

The Marshall plan: Texas judge again the king of patent litigation

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Official Gazettes of the U.S. Patent and Trademark Office (USPTO) sit at the headquarters' public search facility in Alexandria, Virginia, U.S., on Friday, April 4, 2014.
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While the number of patent cases has dropped, one Texas judge is a magnet for overseeing lawsuits.

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Patent infringement litigation has mostly been on the decline across the U.S. for the past three years, but not in the Eastern District of Texas, which has reestablished its [courts](#) as the preferred destination for disputes regarding patent infringement.

A new report by legal analytics firm [Lex Machina](#) shows that [U.S. District Judge Rodney Gilstrap of Marshall](#) was assigned 795 new patent lawsuits in 2024 — six times more than any other federal judge in the U.S.

[U.S. District Judge Alan Albright](#) of the Western District of Texas ranked second with 124 new patent disputes, which is down from more than 700 new cases in 2022, according to Lex Machina data.

Three other federal judges in Texas — U.S. District Judge Robert Schroeder III of Texarkana, U.S. District Judge Robert Pitman of Austin and U.S. District Judge [Amos L. Mazzant](#) of Sherman — rank in the top 10 for handling the most new patent lawsuits in the nation.

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Schroeder has seen his patent docket jump by 600% in three years — from 25 cases in 2022 to 153 last year.

The annual Lex Machina report, which is essentially catnip for patent nerds, tracks legal trends in patent litigation from the lawyers and firms who file the lawsuits and the attorneys who represent the defendants to the judges who are assigned the cases and the outcomes of the disputes.

Nationally, patent infringement cases declined over the past decade — from 5,805 in 2015 to 3,115 in 2023 — before rebounding in 2024 to 3,806, according to Lex Machina, which is a subsidiary of LexisNexis.

The Western District of Texas, which only three years ago led the nation in patent litigation, has seen its patent docket plunge 57% — from 878 new cases in 2022 to 375 last year.

The Western District of Texas rose to patent prominence in 2019 when [President Donald Trump](#) appointed Albright to an open federal judgeship in Waco. Albright's legal specialty was patent litigation. He reformed the patent filing rules and procedures to make the court more user-friendly.

In 2021, businesses, inventors and owners of patents filed 978 new patent infringement cases in the Western District — 95% of them in Albright's court — which was up from only 88 such cases in 2018.

But in July 2022, the chief judge of the Western District issued an order to randomly assign new patent cases filed in Waco to all of the judges in the Western District. Since then, the court's patent docket has nosedived.

The Eastern District, which invented the rocket-docket for patent litigation in the early 2000s, has seen a resurgence.

"Damages in patent cases have been going up consistently since 2020," said Lex Machina's Jason Maples, who noted that more than \$4.3 billion were awarded in 90 cases in 2024, a 20% year-over-year increase. "The Eastern District of Texas is where plaintiffs are going now that they cannot know for certain that Judge Albright will be assigned their cases in the Western District."

Since 2022, the Eastern District of Texas patent docket has grown from 470 new cases to 1,069 in 2024, and one in five patent infringement lawsuits lodged in the U.S. last year was filed in the Eastern District, according to Lex Machina.

Deep Texas ties

The report identifies three Texas-based law firms — Garteiser Honea of Tyler, Devlin Law Firm of Dallas and McKool Smith of Dallas — in the top 10 firms filing cases on behalf of plaintiffs. Additionally, nine of the top 10 law firms defending individuals and companies in patent disputes have offices in North Texas: Fish & Richardson, Gillam & Smith, DLA Piper, The Dacus Firm, Perkins Coie, Winston & Strawn, Alston & Bird, Duane Morris and Greenberg Traurig.

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