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.
**STEP 1 – SEARCH TYPE**

On the main search page, 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**

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.
**STEP 1 – SEARCH TYPE**

On the main search page, 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.

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!
STEP 1 – SEARCH TYPE

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

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

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.
**STEP 1 – SEARCH TYPE**

On the main search page, 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

**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

*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.

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!
STEP 1 – SEARCH TYPE

On the main search page, 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!
STEP 1: SEARCH TYPE

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

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.

Overview

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 User Guide. Other aspects of the question can be addressed with Filters within an Accusation search, as shown in the diagram below.

For ITC cases that terminated from Jan. 1st, 2014 - Jan. 31st, 2019, what were the accusation outcomes for Finnegan’s patent owner clients?
**STEP 1 – SEARCH TYPE**

On the main search page, select an Accusations search.

**STEP 2 – FILTERS:**

### Overview

Under the **Firms** filter, enter *Finnegan* and select “Patentee Firms” using the dropdown.

### Courts

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

### Advanced Filters Tab

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

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!
**STEP 1 – SEARCH TYPE**

On the main search page, 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.

**STEP 3 – VIEW RESULTS**

Click “View 2006 Results” to view the search results.

*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

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.

Overview

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.
**STEP 1 – SEARCH TYPE**

On the main search page, select a **Cases** search.

![Custom Search](image)

**STEP 2 – FILTERS:**

**Overview**

- 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.
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.

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.
**STEP 1 – SEARCH TYPE**

On the main search page, 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.

*Frequent Mistakes: Using a Cases search instead of a Patents search.*