

## *An Empirical Study of Inter Partes Review*

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In the roughly 20 months since the Patent Trial and Appeal Board (PTAB) was born, petitioners have filed over a thousand requests for inter partes review (IPR), roughly 200 of which have come to a final conclusion. To the surprise of many, early IPRs have overwhelmingly been decided in petitioners' favor. Among IPRs in which the PTAB has issued a final written decision, 83 percent were instituted against all claims challenged by the petitioner and 76 percent concluded with the cancellation of all challenged claims. Overall, 94 percent of all claims instituted in an IPR decided on the merits have been cancelled. Though this data has already made quite a splash in the patent community, it alone tells us little about whether IPR is thus far accomplishing its original goal of serving as a quick, efficient alternative to defending patent suits filed in federal court, particularly those filed by non-practicing entities. This study aims to shed light on this question by pairing data on IPRs with data on the NPE-status of challenged patents' owners and data on the timing and outcome of co-pending litigation.

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