

Ethicon Endo-Surgery: Inter Partes Review Scorecard

In *Ethicon Endo-Surgery, Inc. v. Covidien LP*, ___ F.3d ___ (Fed. Cir. June 22, 2016)(Newman, J., dissenting from den. reh'g en banc), in the course of a denial of rehearing en banc on a procedural issue, The Great Patent Dissenter shared statistics on *inter partes* review that paint a highly negative picture for patentees. In statistics through April 30, 2016, she notes that the PTAB has “found patentability after institution in just 9% of *inter partes* reviews” and “just 15.2% of instituted claims survived *inter partes* review.”

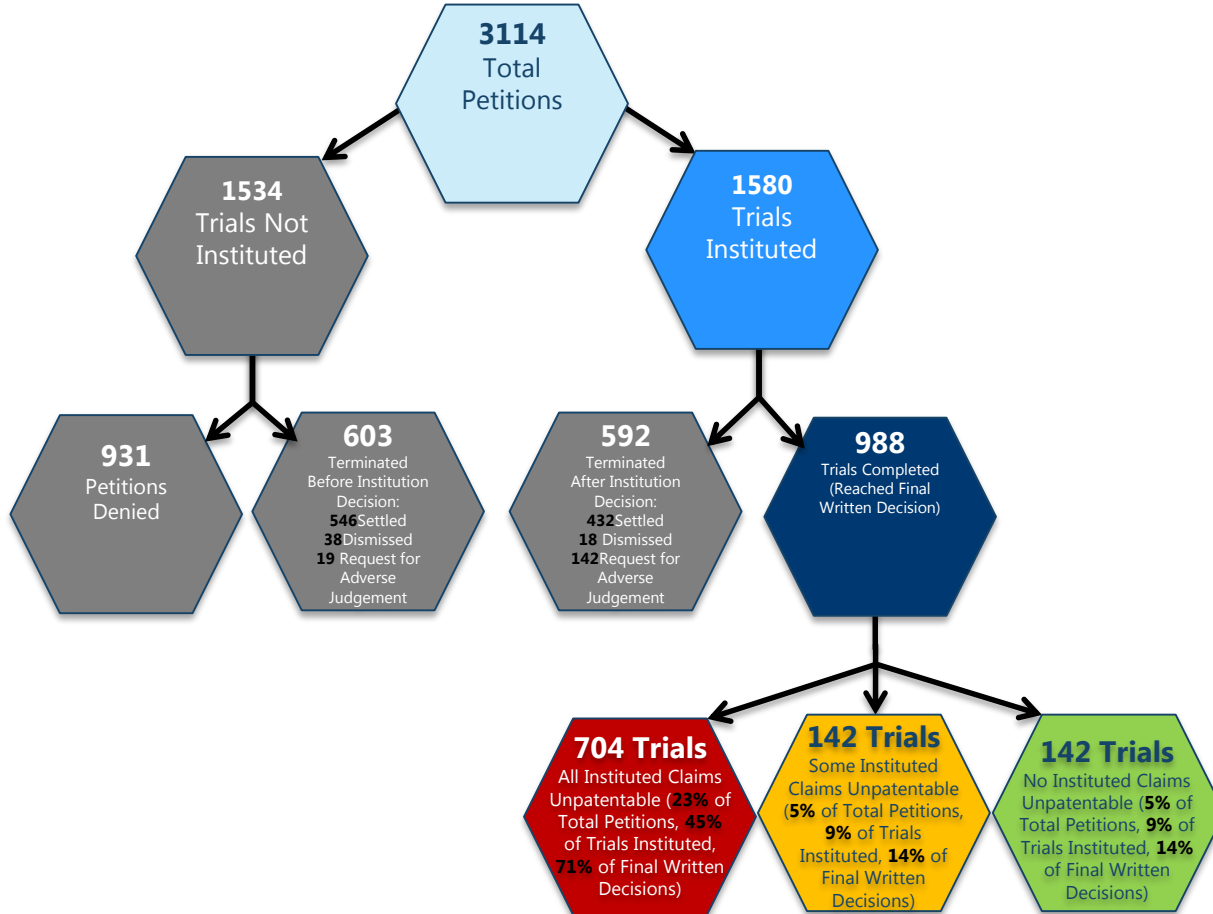
A Different Way of Looking at the Statistics: PTAB statistics (as updated to May 31, 2016) also show that of all petitions filed, 32 % of the cases go to a final decision; and nearly 30 % of cases that do go to final written decisions have at least some of the claims maintained.

The statistics are attached to the pdf version of this note.

Regards,

Hal

Disposition of IPR Petitions Completed to Date*



Narrative:

This graph shows a stepping stone visual depicting the outcomes for all IPR petitions filed to-date that have reached a final disposition.

*Data current as of: 5/31/2016

