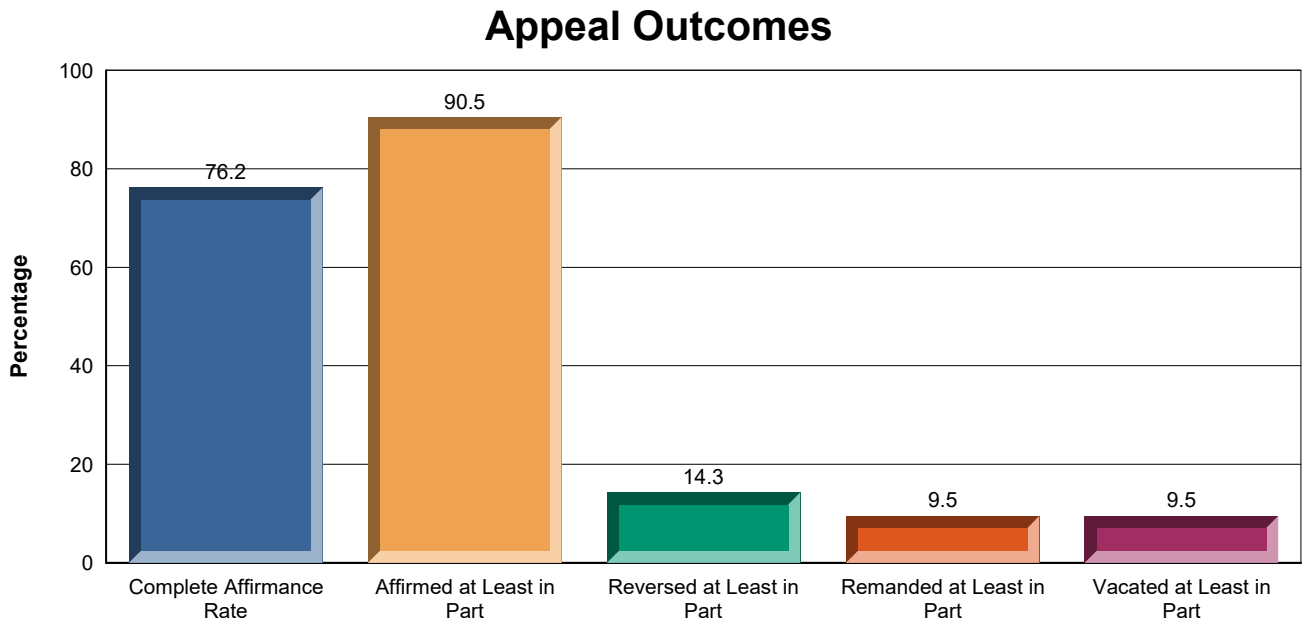
	Average Awards	Total Cost - Low Average	Total Cost - High Average	Median Awards	Total Cost - Low Median	Total Cost - High Median
Total	86,037,303	114,429,613	172,074,606	12,317,000	16,381,610	24,634,000
Consent Judgment	4,500	5,985	9,000	4,500	5,985	9,000
Jury Verdict	93,518,416	124,379,494	187,036,832	31,518,974	41,920,235	63,037,948

Case Number	Case Name	Date of Award or Settlement	Judge	Case Outcomes	Award Amounts
5:21cv00105	Pantech Corporation et al v. ASUSTEK COMPUTER INC.	12/27/2021	Schroeder	Consent Judgment	7,000
2:18cv00351	Corydoras Technologies, LLC v. ASUSTek Computer Inc.	7/12/2019	Gilstrap	Consent Judgment	2,000
2:18cv00366	United Services Automobile Association v. Wells Fargo Bank, N.A.	1/10/2020	Gilstrap	Jury Verdict	102,792,510
2:18cv00245	United Services Automobile Association v. Wells Fargo Bank, N.A.	11/12/2019	Gilstrap	Jury Verdict	200,000,000
2:21cv00113	Koninklijke Kpn N.V. v. Telefonaktiebolaget LM Ericsson et al	9/6/2022	Gilstrap	Jury Verdict	31,518,974

2:21cv00316	Finesse Wireless LLC v. AT&T Mobility LLC	2/8/2023	Gilstrap	Jury Verdict	166,303,391
2:19cv00123	Vocalife LLC v. Amazon.com, Inc. et al	11/13/2020	Gilstrap	Jury Verdict	5,000,000
2:21cv00463	Netlist, Inc. v. SAMSUNG ELECTRONICS CO., LTD. et al	8/11/2023	Gilstrap	Jury Verdict	303,150,000
2:19cv00070	GREE, INC v. SUPERCELL OY	10/28/2020	Gilstrap	Jury Verdict	8,500,000
2:21cv00448	Constellation Designs, LLC v. LG ELECTRONICS, INC. et al	8/23/2023	Gilstrap	Jury Verdict	1,684,469
2:21cv00310	TQ Delta, LLC v. CommScope Holding Company, Inc. et al	5/3/2023	Gilstrap	Jury Verdict	11,125,000
2:20cv00337	Seagen Inc. v. Daiichi Sankyo Co., Ltd.	7/19/2022	Gilstrap	Jury Verdict	41,820,000
2:22cv00232	Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd. et al	4/26/2024	Gilstrap	Jury Verdict	4,701,108
6:18cv00388	Papst Licensing GmbH & Co., KG v. Samsung Electronics Co., LTD, et al	6/16/2020	Schroeder	Jury Verdict	5,924,374
2:19cv00152	Solas OLED Ltd. v. Samsung Display Co., Ltd. et al	3/23/2021	Gilstrap	Jury Verdict	62,738,543
2:22cv00072	Ollnova Technologies Limited v. Ecobee Technologies, ULC d/b/a/ Ecobee	3/1/2024	Gilstrap	Jury Verdict	11,500,000
2:19cv00066	Optis Wireless Technology, LLC et al v. Apple Inc.	2/26/2021	Gilstrap	Jury Verdict	506,200,000
2:21cv00430	Atlas Global Technologies LLC v. TP-Link Technologies Co., Ltd. et al	12/13/2023	Gilstrap	Jury Verdict	37,481,264
2:21cv00084	The Chamberlain Group LLC v. Overhead Door Corporation et al	4/6/2023	Gilstrap	Jury Verdict	43,400,000
2:17cv00123	Optis Wireless Technology, LLC et al v. Huawei Device (Shenzhen) Co., Ltd	3/18/2019	Gilstrap	Jury Verdict	10,553,565
4:18cv00469	Wapp Tech Limited Partnership et al v. Micro Focus International PLC	4/22/2021	Mazzant	Jury Verdict	172,554,269
6:16cv00033	Tinnus Enterprises, LLC et al v. Telebrands Corporation	3/27/2019	Schroeder	Jury Verdict	12,317,000
2:16cv01314	KAIST IP US LLC v. Samsung Electronics Co., LTD., et al	2/21/2020	Gilstrap	Jury Verdict	400,000,000
6:19cv00059	Lone Star Technological Innovations, LLC v. ASUS Computer International et al	8/18/2022	Schroeder	Jury Verdict	659,106
2:14cv00287	SynQor Inc. v. Vicor Corporation	4/24/2024	Schroeder	Jury Verdict	11,000,000

Appeals

The number of rulings on appeal in these cases and the rulings themselves are found in the table below. The Complete Affirmance Rate (the number of appeals which were affirmed with no other ruling, divided by the total number of appeals decision-not counting dismissed and pending appeals), the percentage of appeal rulings which affirmed the lower court at least in part, the percentage which reversed this court at least in part, the percentage which remanded this court at least in part, and the percentage which vacated this court at least in part are shown in the chart immediately below.



	Total
Affirmed	16
Affirmed,Dismissed	1
Affirmed,Reversed	1
Affirmed,Vacated,Remanded	1
Dismissed	15
Pending	17
Reversed,Remanded	1
Reversed,Vacated,Dismissed	1

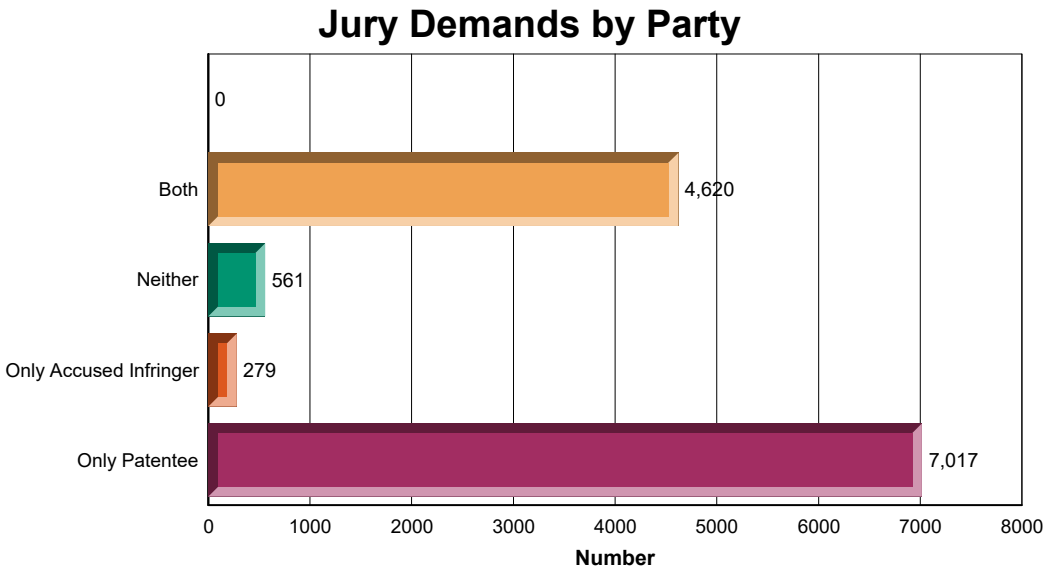
Case Name	Case Number	Judge	Result of Appeal
E-System Design, Inc. v. Mentor Graphics Corporation	4:17cv00682	Mazzant	Affirmed
Wapp Tech Limited Partnership et al v. Micro Focus International PLC	4:18cv00469	Mazzant	Affirmed
Huang v. Huawei Technologies Co. Ltd.	2:16cv00947	Gilstrap	Affirmed
Uniloc USA, Inc. et al v. SAMSUNG ELECTRONICS AMERICA, INC. et al	2:18cv00042	Gilstrap	Affirmed
Ultravision Technologies, LLC v. GoVision, LLC	2:18cv00100	Gilstrap	Affirmed
WPEM, LLC v. SOTI Inc.	2:18cv00156	Gilstrap	Affirmed
Oyster Optics, LLC v. Infinera Corporation	2:18cv00206	Gilstrap	Affirmed
SAS Institute Inc. v. World Programming Limited et al	2:18cv00295	Gilstrap	Affirmed
Luminati Networks Ltd. v. BI Science Inc.	2:18cv00483	Gilstrap	Affirmed
Uniloc 2017 LLC v. Verizon Communications Inc. et al	2:18cv00536	Gilstrap	Affirmed
Infernal Technology, LLC v. Sony Interactive Entertainment America, LLC	2:19cv00248	Gilstrap	Affirmed
Salazar v. AT&T Mobility LLC et al	2:20cv00004	Gilstrap	Affirmed
Traxcell Technologies, LLC v. AT&T, Inc. et al	2:17cv00718	Schroeder	Affirmed
Level Sleep LLC v. Sleep Number Corporation et al	2:18cv00119	Schroeder	Affirmed
Fireblok IP Holdings, LLC v. Hilti, Inc.	2:19cv00023	Schroeder	Affirmed
Repifi Vendor Logistics, Inc. v. Intellicentrics, Inc. et al	4:20cv00448	Jordan	Affirmed
Personalized Media Communications, LLC v. Apple, Inc.	2:15cv01366	Gilstrap	Affirmed,Dismissed
Plastronics Socket Partners, Ltd. et al v Dong Weon Hwang et al	2:18cv00014	Gilstrap	Affirmed,Reversed
Mitek Systems, Inc. v. United Services Automobile Association	2:20cv00115	Gilstrap	Affirmed,Vacated,Remanded
Core Wireless Licensing S.a.r.l. v. LG Electronics, Inc. et al	2:14cv00911	Gilstrap	Dismissed
EMED Technologies Corporation et al v Repro-Med Systems, Inc.	2:15cv01167	Gilstrap	Dismissed
KAIST IP US LLC v. Samsung Electronics Co., LTD., et al	2:16cv01314	Gilstrap	Dismissed
Implicit, LLC v. NETSCOUT Systems, Inc.	2:18cv00053	Gilstrap	Dismissed
Canon, Inc. v. TCL Electronics Holdings Ltd.	2:18cv00546	Gilstrap	Dismissed

Personalized Media Communications, LLC v. Google LLC	2:19cv00090	Gilstrap	Dismissed
Solas OLED Ltd. v. Samsung Display Co., Ltd. et al	2:19cv00152	Gilstrap	Dismissed
Nixon v. General Motors Corporation	2:19cv00287	Gilstrap	Dismissed
Kutt v. Apple Inc et al	2:19cv00316	Gilstrap	Dismissed
Acorn Semi, LLC v. Samsung Electronics Co., Ltd. et al	2:19cv00347	Gilstrap	Dismissed
U.S. Silica Company v. Amberger Kaolinwerke Eduard Kick GmbH & Co. KG	2:20cv00298	Gilstrap	Dismissed
The Chamberlain Group LLC v. Overhead Door Corporation et al	2:21cv00084	Gilstrap	Dismissed
Koninklijke Kpn N.V. v. Telefonaktiebolaget LM Ericsson et al	2:21cv00113	Gilstrap	Dismissed
Palo Alto Networks, Inc. v. Taasera Licensing LLC et al	2:22cv00314	Gilstrap	Dismissed
Tinnus Enterprises, LLC et al v. Telebrands Corporation	6:16cv00033	Schroeder	Dismissed
Andra Group, LP v. Victoria's Secret Stores, LLC et al	4:19cv00288	Mazzant	Pending
Customedia Technologies, L.L.C. v. Dish Network Corporation et al	2:16cv00129	Gilstrap	Pending
Optis Wireless Technology, LLC et al v. Apple Inc.	2:19cv00066	Gilstrap	Pending
GREE, INC v. SUPERCELL OY	2:19cv00070	Gilstrap	Pending
Alexsam, Inc. v. Simon Property Group (Texas), L.P.	2:19cv00331	Gilstrap	Pending
Alexsam, Inc. v. Cigna Corporation et al	2:20cv00081	Gilstrap	Pending
United Services Automobile Association v. PNC Bank N.A.	2:20cv00319	Gilstrap	Pending
Ahern Rentals, Inc. v. Equipmentshare.com, Inc.	2:20cv00333	Gilstrap	Pending
Seagen Inc. v. Daiichi Sankyo Co., Ltd.	2:20cv00337	Gilstrap	Pending
Island Intellectual Property LLC v. TD Ameritrade, Inc. et al	2:21cv00273	Gilstrap	Pending
TQ Delta, LLC v. CommScope Holding Company, Inc. et al	2:21cv00310	Gilstrap	Pending
Netlist, Inc. v. SAMSUNG ELECTRONICS CO., LTD. et al	2:21cv00463	Gilstrap	Pending
Ollnova Technologies Limited v. Ecobee Technologies, ULC d/b/a/ Ecobee	2:22cv00072	Gilstrap	Pending
Image Processing Technologies, LLC v. LG Electronics, Inc. et al	2:22cv00077	Gilstrap	Pending

Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd. et al	2:22cv00232	Gilstrap	Pending
SynQor Inc. v. Vicor Corporation	2:14cv00287	Schroeder	Pending
Lone Star Technological Innovations, LLC v. ASUS Computer International et al	6:19cv00059	Schroeder	Pending
Smartflash LLC et al v. Samsung Electronics Co., Ltd. et al	6:13cv00448	Gilstrap	Reversed,Remanded
Vocalife LLC v. Amazon.com, Inc. et al	2:19cv00123	Gilstrap	Reversed,Vacated,Dismissed

Jury Demands

The number of jury demands by party type is shown below.

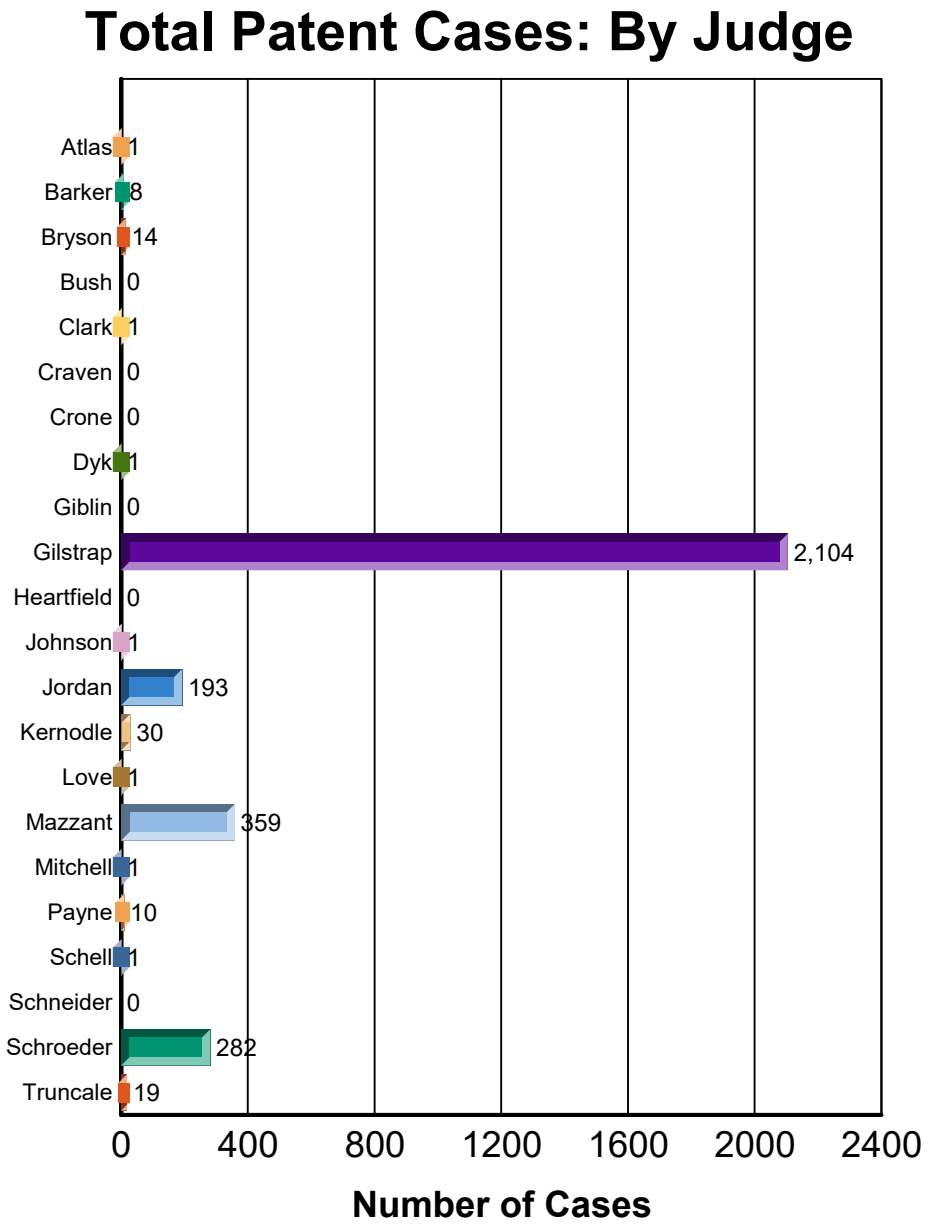


Experience

The active judges in the Texas Eastern District Court vary considerably in their exposure to patent cases in general and to significant motions in those cases.

Total Number of Patent Cases: By Judge

The total number of patent cases per judge is shown below, followed by a table listing the judge, total number of patent cases, total number of closed patent cases and total number of open patent cases.

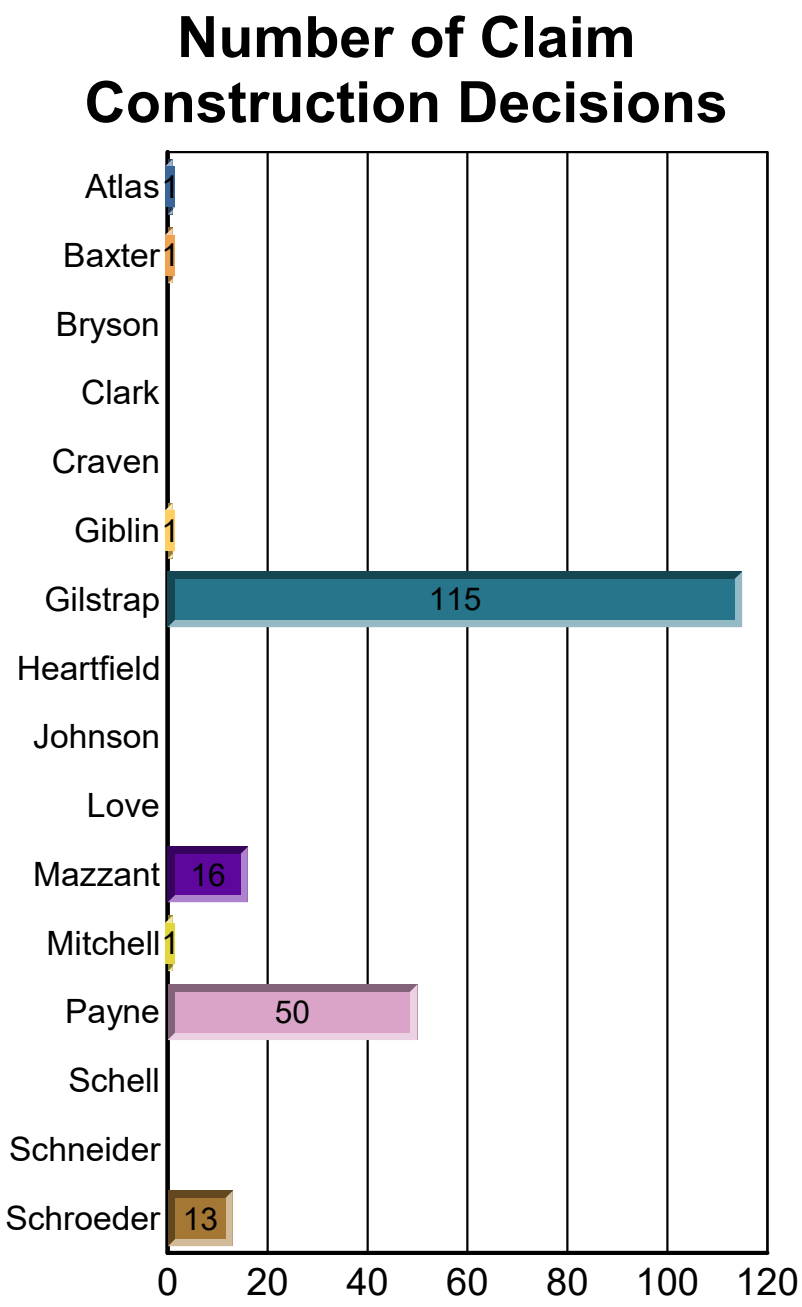


	Total Number of Cases	Number of Closed Cases	Number of Open Cases
Total	3026	2299	727
Atlas	1	0	1
Barker	8	7	1
Bryson	14	11	3
Clark	1	1	0
Dyk	1	0	1
Gilstrap	2104	1565	539
Johnson	1	1	0
Jordan	193	159	34
Kernodle	30	29	1
Love	1	1	0
Mazzant	359	291	68
Mitchell	1	1	0
Payne	10	10	0
Schell	1	1	0
Schroeder	282	203	79
Truncale	19	19	0

Total Number of Claim Construction Rulings: By Judge

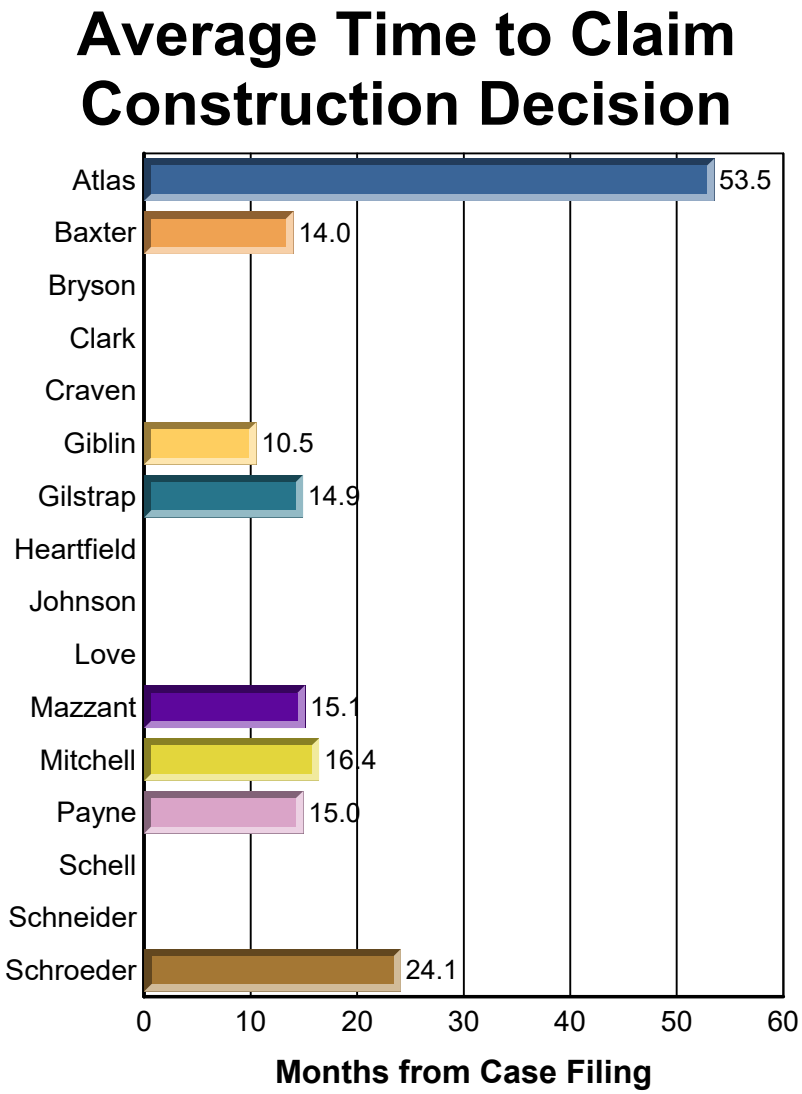
The number of claim construction rulings for each active judge is shown below. These figures do not include summary judgment decisions that may involve claim construction issues.

	Number of Decisions
Atlas	1
Baxter	1
Giblin	1
Gilstrap	115
Mazzant	16
Mitchell	1
Payne	50
Schroeder	13



The average time (in months) from case filing to claim construction rulings for each active judge is shown below.

	Months to Decision
Atlas	53.5
Baxter	14.0
Giblin	10.5
Gilstrap	14.9
Mazzant	15.1
Mitchell	16.4
Payne	15.0
Schroeder	24.1

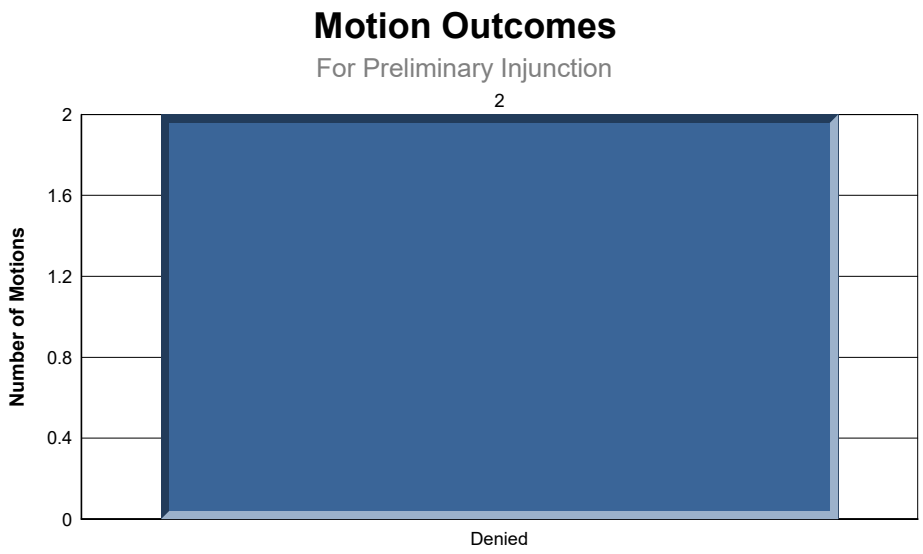


Motion Outcomes

The win rates and times to decision on contested preliminary injunction, stay pending reexam, summary judgment, and transfer motions are shown below. A motion that is granted in part and denied in part is treated as "1/2" granted, and "1/2" denied.

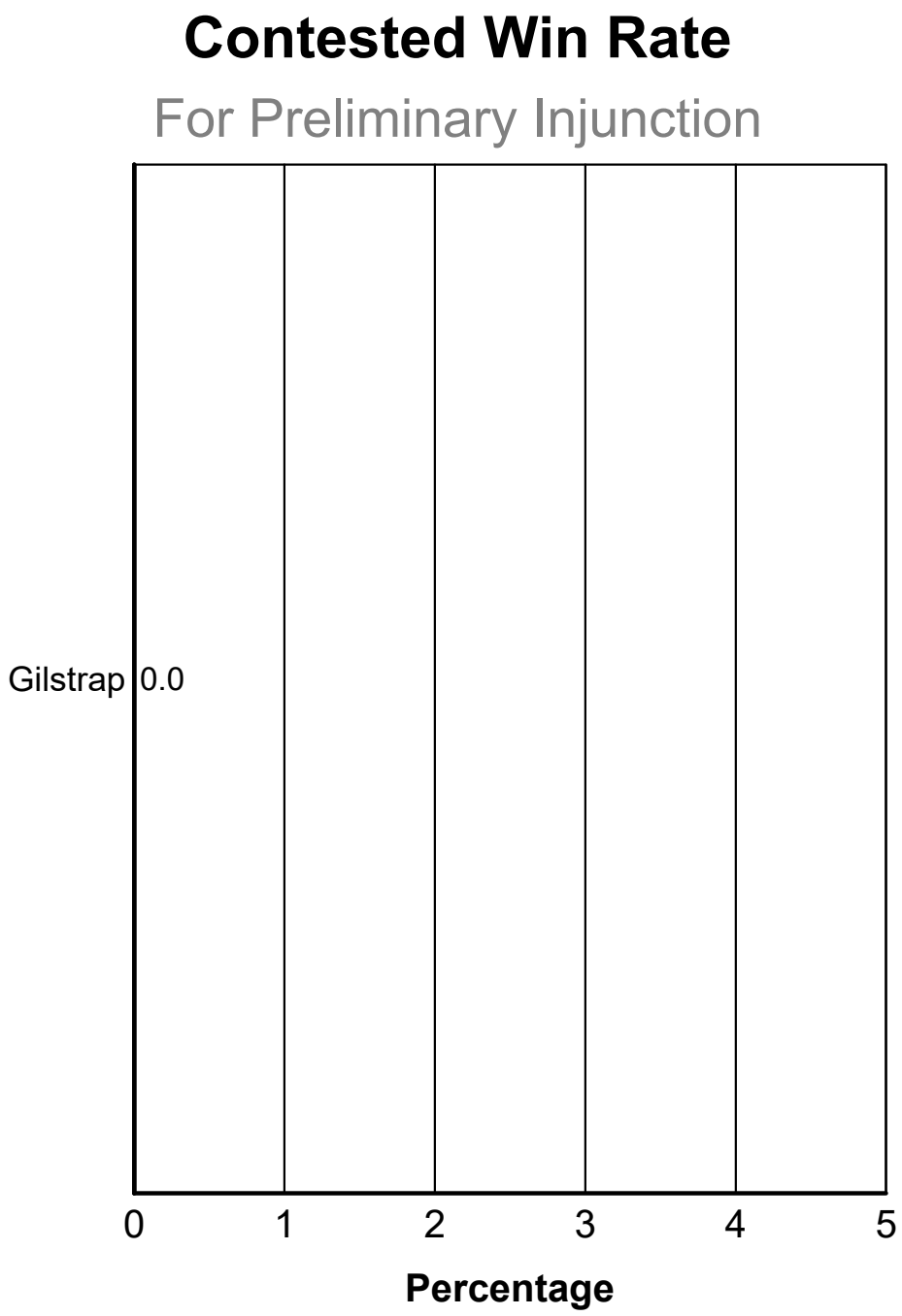
Preliminary Injunction

The number of Preliminary Injunction motions by outcome are shown below.



	Total
Total	2
Denied	2

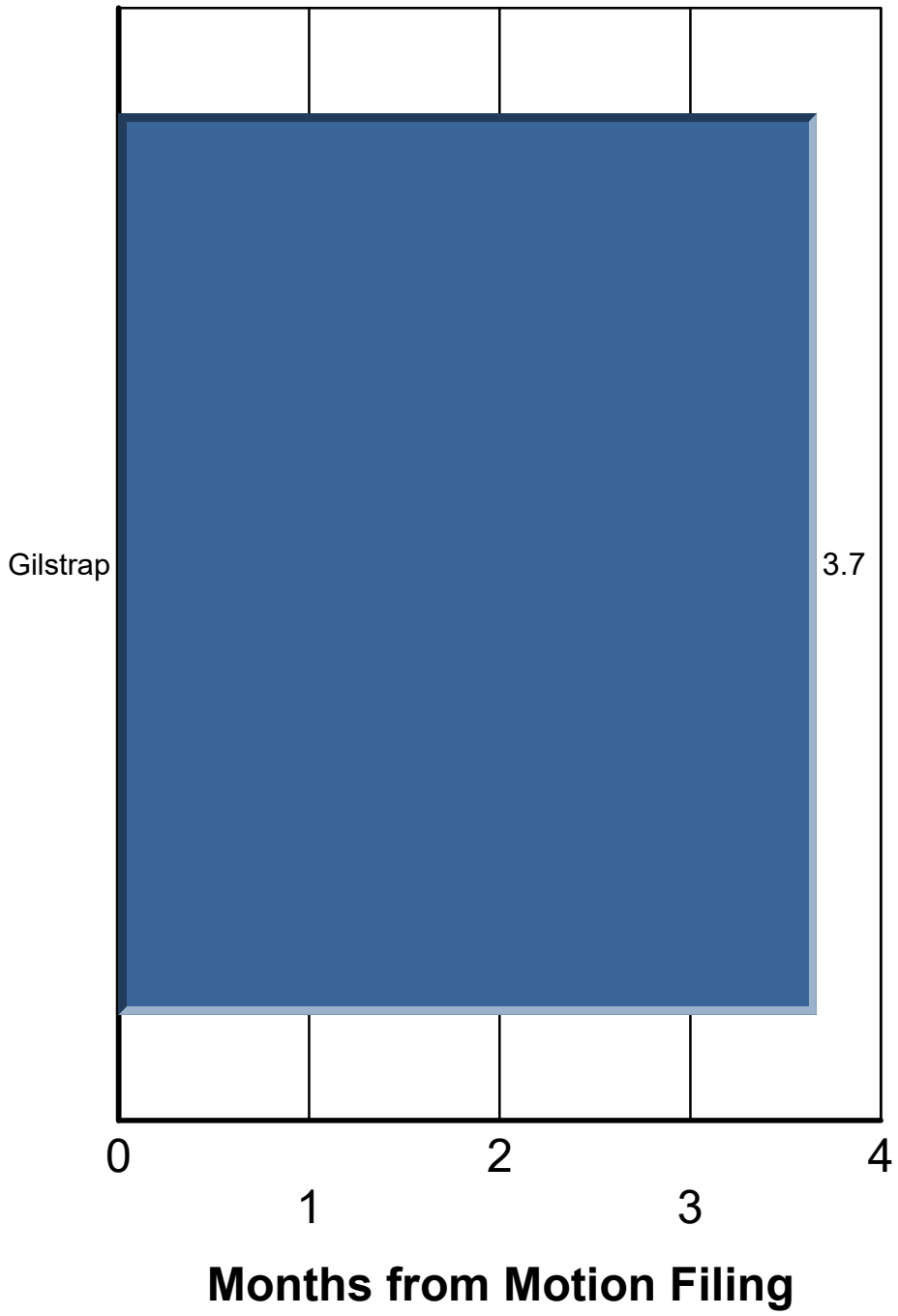
The win rates, by judge, on contested Preliminary Injunction motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Preliminary Injunction motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Preliminary Injunction

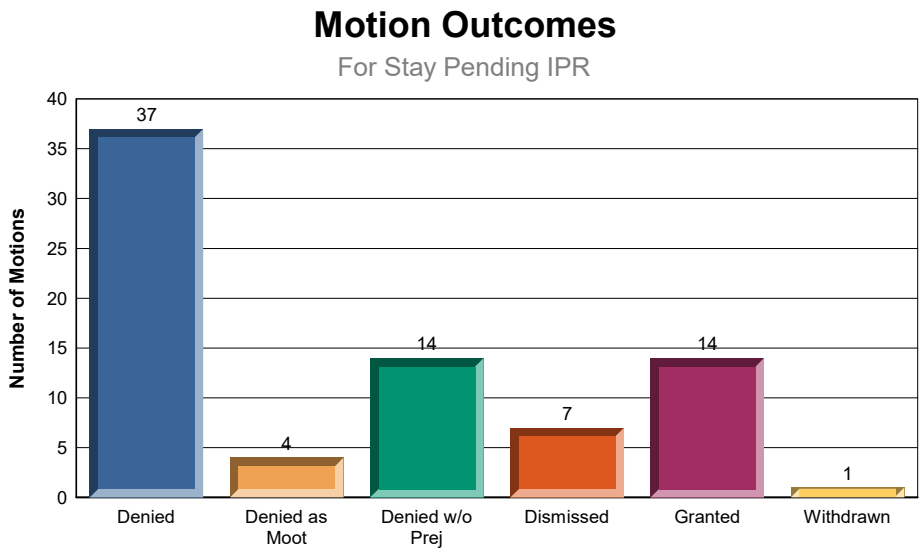


The supporting data for Preliminary Injunction motions is found in the following table:

	Total Motions	Contested Decisions	Win Rate	Time to Decision
District	2	2	0.0	3.7
Gilstrap	2	2	0.0	3.7

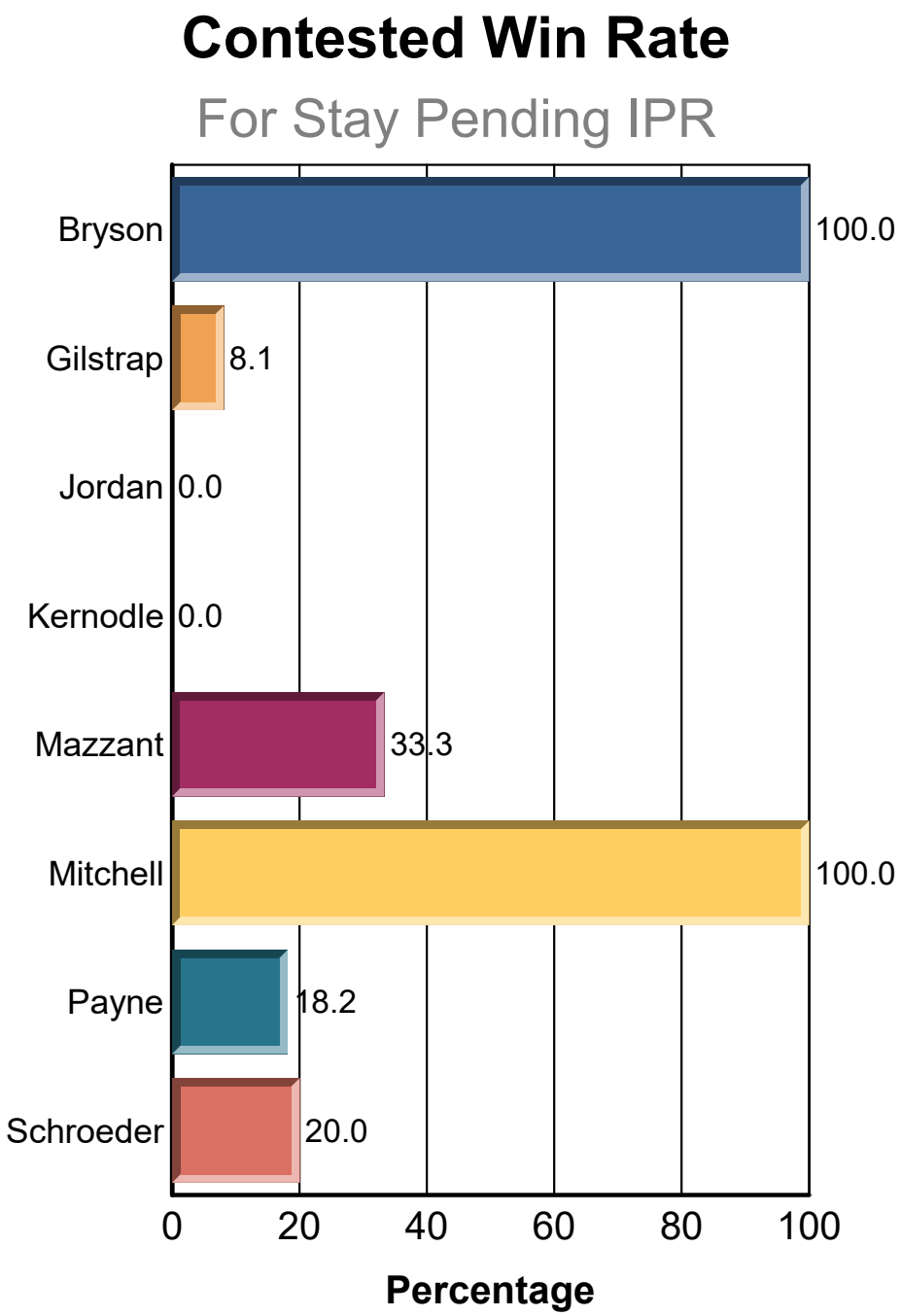
Stay Pending IPR

The number of Stay Pending IPR motions by outcome are shown below.



	Total
Total	77
Denied	37
Denied as Moot	4
Denied w/o Prej	14
Dismissed	7
Granted	14
Withdrawn	1

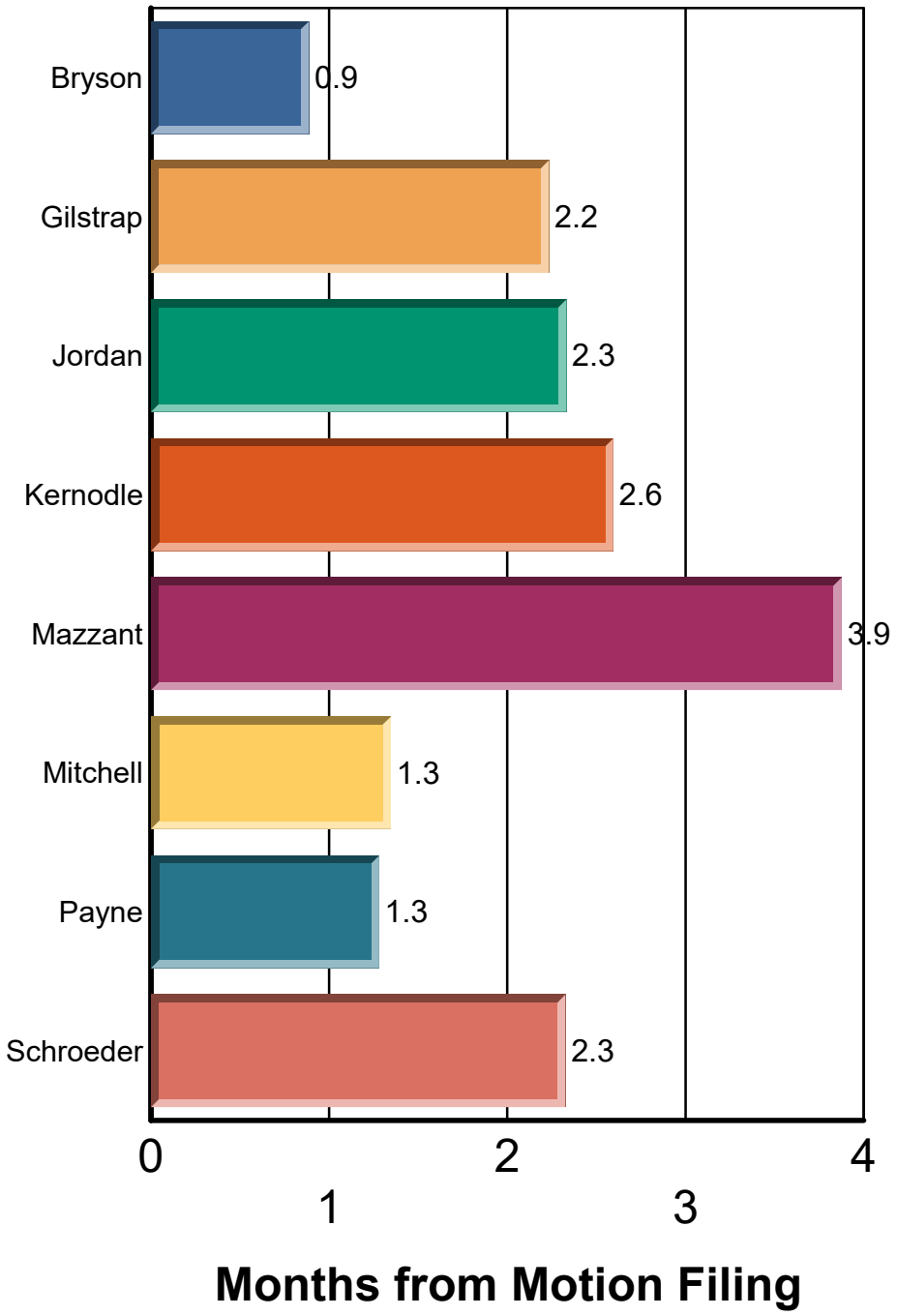
The win rates, by judge, on contested Stay Pending IPR motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Stay Pending IPR motions are shown below
The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Stay Pending IPR

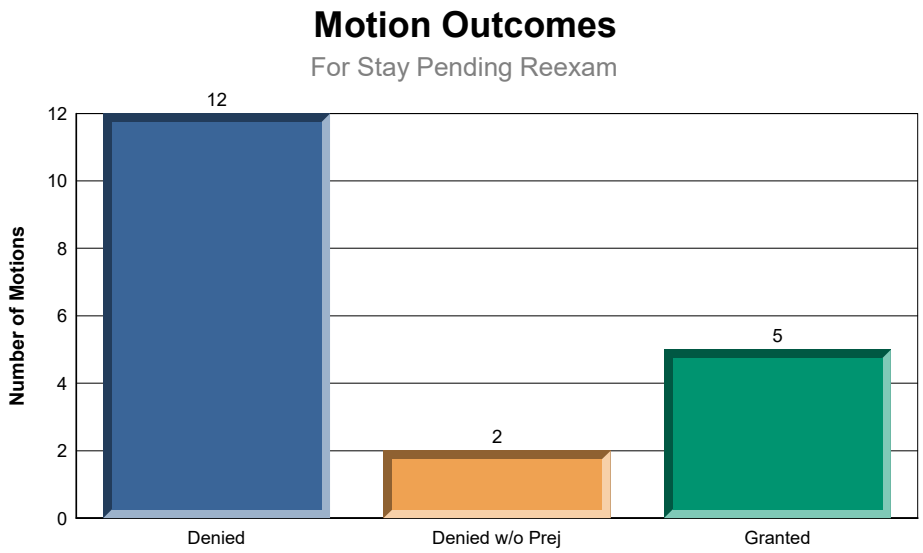


The supporting data for Stay Pending IPR motions is found in the following table:

	Total Motions	Contested Decisions	Win Rate	Time to Decision
District	77	60	15.0	2.1
Bryson	3	1	100.0	0.9
Gilstrap	48	37	8.1	2.2
Jordan	1	1	0.0	2.3
Kernodle	1	1	0.0	2.6
Mazzant	4	3	33.3	3.9
Mitchell	1	1	100.0	1.3
Payne	13	11	18.2	1.3
Schroeder	6	5	20.0	2.3

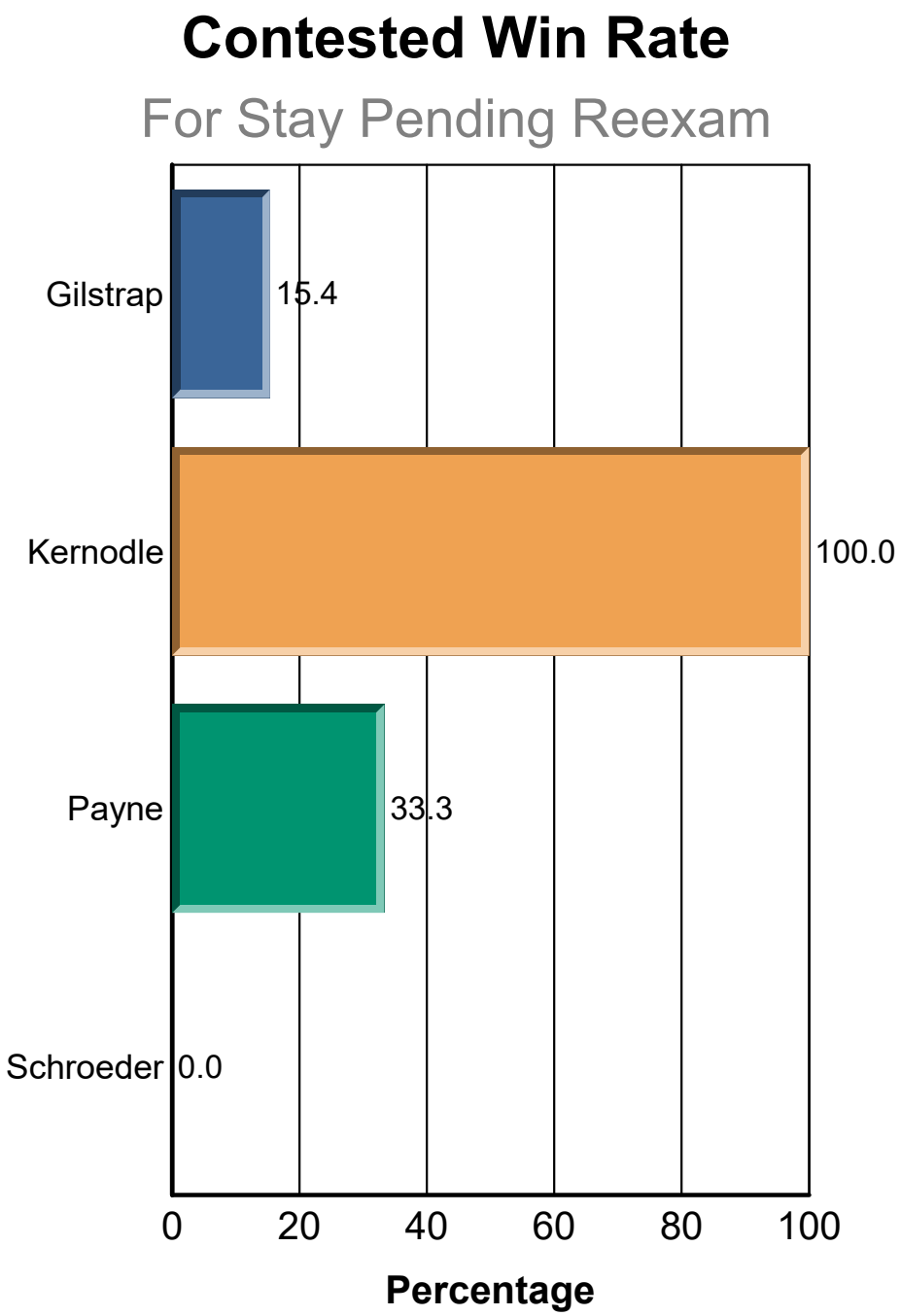
Stay Pending Reexam

The number of Stay Pending Reexam motions by outcome are shown below.



	Total
Total	19
Denied	12
Denied w/o Prej	2
Granted	5

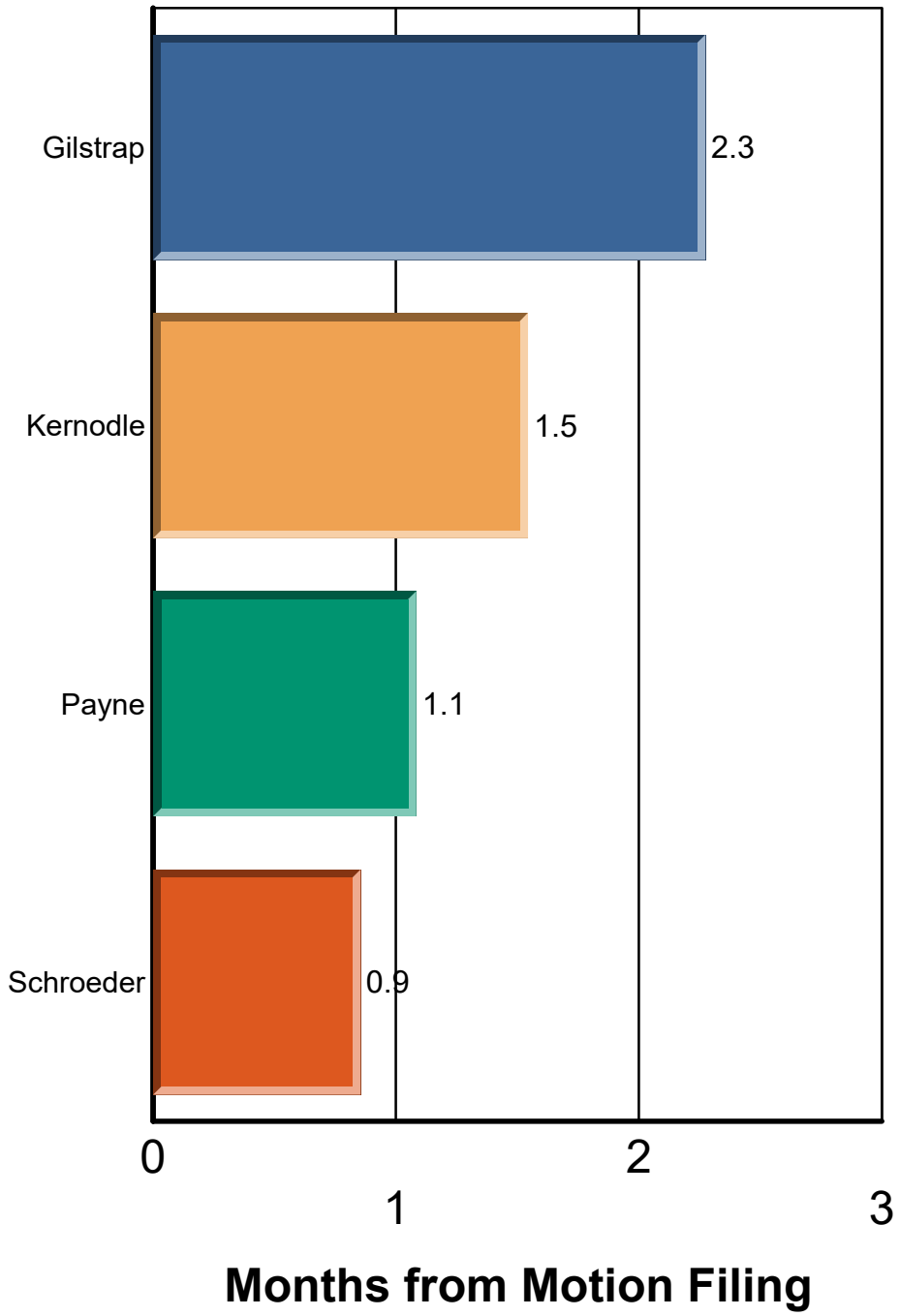
The win rates, by judge, on contested Stay Pending Reexam motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Stay Pending Reexam motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Stay Pending Reexam

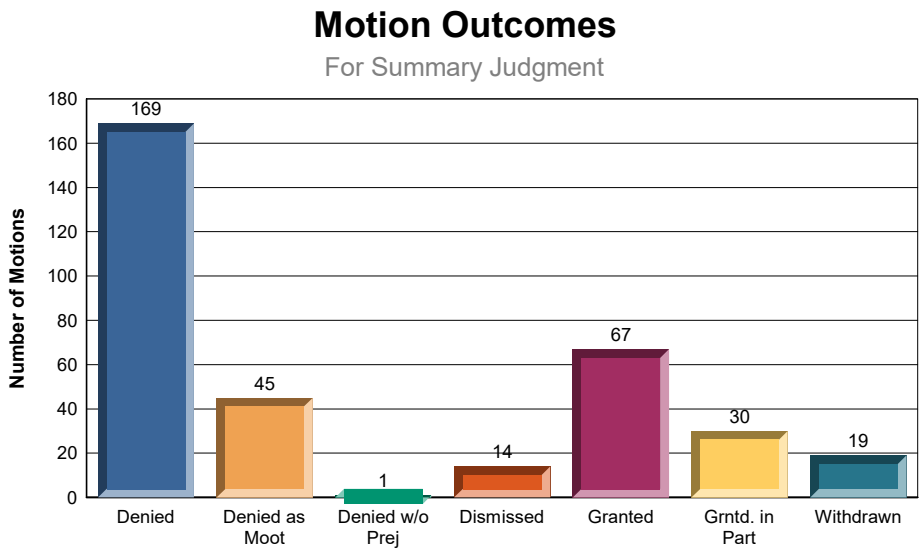


The supporting data for Stay Pending Reexam motions is found in the following table:

	Total Motions	Contested Decisions	Win Rate	Time to Decision
District	19	19	26.3	1.9
Gilstrap	13	13	15.4	2.3
Kernodle	2	2	100.0	1.5
Payne	3	3	33.3	1.1
Schroeder	1	1	0.0	0.9

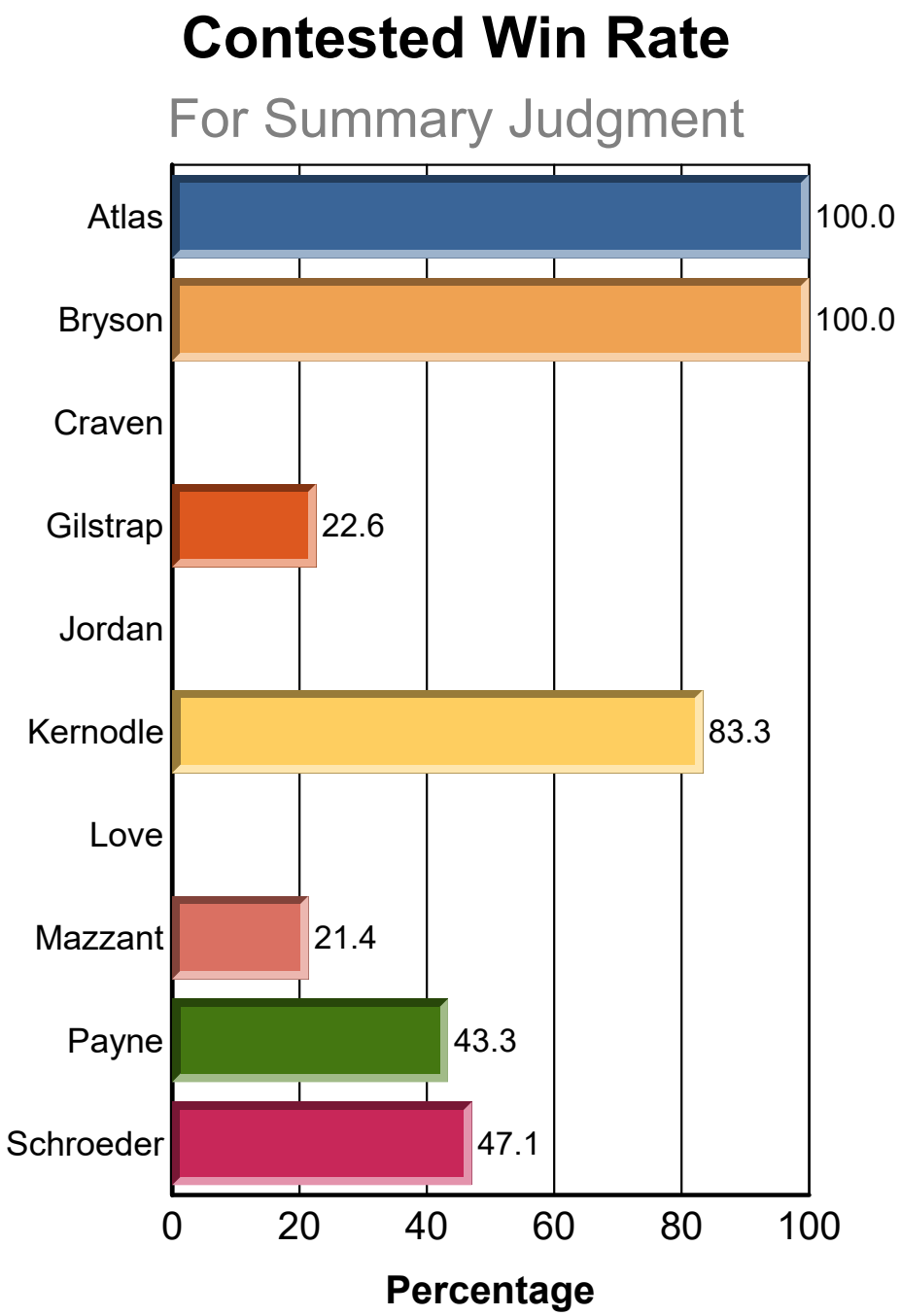
Summary Judgment

The number of Summary Judgment motions by outcome are shown below.



	Total
Total	345
Denied	169
Denied as Moot	45
Denied w/o Prej	1
Dismissed	14
Granted	67
Grntd. in Part	30
Withdrawn	19

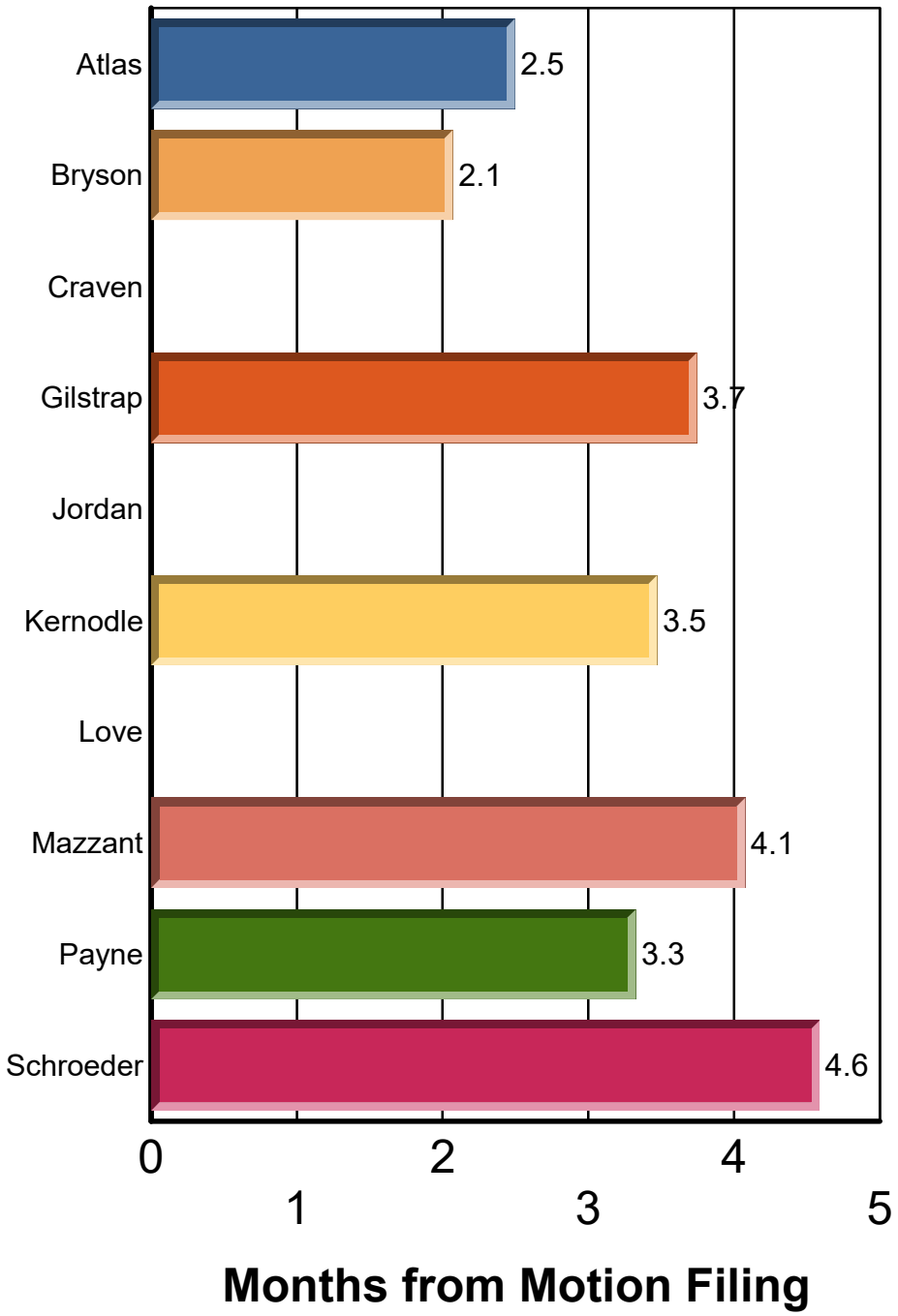
The win rates, by judge, on contested Summary Judgment motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Summary Judgment motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Summary Judgment

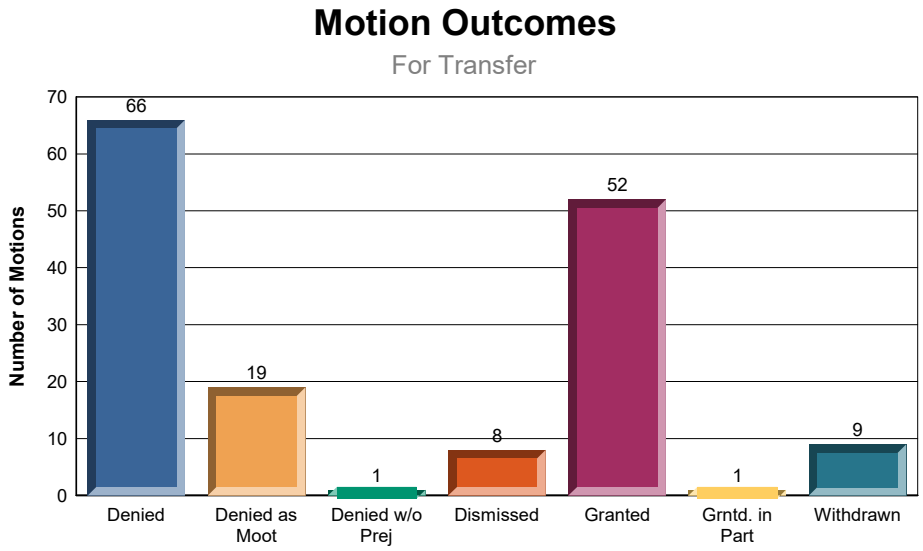


The supporting data for Summary Judgment motions is found in the following table:

	Total Motions	Contested Decisions	Win Rate	Time to Decision
District	345	263	29.7	3.8
Atlas	2	2	100.0	2.5
Bryson	1	1	100.0	2.1
Craven	3	0		
Gilstrap	215	179	22.6	3.7
Jordan	1	0		
Kernodle	9	3	83.3	3.5
Love	7	0		
Mazzant	16	14	21.4	4.1
Payne	47	30	43.3	3.3
Schroeder	44	34	47.1	4.6

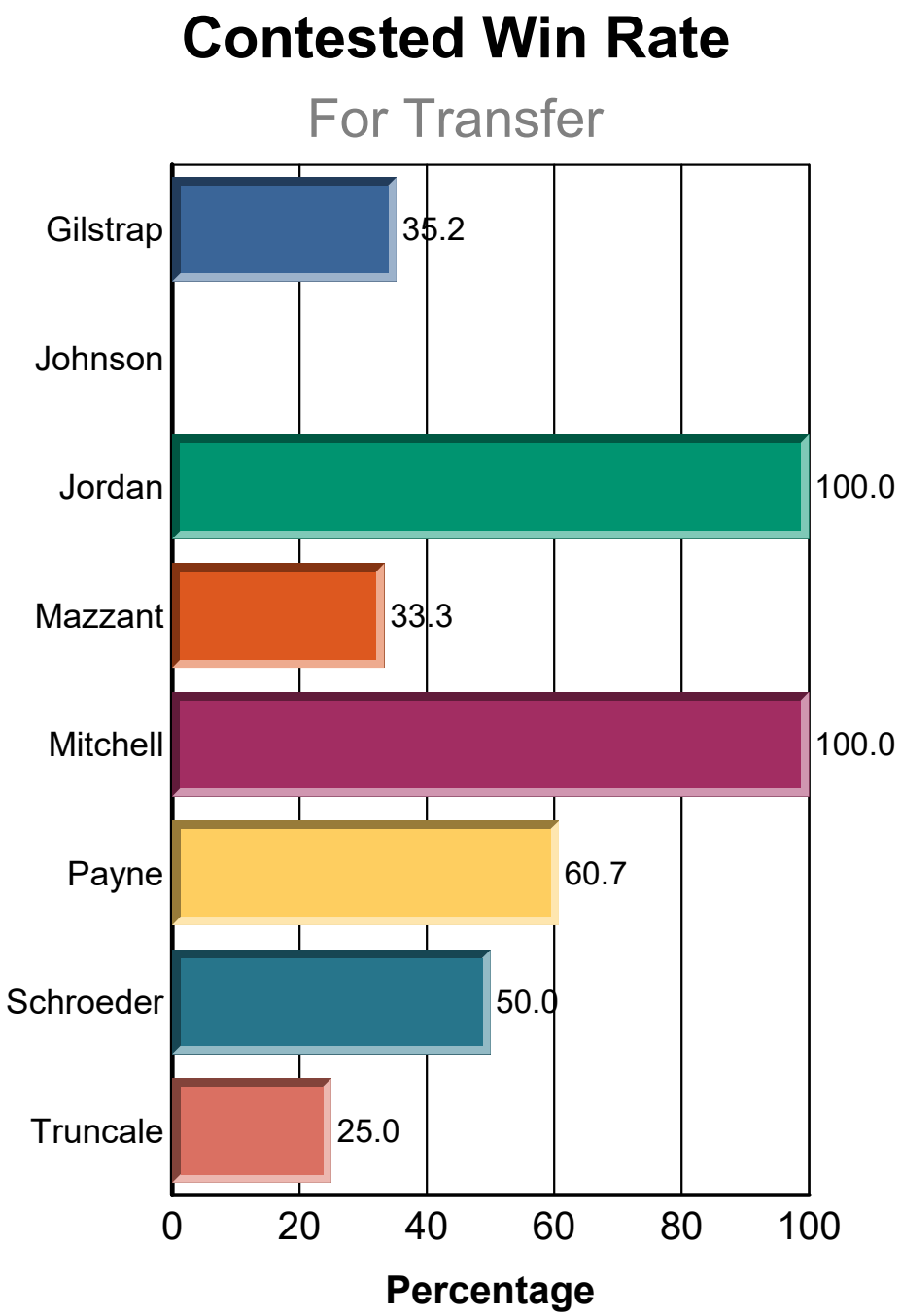
Transfer

The number of Transfer motions by outcome are shown below.



	Total
Total	156
Denied	66
Denied as Moot	19
Denied w/o Prej	1
Dismissed	8
Granted	52
Grntd. in Part	1
Withdrawn	9

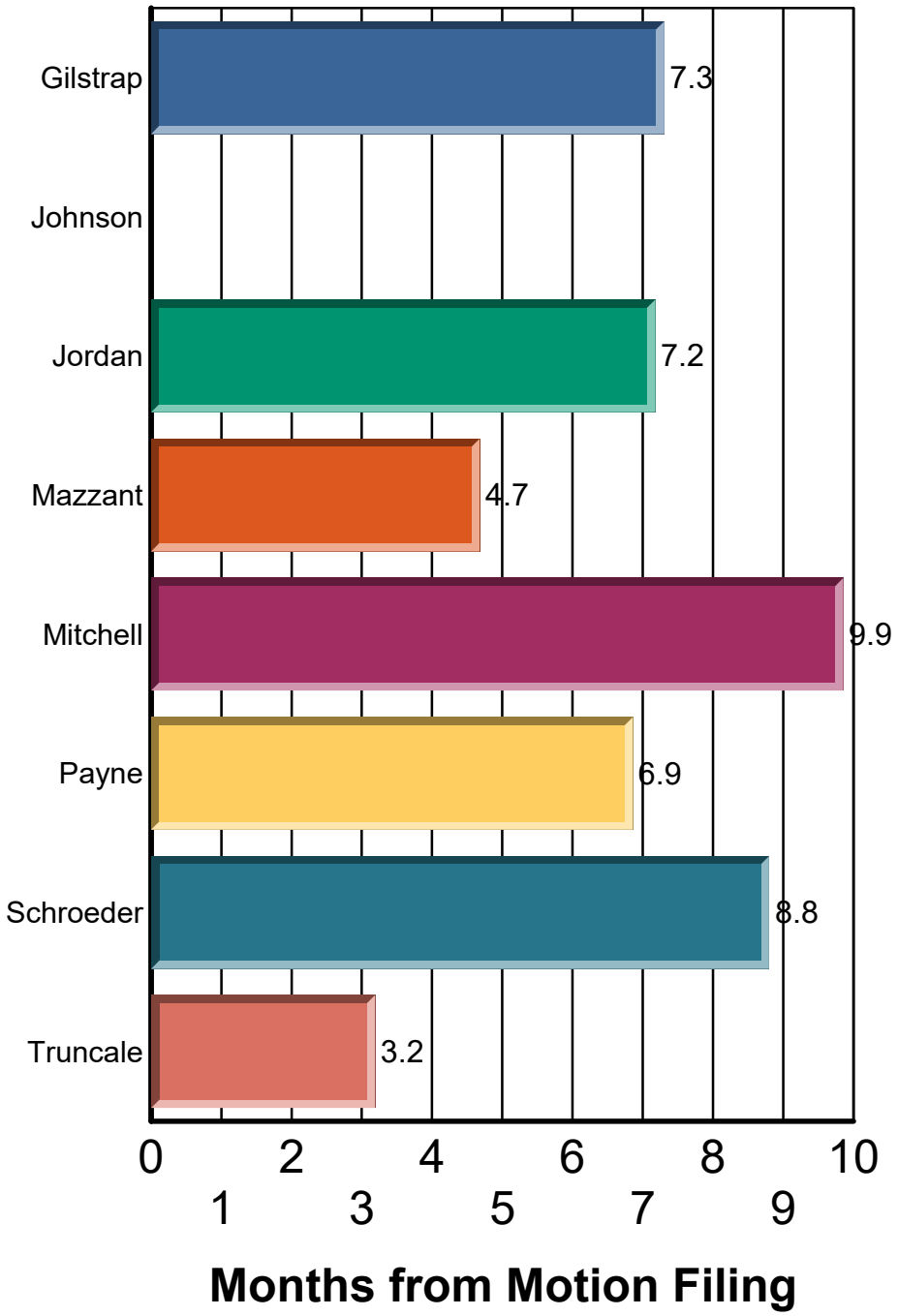
The win rates, by judge, on contested Transfer motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Transfer motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Transfer



The supporting data for Transfer motions is found in the following table:

	Total Motions	Contested Decisions	Win Rate	Time to Decision
District	156	118	42.8	6.7
Gilstrap	73	61	35.2	7.3
Johnson	3	0		
Jordan	3	2	100.0	7.2
Mazzant	17	12	33.3	4.7
Mitchell	2	1	100.0	9.9
Payne	42	28	60.7	6.9
Schroeder	8	6	50.0	8.8
Truncale	8	8	25.0	3.2