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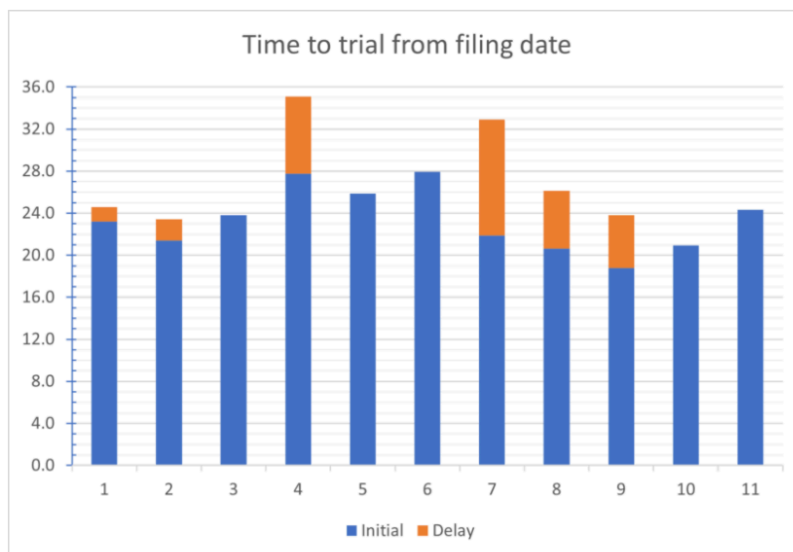
How Quickly are Judge Albright Patent Cases Going to Trial?

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Since being appointed to the bench in 2018, Judge Alan Albright in Waco Texas has had one of the busiest patent dockets in the nation, rivaling that of Delaware and the Eastern District of Texas. He quickly gained a reputation as providing a quick trial schedule and moving a case forward. Judge Albright has stated that he aims to get to trial within 24 months of a complaint being filed.

With Fintiv discretionary denials at the PTAB in the past few years, many petitioners argued that the trial dates were not realistic, and that PTAB challenges should not be denied based upon scheduled trial dates. But did Judge Albright keep cases on their original schedule and trial dates?

We sampled cases filed in a 2-month period in late 2021 and found 10 cases that are still active and one that has reached trial. Based on the initial date set for trial, more than half were scheduled for trial within 24 months of the filing date. The one case that reached verdict went to trial just shy of 21 months.



When taking trial date extensions into account, however, the majority of non-settled cases fell outside the 24-month window, although two of them no more than one month over. More than half of the pending cases got extensions varying from around 10 days to over 7 months. Two of the cases had three extensions. One of them had extensions totaling 11 months, taking the time to trial from just under 22 months to almost 33 months.

As all but one of these cases are still pending, more extensions may occur. But the small sampling of cases analyzed indicates that whether a case goes to trial as scheduled within 24 months varies significantly case by case.

It remains to be seen if the busy schedule will result in more extensions, or if the drop in case load since 2022 will allow Judge Albright to achieve his 24-month goal.

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