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Fed. Circ. Patent Decisions In 2021: An Empirical Review



This fifth annual article provides an empirical review of the [U.S. Court of Appeals for the Federal Circuit's](#) decisions in patent cases during calendar year 2021.

Overall, the Federal Circuit decided fewer patent cases in 2021, with much of the decline reflecting the COVID-19-related slowdown in district courts in 2020. The court also issued fewer precedential opinions and summary affirmances and more nonprecedential decisions.

Patent owners and applicants continued to have less success than patent challengers, and their results as appellants were especially dismal. Dissents were rare, and the court invalidated claims in 39 of 41 patent eligibility cases.

Methodology and Scope

This year's study covers all patent cases decided by the Federal Circuit in 2021, whether by precedential opinion, nonprecedential opinion or summary affirmance.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.

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