

WHO APPEALS PATENT INFRINGEMENT CASES (AND WHAT HAPPENS)?

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This project draws on three large databases of patent litigation to examine the questions of who appeals patent cases and what happens. It links the *USPTO Patent Litigation Dataset* and *Stanford Non-Practicing Entity Litigation Database*, datasets of district court patent infringement litigation, with the *Federal Circuit Dataset*, a database containing information on all Federal Circuit opinions and Rule 36 summary affirmances since 2007 and dockets since 2000. By linking these three datasets, we are able to present a clearer picture of appellate decisions in patent cases and their relationship to district court proceedings. In particular, this approach allows us to examine the entirety of the patent infringement iceberg, from the frequency of appeals in patent litigation, to the types of plaintiffs who are parties to appeals and their roles in the appellate process, to the ultimate outcomes of those cases. In doing so, we provide new insights into the structure of patent litigation today.

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