

# Docket Navigator Decathlon

Answer Key

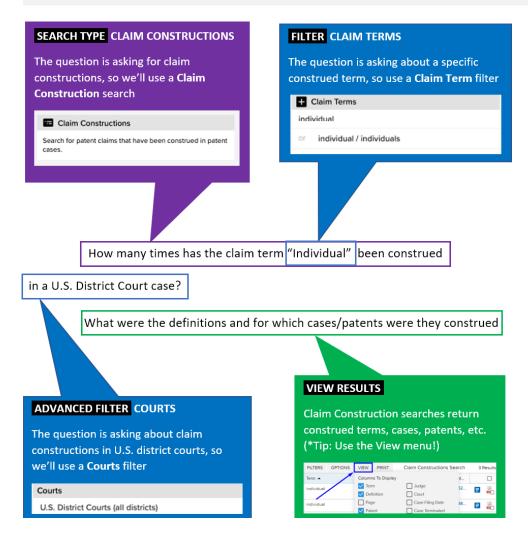
1. How many times has the claim term "individual" been construed in a U.S. district court case? What were the definitions and for which cases/patents were they construed?

#### 3 times:

- 1. Construed in *Hewlett-Packard, et al v. Gateway Inc* to mean "spaced apart from one another and not joined to one another" (Patent no. 5625532)
- 2. Construed in *BASCOM Global Internet Services, Inc. v. AT&T Inc.* to mean "separate or discrete" (Patent no. 5987606)
- 3. Construed in *Minton v. NASD, et al* to mean "no restriction or limitation on the identity of the traders" (Patent no. 6014643)

When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

Since this question asks for the construction of claim terms and their definitions, we'll use a **Claim Constructions** search. This search type allows you to filter for construed claim terms by judge, jurisdiction, etc. Other aspects of the question can be addressed with **Filters** within a Documents search, as shown in the diagram below.

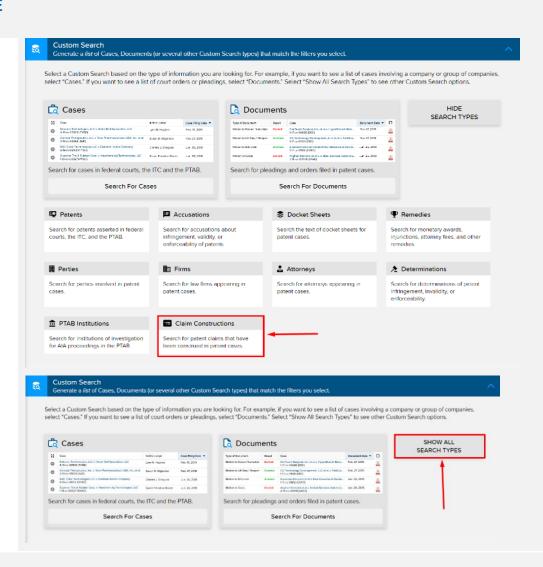


Answer

Overview

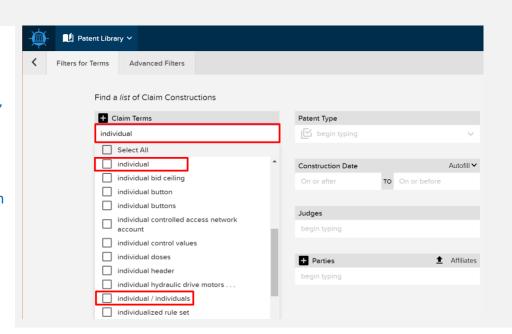
On the <u>main search page</u>, under the Custom Search section, select a **Claim Constructions** search

\*Note: If the Claim Construction search is not visible on your screen, click "Show All Search Types"



### STEP 2 - FILTERS:

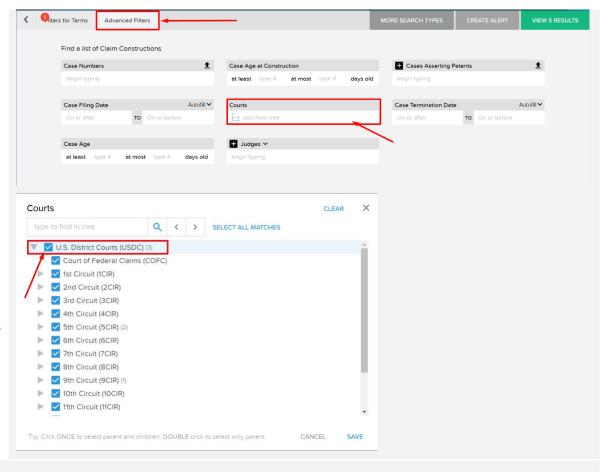
Using the Claim Terms filter, select "Exactly," type 'Individual' and select that claim term (and its homologue: 'Individual/Individuals') from the drop-down menu



Under Advanced Filters tab\* select the **Courts** filter

\*Note: If you don't see a filter on the main filters page, it's probably on the Advanced Filters tab!

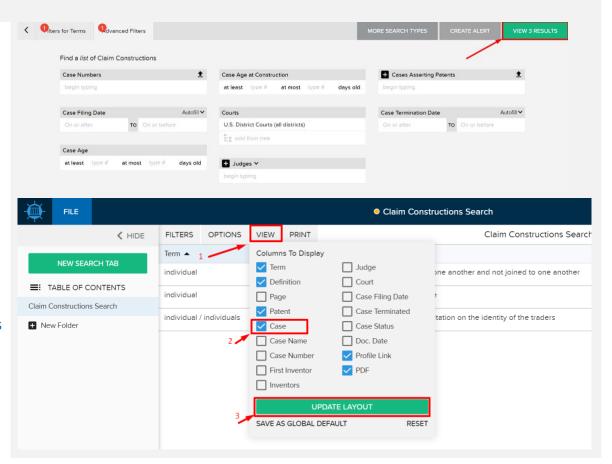
Select *U.S. District Courts* (*USDC*). Clicking the box next to that option will automatically select all of the individual U.S. district courts



#### STEP 3 - VIEW RESULTS

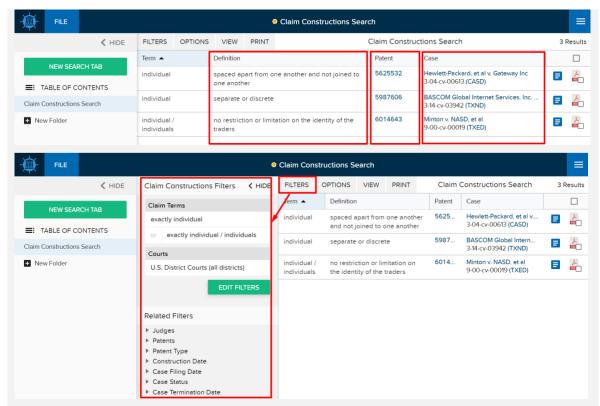
Click "View 3 Results" to view the search results

On the search results page, click "View" and select "Case" to display case names in the search results. Then click "Update Layout"



The search results now display the three types of information requested: patent numbers, definitions, and case name

\*ProTip: You can edit the filters by clicking the "Filters" button



2. From Jun. 1st, 2014 - Jun. 1st, 2019, how many U.S. district court decisions have addressed motions for summary judgment asserting patent invalidity based on lack of patentable subject matter under 35 USC § 101? How many of those were granted?

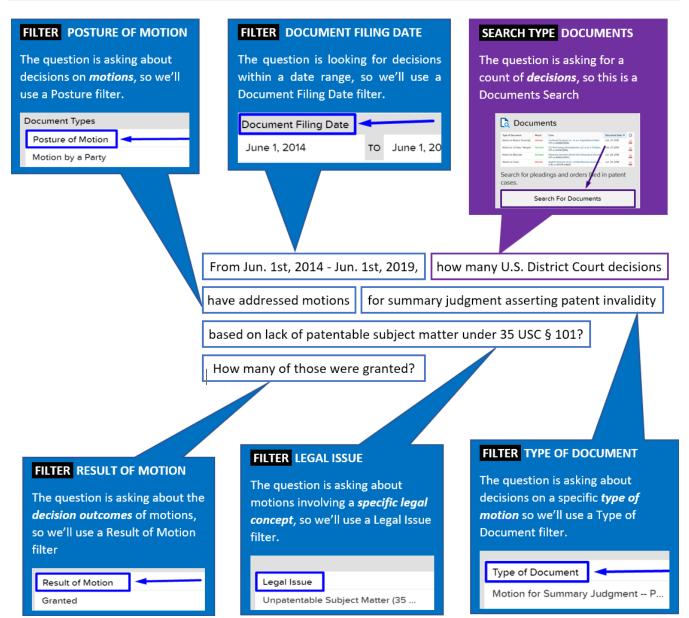
**Answer** 

Overview

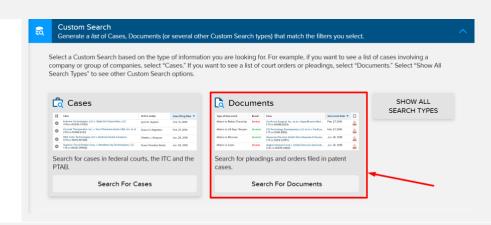
#### 156 Decisions - 74 Granted

When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

This question is asking for a count of "decisions" (i.e., Orders), so a **Documents** search will provide the answer. Other aspects of the question can be addressed with **Filters** within a Documents search, as shown in the diagram below.



On the <u>main search page</u>, select a **Documents** search

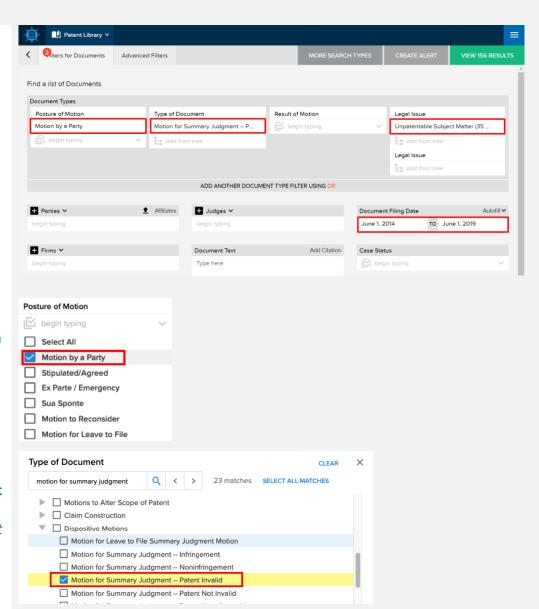


#### STEP 2 - FILTERS:

Overview

Using the **Posture of Motion** filter, select *Motion by a Party* 

Using the **Type of Document** filter, select *Motion for*Summary Judgment – Patent Invalid

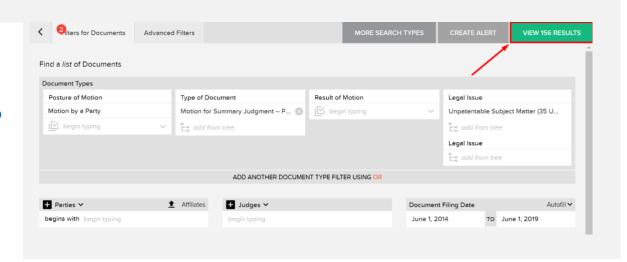


Using the **Legal Issue** filter, select *Unpatentable Subject Matter (35 USC § 101)* 



#### **STEP 3 – VIEW RESULTS**

Click "View 156 Results" to view the search results



3. From Nov. 1st, 2012 - Jun. 1st, 2019, how many rulings on requests for rehearing of an IPR institution decision have there been? How many of those were granted?

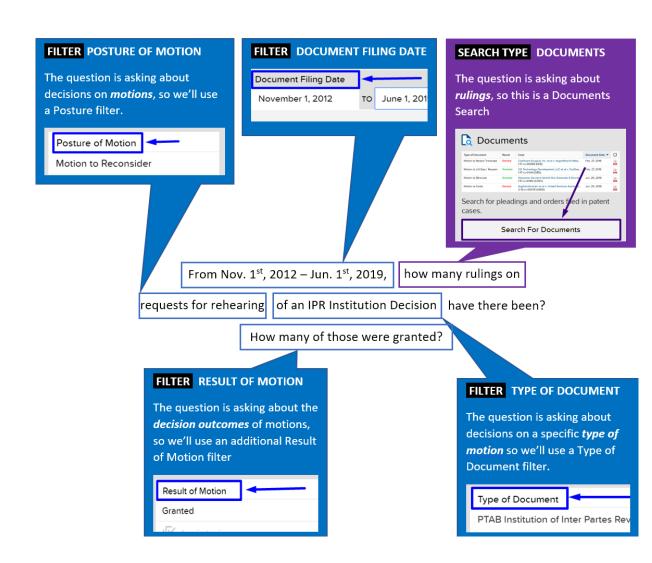
**Answer** 

#### 1132 Rulings – 43 Granted

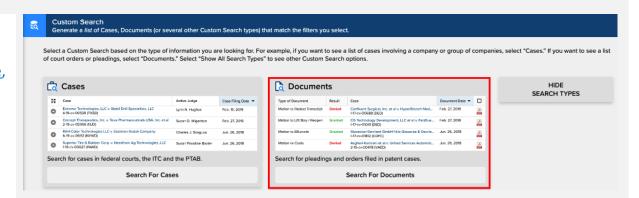
When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

Overview

This question is asking for a count of "rulings" (i.e., Orders), so a **Documents** search will provide the answer. Other aspects of the question can be addressed with **Filters** within a Documents search, as shown in the diagram below. The tricky part of this question is recognizing that a "request for rehearing" of IPR decisions doesn't call for a separate document type – but rather the *same* document type (*PTAB Institution of Inter Partes Review*) with a *Motion to Reconsider* posture. If you caught that, kudos!



On the main search page, select a **Documents** search



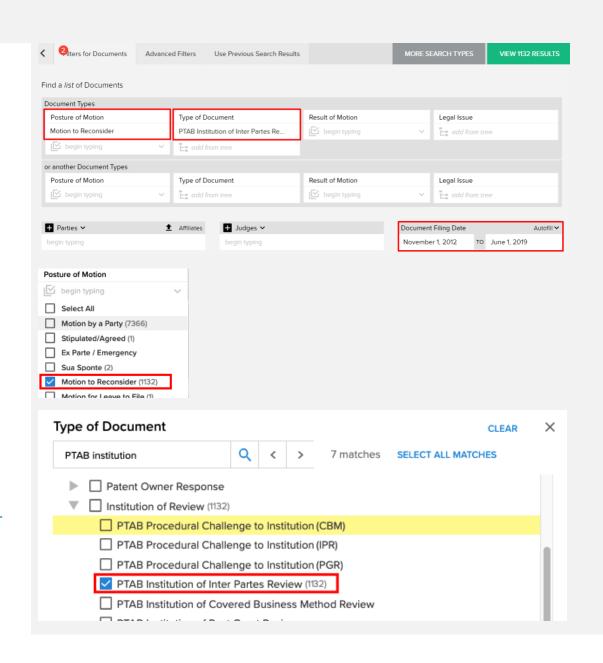
#### **STEP 2 – FILTERS:**

Overview

Using the **Posture of Motion** filter, select *Motion to Reconsider* 

Using the **Type of Document** filter, select

PTAB Institution of Inter
Partes Review



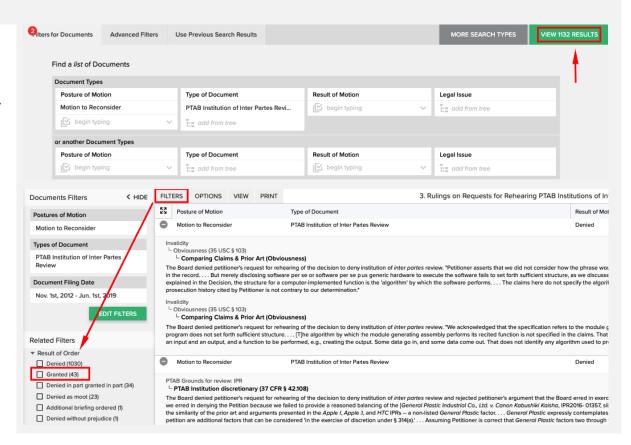
Using the **Document Filing Date** filter, enter the relevant dates

Document Filing Date			Autofill ~
November 1, 2012	то	June 1, 2019	

#### STEP 3 - VIEW RESULTS

Click "View 1132 Results" to view the search results.

Click Filters → Related
Filters to view a
breakdown of the Order
Results



\*Frequent Mistakes: Searching using the "PTAB Rehearing" legal issue instead of the legal posture "Motion to Reconsider."

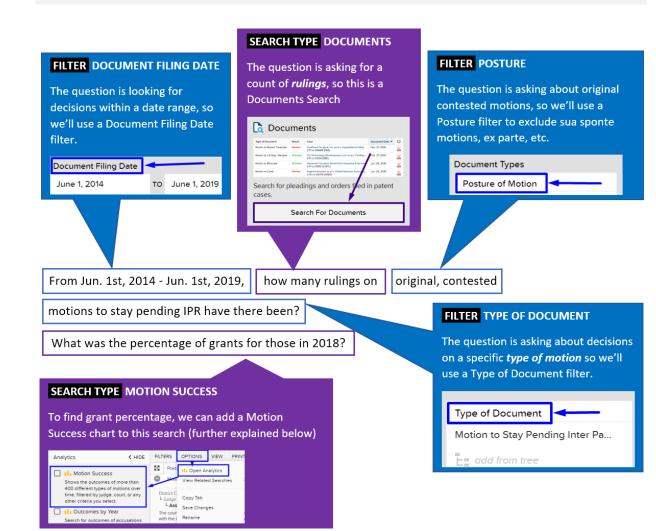
4. From Jun. 1st, 2014 - Jun. 1st, 2019, how many rulings on original, contested motions to stay pending IPR have there been? What was the percentage of grants for those in 2018?

**Answer** 

#### 915 rulings, with a 47% grant rate in 2018

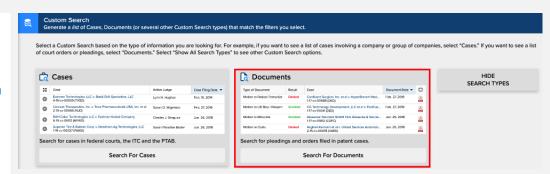
When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

This question is asking for a count of "rulings" (i.e., Orders), so a **Documents** search will provide the answer. Other aspects of the question can be addressed with **Filters** within a Documents search, as shown in the diagram below. The tricky part is catching that "original, contested motions" means filtering under **Posture of Motion** for "Motion by a Party" and "Emergency" motion types (excluding stipulated, *ex parte*, *sua sponte* motions, etc. which are not original contested motions). To find the success rates for the motions, create a chart showing those orders broken down by year using **Options** → **Open Analytics** → **Motion Success**.



Overview

On the <u>main search page</u>, select a **Documents** search

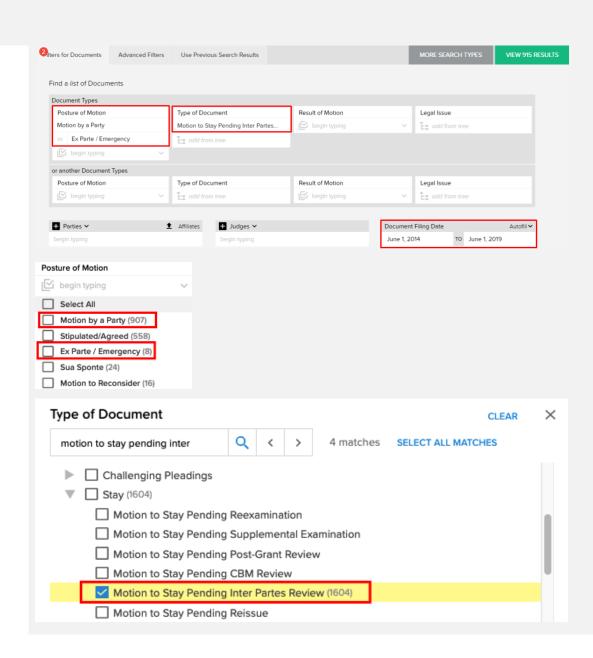


#### **STEP 2 - FILTERS:**

Overview

Using the **Posture of Motion** filter, select *Motion by a Party; Emergency/Ex Parte* 

Using the **Type of Document** filter, select *Motion to Stay Pending Inter Partes Review* 



Using the **Document Filing Date** filter, enter the relevant dates

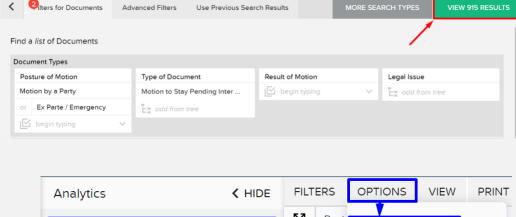
Document Filing Date Autofill ➤
June 1, 2014 TO June 1, 2019

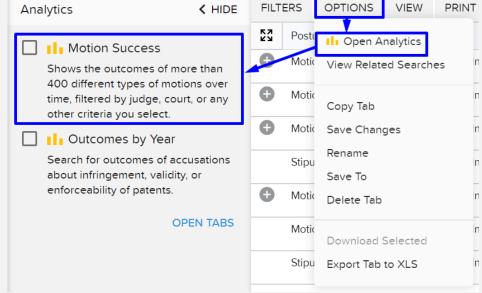
#### STEP 3 - VIEW RESULTS

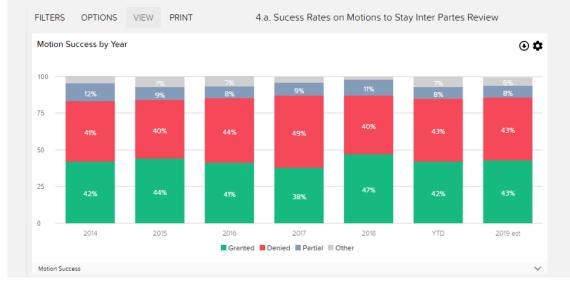
Click "View 915 Results" to view the search results

To find grant percentages, click Options → Open
Analytics → Motion Success

That will open a new tab with a motion success chart of that data







<sup>\*</sup>Frequent Mistakes: Failing to add a Posture of Motion filter to exclude uncontested motions

5. In cases filed from Jun. 1st, 2014 - Jun. 1st, 2019, how many patents has Apple Inc. asserted in U.S. district court cases? Were any found infringed?

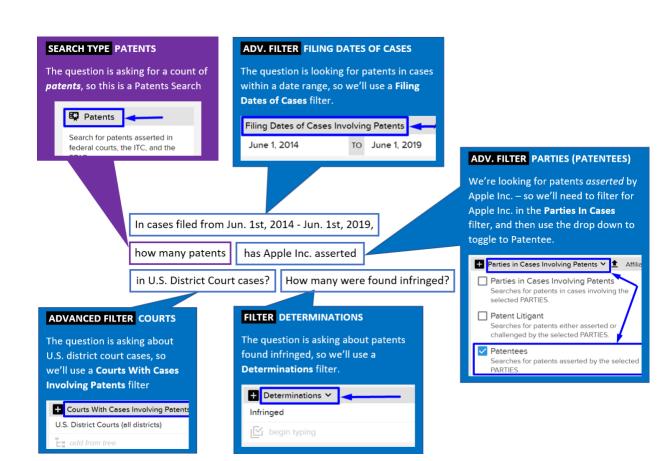
#### **Answer**

#### 17 patents asserted, 1 found infringed.

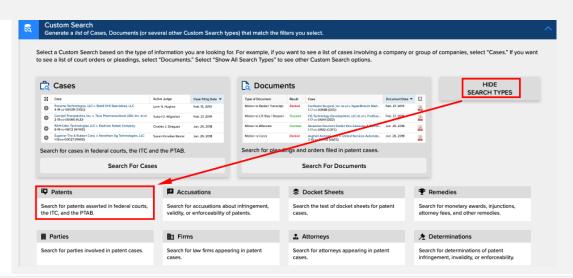
When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

#### Overview

This question is asking for a count of patents, so a **Patents** search will provide the answer. Other aspects of the question can be addressed with **Filters** within a Patents search, as shown in the diagram below. The trick here is recognizing that the patents Apple 'has asserted' means searching for Apple as the Patentee. In a Patents search, filters for **Parties** are under the **Advanced Filters** page – just remember to click the drop-down and switch the filter-type to 'Patentees.' Once you add the date and court filters (also on the **Advanced Filters** page), you're all set!



On the <u>main search page</u>, select a **Patents** search



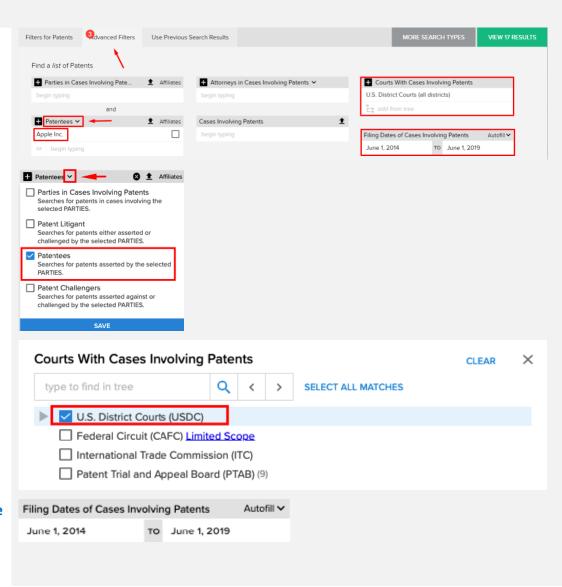
#### **STEP 2 - FILTERS:**

Overview

Using the **Parties** filter, enter Apple Inc. and select "Patentees" using the dropdown

Using the **Court with Cases Involving Patents**filter, select *U.S. District Courts* 

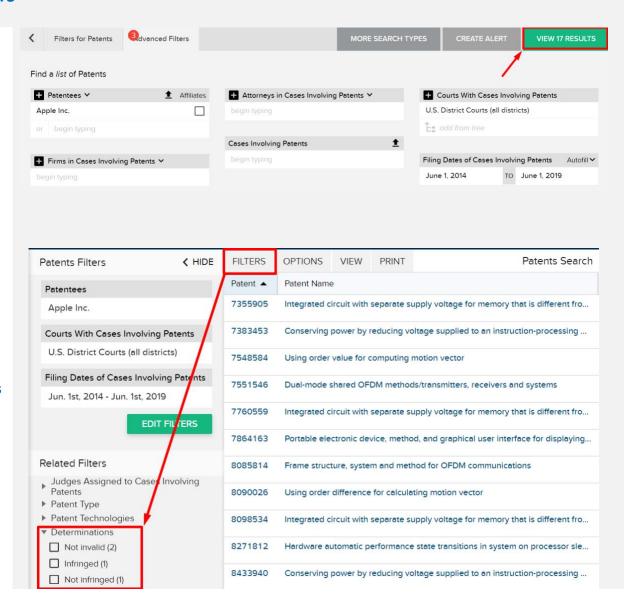
Using the **Case Filing Date** filter, enter the relevant dates



#### STEP 3 - VIEW RESULTS

Click "View 17 Results" to view the search results.

Click Filters → Related
Filters → Determinations
to view a breakdown of
patent Determinations



## 6. What was the PTAB institution success rate for Banner & Witcoff in 2018 when they represented the Patent Owner?

#### **Answer**

#### 6 Institutions granted; 4 Institutions denied.

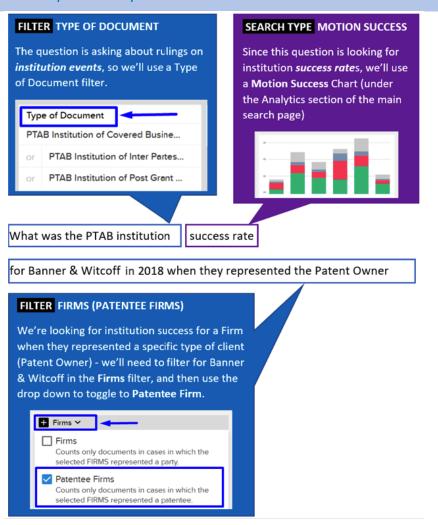
Since the question is asking about PTAB institution success rates, you might be tempted to use a **PTAB Institutions** search, or a **Documents** search for *PTAB Institution of* \_\_\_\_\_\_. While both of those searches will ultimately lead to the right answer, there is quicker solution here: a **Motion Success** chart

#### Overview

To build a **Motion Success** chart, start by clicking on the chart-type on the homepage (under Analytics). The trick for the filters is recognizing that the patents Apple 'has asserted' means searching for Apple as the Patentee. In a Patents search, filters for **Parties** are under the **Advanced Filters** page – just remember to click the drop-down and switch the filter-type to 'Patentees.'

#### \*Shortcut Alert!\*

If you're familiar with our Database, you may recognize that **PTAB Institution Success Rates** is one of the pre-built charts in the Firm Profiles. You can access that chart with just a few clicks either directly through the **Firm Profile**, or, starting from an existing binder, you can select that chart tab individually to add to your binder!



On the main search page, select a Motion Success chart under Analytics



#### **STEP 2: FILTERS**

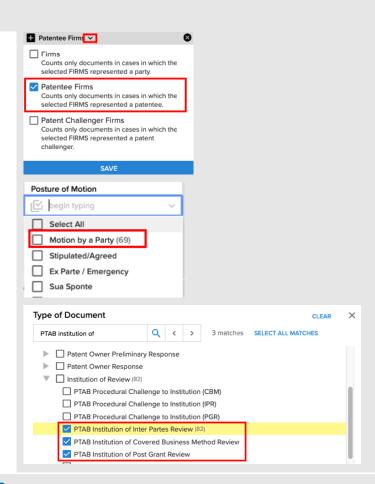
Using the **Firms** filter, enter *Banner & Witcoff* and select "Patentee Firms" using the dropdown

Using the **Posture of Motion** filter, select *Motion by a Party* 

Using the **Type of Document** filter, select

PTAB Institution of

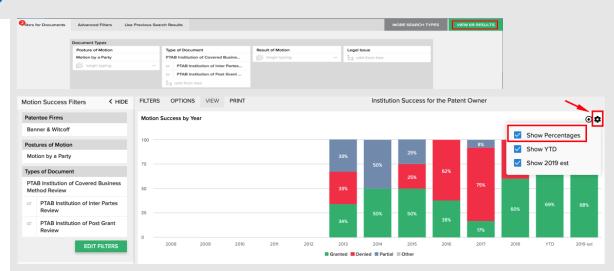
[IPR/CBM/PGR]



#### **STEP 3: VIEW RESULTS**

Click "View 69 Results" to view the search results.

\*Protip: Use the gear icon on the chart to toggle to show percentages



7. For ITC cases that terminated from Jan. 1st, 2014 - Jan. 31st, 2018, what were the accusation outcomes for Finnegan's patent owner clients?

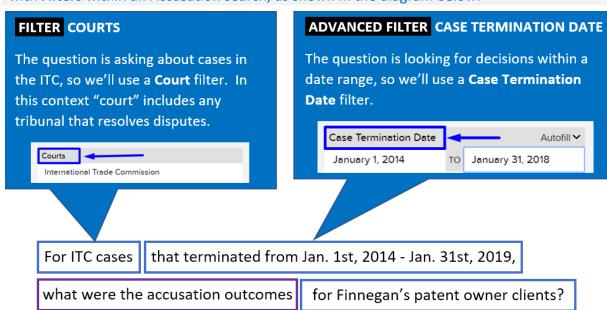
#### Answer

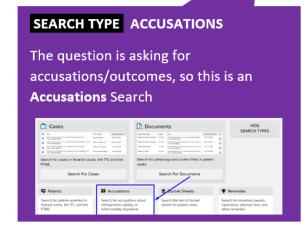
#### Overview

#### 380 Accusations (breakdown in binder)

When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

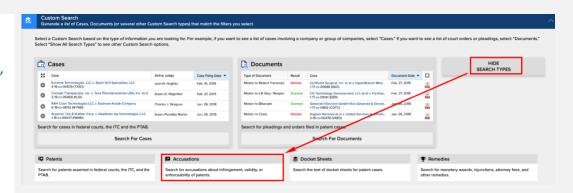
This question is asking for Outcomes of Accusations, so we'll use an Accusations search type. Accusations data is unique Docket Navigator and basically corresponds to the claims in a lawsuit (Accusations) and the resolution of those claims (Outcomes). More complete definitions can be found in our <u>User Guide</u>. Other aspects of the question can be addressed with **Filters** within an Accusation search, as shown in the diagram below.







On the <u>main search page</u>, select an **Accusations** search



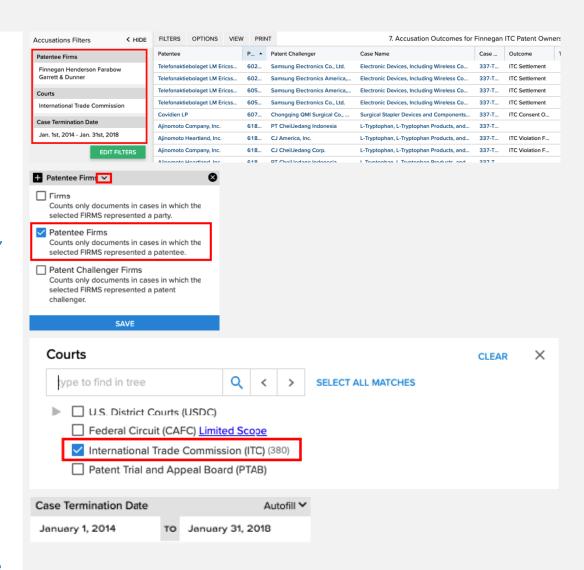
#### **STEP 2 – FILTERS:**

Overview

Under the **Firms** filter, enter *Finnegan* and select "Patentee Firms" using the dropdown

Using the **Courts** filter, select *International Trade Commission* 

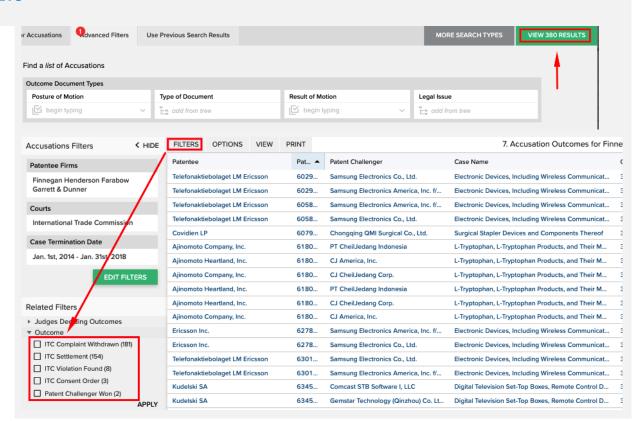
Under the Advanced Filters Tab, enter the relevant dates into the Case Termination Date filter



#### STEP 3 - VIEW RESULTS

Click "View 380 Results" to view the search results

Click Filters → Related Filters → Outcome to view a breakdown of Outcomes



8. From Jan. 1st, 2014 - Dec. 31st, 2018, how many ANDA patent cases were filed in U.S. district courts?

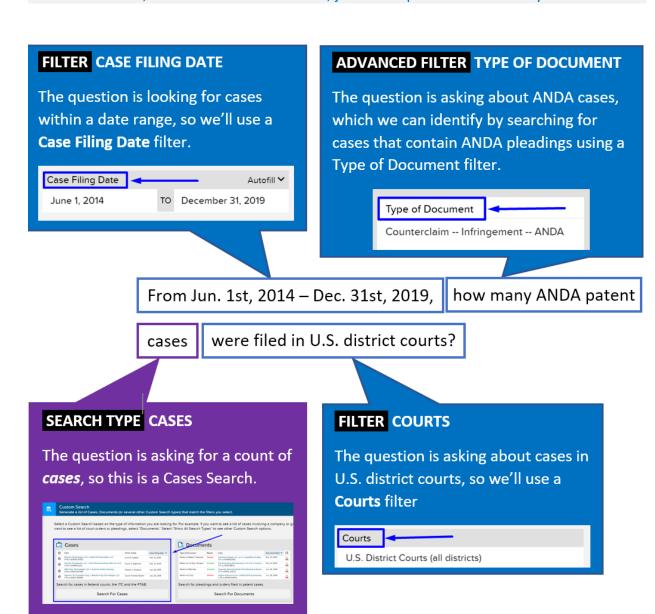
#### **Answer**

#### 2006 Cases

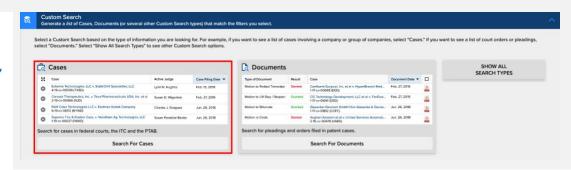
When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

#### Overview

This question is asking for a count of cases, so we'll use a **Cases** search type. To find ANDA cases, filter for cases that contain ANDA pleadings using a **Type of Document** filter. Here, you'll want to select each of the ANDA pleadings that could contain ANDA claims: *Complaint – Infringement (ANDA), Complaint – Declaratory Judgment (ANDA),* and *Counterclaim – Infringement (ANDA)*. This will narrow your results to just cases that contain those documents – i.e., all ANDA cases. From there, just add a quick date filter and you're all set!



On the <u>main search page</u>, select a **Cases** search

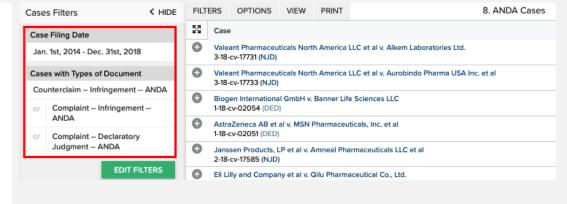


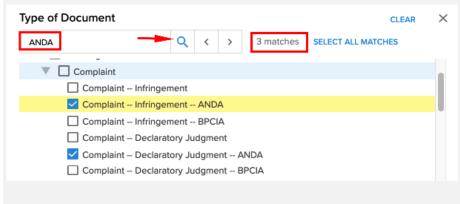
#### **STEP 2 - FILTERS:**

Overview

Under the Advanced
Filters tab, use the Type
of Document filter, select
Complaint – Infringement
-- ANDA, Complaint –
Declaratory Judgment ANDA, and Counterclaim –
Infringement - ANDA

Use the **Case Filing Date** filter to enter the relevant dates





Case Filing Date Autofill ➤

January 1, 2014 To December 31, 2018

#### STEP 3 - VIEW RESULTS

Click "View 2006 Results" to view the search results



<sup>\*</sup>Frequent Mistakes: Attempting to filter for ANDA cases using *Legal Issues* instead of searching for ANDA pleadings using *Document Types*.

9. From Jan. 1st, 2014 - Dec. 31st, 2018, how many cases involving Orange Book patents were filed in U.S. district courts?

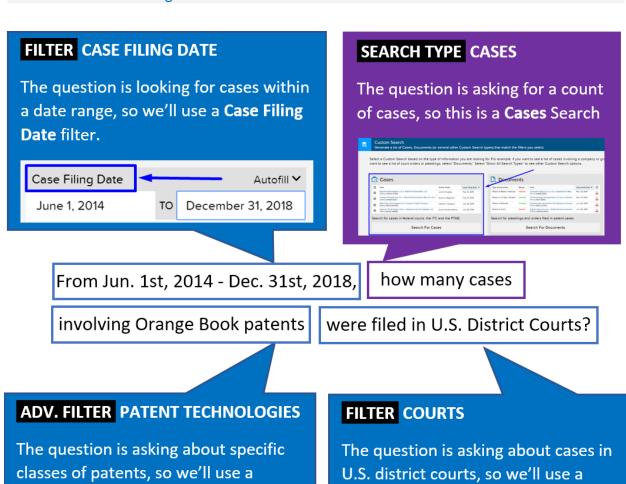
**Answer** 

Overview

#### **1884 Cases**

When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

This question is asking for a count of cases, so we'll use a **Cases** search type. Other aspects of the question can be addressed with **Filters** within an Accusations search, as shown in the diagram below. Docket Navigator contains listings of most major patent classification systems (CPC, USPC) as well as PTAB and Orange Book codes all of which can be accessed with a Patent Technologies filter.



**Courts** filter

U.S. District Courts (all districts)

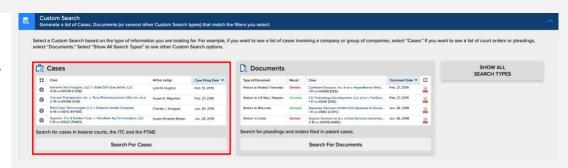
Courts

Patent Technologies filter.

Orange Book (and all subcategories)

+ Patent Technologies

On the <u>main search page</u>, select a **Cases** search



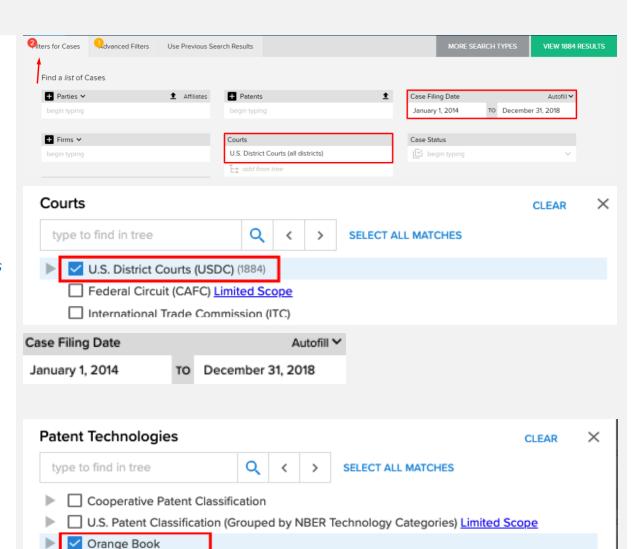
#### **STEP 2 – FILTERS:**



Using the **Courts** filter, select *U.S. District Courts* 

Use the **Case Filing Date** filter to enter the relevant dates

Under the Advanced Filters tab, use the Patent Technologies Filter to enter *Orange* Book



#### **STEP 3 – VIEW RESULTS**

Click "View 1884 Results" to view the search results



☐ Patent Technology Centers

10. How many Design patents were asserted in U.S. district court cases filed from Jun. 1st, 2014 - Jun. 1st, 2015? How many of those patents were found infringed?

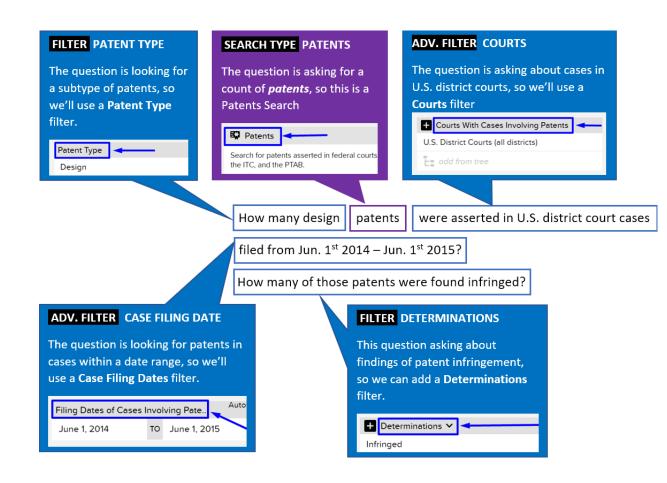
**Answer** 

#### 382 Patents, 61 Infringed

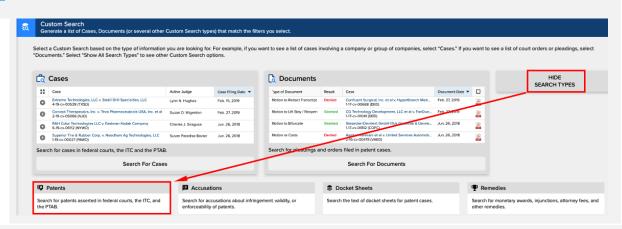
When converting a real-world question into a Docket Navigator query, the first step is to consider what type of information answers the question. If the question calls for a list of cases, a **Cases** search will provide the answer. If the question calls for a list of patents, use a **Patents** search.

Overview

This question is asking for a count of patents, so we'll use a **Patents** search type. Other aspects of the question can be addressed with **Filters** within a Patents search, as shown in the diagram below.



On the <u>main search page</u>, select a **Patents** search

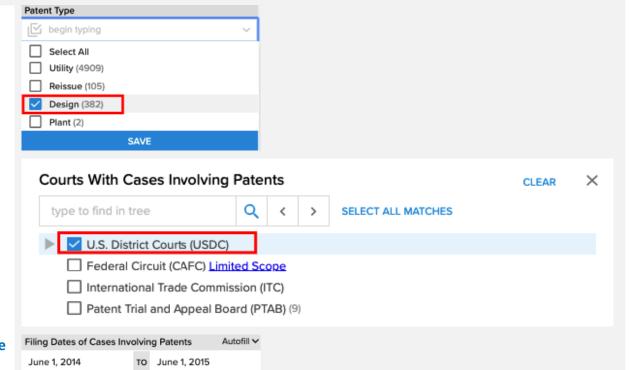


#### **STEP 2 – FILTERS:**

Using the **Patent Type** filter, select "Design" from the dropdown

Under the Advanced Filters tab, use the Court with Cases Involving Patents filter to select U.S. District Courts

Using the **Case Filing Date** filter, enter the relevant dates



#### STEP 3 - VIEW RESULTS

Click "View 382 Results" to view the search results



<sup>\*</sup>Frequent Mistakes: Using a Cases search instead of a Patents search.