

Fed. Circ. Patent Decisions in 2019: An Empirical Review

As did my articles published by *Law360* in 2018 and 2019, this article provides an empirical review of the U.S. Court of Appeals for the Federal Circuit's decisions in patent cases during calendar year 2019. Overall, 2019 proved similar to 2018 and 2017. But *inter partes* review appeals consumed an ever-larger portion of the court's docket, and, relatedly, the court's rate of affirmances rose, and patent owners' rates of success slipped even further.

Methodology and Scope

As in past years, this year's study covers all patent cases decided by the Federal Circuit in 2019, whether by precedential opinion, nonprecedential opinion or summary affirmance. It includes merits decisions, rulings on writ petitions, and dismissals for unappealable subject matter or lack of constitutional standing. But it excludes denials of leave to appeal, stipulated dismissals and remands, and cases remanded to the Patent Trial and Appeal Board in the wake of *SAS Institute Inc. v. Iancu* or *Arthrex Inc. v. Smith & Nephew Inc.*

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