

LegalMetric Inter Partes Review Law Firm Report October 2014

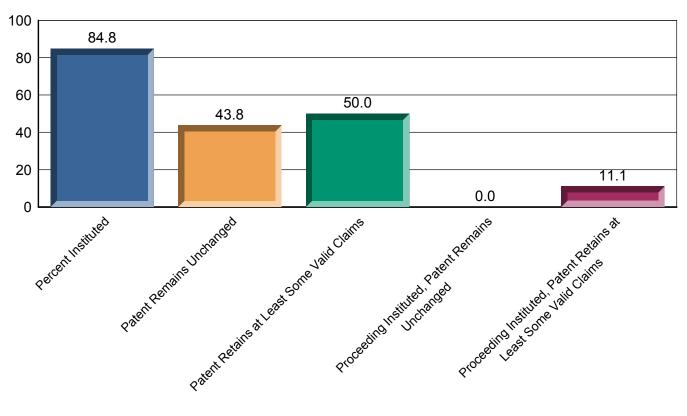
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The information contained in this report is obtained from the official docket records of the federal courts. No attempt has been made to correct that data. For example, cases may be misclassified in the official docket records. In addition, cases are classified only by the primary cause of action. Cases having multiple causes of action are analyzed only under the primary cause of action identitied on the official court docket.

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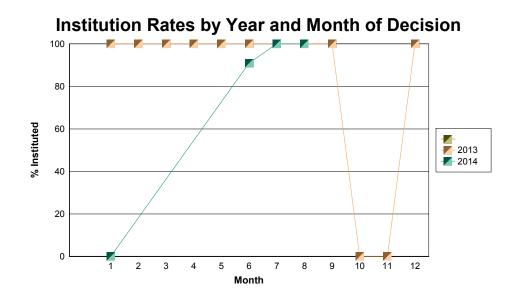
Summary: The records of Inter Partes Reviews (IPRs) were reviewed to determine the success rate of these reviews (both in terms of institution and final decisions) for those proceedings in which This Law Firm represented a party. This data was further broken down by technology (Tech Center), number of claims, and year. The institution and patentability rates by patent are shown in the chart below. Rates by claim, and other metrics, follow. This report for This Law Firm includes 46 IPRs, of which 35 were instituted, and in which 9 final decisions were rendered.

Petition Rates



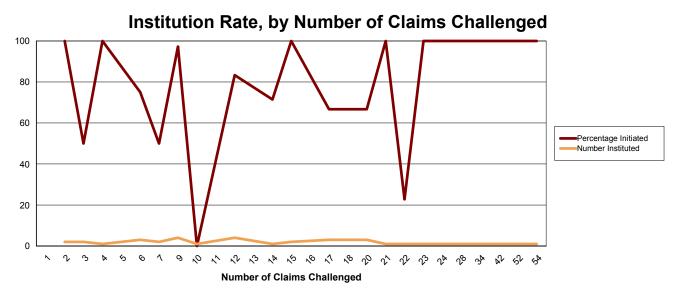
	% Instituted	Pat. Unchanged	Some Claims Remain	Instituted - Pat. Unchanged	Instituted - Claims Remain
Patent Owner Firm	100.0	0.0	25.0	0.0	25.0
Petitioner Firm	82.8	58.3	58.3	0.0	0.0

Patentability Rates: The chart above illustrates the probabilities of a patent successfully surviving an Inter Partes Review filing. For all filings (includes filings which did not result in the institution of a review, filings which were settled, and filings which proceeded to a final decision), the patent remained unchanged 43.8% of the time. Note that the institution of a review reduces that figure significantly--to 0.0%. The chart above also shows the rate at which at least some claims survive the filing of an IPR petition. *For all filings*, the rate at which at least some claims survive is 50.0%. For those cases where the IPR is actually instituted, the "at least some claims survive" rate falls to 11.1%.



Institution Rates by Month and Year:

Trends in institution rates (percentage of proceedings instituted) can be seen in the chart to the left, where each year has its own line.

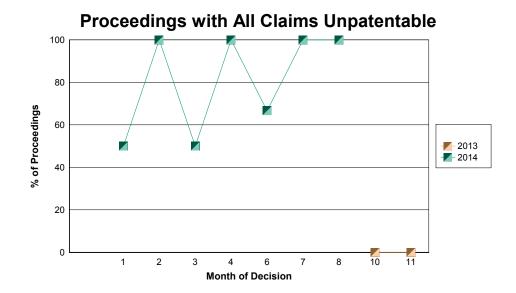


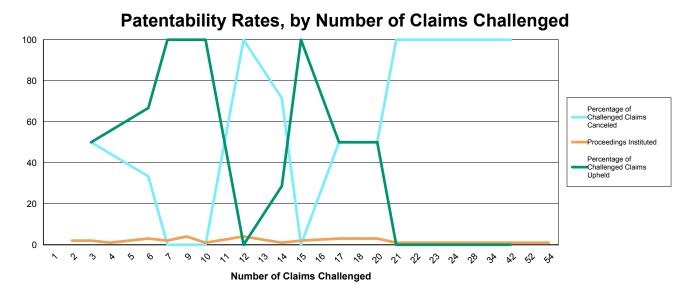
Institution Rate, by Number of Claims Challenged: For those proceedings in which a decision on the institution of the review is issued, the percentage of claims for which the review is initiated varies generally between 60% and 80% of the claims challenged (see chart above and table below). The chart above also shows the number of proceedings for each specific number of claims challenged. Note that for any single firm the number of proceedings instituted is quite small for each particular number of claims challenged, which results in a great deal of "jitter" in the corresponding "percentage initiated" line.

	Percentage of Claims for Which Review is Initiated	Number of Proceedings
2	100.0	2
3	50.0	2
4	100.0	1
6	75.0	3
7	50.0	2
9	97.2	4

	Percentage of Claims for Which Review is Initiated	Number of Proceedings
10	0.0	1
12	83.3	4
14	71.4	1
15	100.0	2
17	66.7	3
20	66.7	3
21	100.0	1
22	22.7	1
23	100.0	1
24	100.0	1
42	100.0	1
52	100.0	1
54	100.0	1

The fraction of proceedings where all claims are found unpatentable is shown (by vear and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a patentability holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.



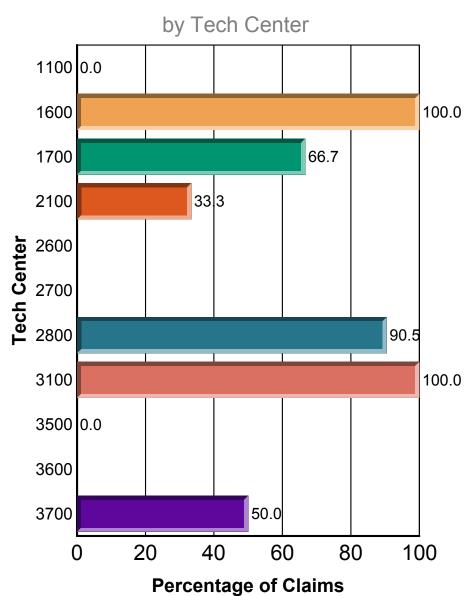


Patentability Rates, by Number of Claims Challenged: For those proceedings in which a decision on the institution of the review is issued, the percentage of claims held unpatentable (canceled) is generally around 20% of the claims challenged while the percentage of challenged claims which are not held unpatentable (either original claims or amended) is around 80% (see chart above and table below). The chart above also shows the number of proceedings for each specific number of claims challenged. Note that the number of proceedings with more than 30 claims challenged is quite small, which results in a great deal of "jitter" in the "canceled" and "upheld" lines.

	Percentage of Claims Upheld	Percentage of Challenged Claims Canceled
3	50.0	50.0
6	66.7	33.3
7	100.0	0.0

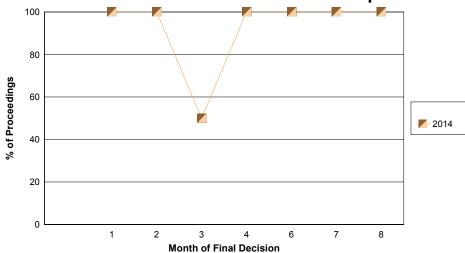
	Percentage of Claims Upheld	Percentage of Challenged Claims Canceled
10	100.0	0.0
12	0.0	100.0
14	28.6	71.4
15	100.0	0.0
17	50.0	50.0
20	50.0	50.0
21	0.0	100.0
23	0.0	100.0
42	0.0	100.0

Percentage of Challenged Claims Which are Canceled



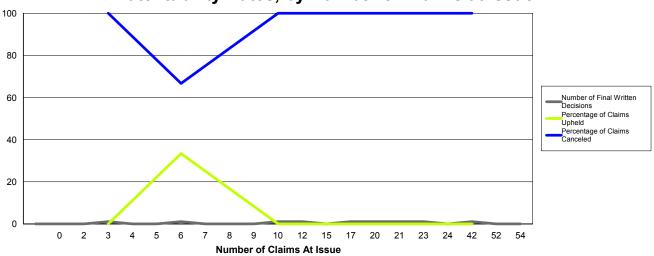
Percentage of Challenged Claims Canceled, by Tech Center: The fraction of challenged claims which are canceled is shown in the chart to the left. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that not all Tech Centers have challenged claims which are canceled.

Final Written Decisions with All Claims Unpatentable



All Claims Unpatentable in Final Written Decision: In those cases that proceed to a final written decision, the probability of a finding of unpatentability of all claims is quite high. The variation in this rate is shown in the chart to the left.

Patentability Rates, by Number of Claims at Issue



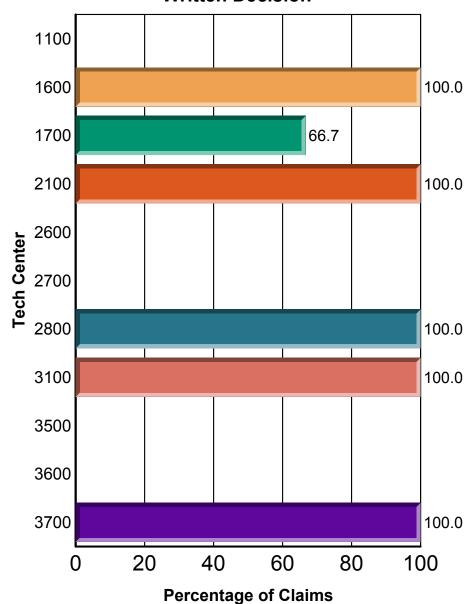
Patentability Rates, by Number of Claims at Issue: For those proceedings in which a *final written decision* on patentability is issued, the percentage of claims held unpatentable (canceled) is generally around 80% of the claims at issue while the percentage of challenged claims which are not held unpatentable (either original claims or amended) is around 20% (see chart above and table below). The chart above also shows the number of proceedings with a final written decision for each specific number of claims challenged. Note that the number of such proceedings is quite small for each number of claims at issue, which results in a great deal of "jitter" in the chart.

	Number of Final Written Decisions	Upheld Patentability	Canceled
3	1	0.0	100.0
6	1	33.3	66.7
10	1	0.0	100.0
12	1	0.0	100.0
17	1	0.0	100.0

	Number of Final Written Decisions	Upheld Patentability	Canceled
20	1	0.0	100.0
21	1	0.0	100.0
23	1	0.0	100.0
42	1	0.0	100.0

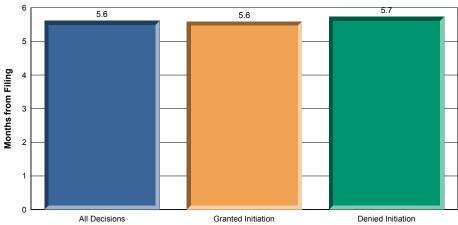
Claims Canceled in Final Written Decision: The fraction of claims found unpatentable is shown (by Tech Center) in the chart to the right.

Percentage of Claims Which are Canceled in Final Written Decision

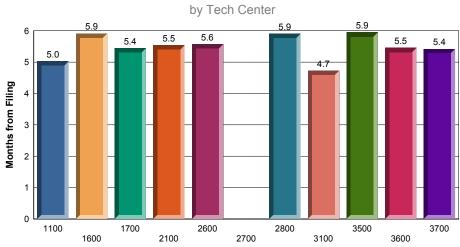


Time from Filing to Initiation Decision: The time from petition filing to institution decision (initiation) varies slightly from Tech Center to Tech Center (see second chart below). But whether the petition was granted or denied has little effect on the time to decision (see first chart below). This time has remained fairly stable for at least one year.

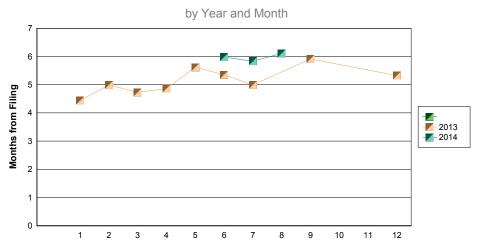
Time from Filing to Initiation Decision



Time from Filing to Initiation Decision

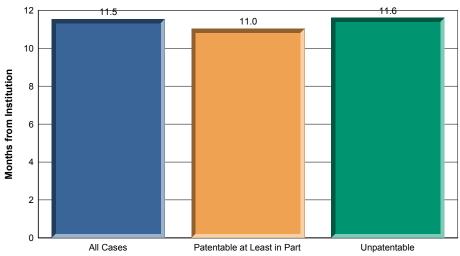


Time to Decision on Institution

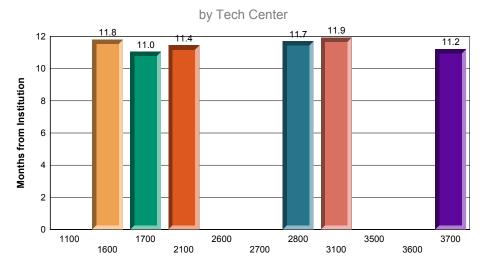


Time from Institution to Final Decision: The time from institution decision to final written decision is around 11 months. Whether the decision is in favor of patentability or not has little effect on the time to final written decision. There is some variation by Tech Center, however (see charts below). Note that not all Tech Centers have final written decisions on at least one proceeding. The variation from month to month is shown in the chart at the bottom of the page.

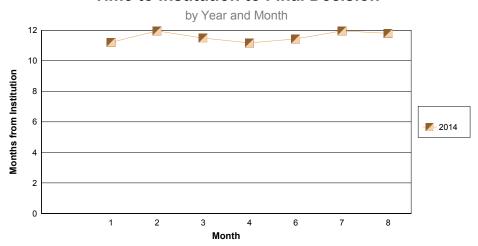
Time from Institution to Final Decision

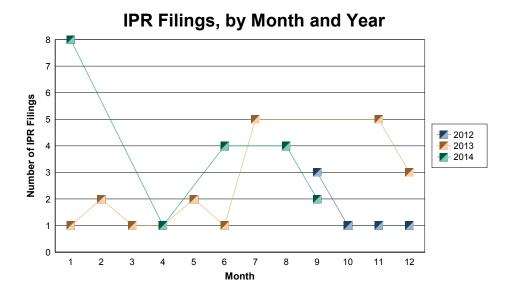


Time from Institution to Final Decision



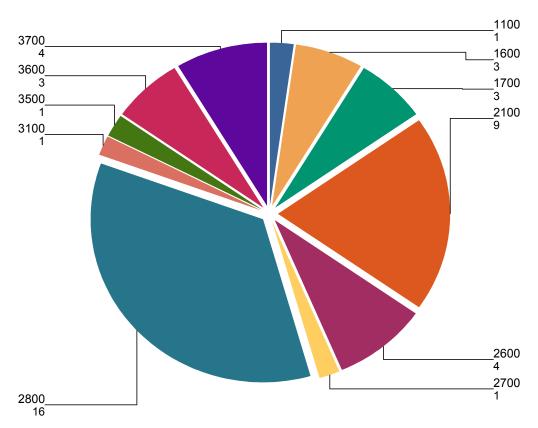
Time to Institution to Final Decision



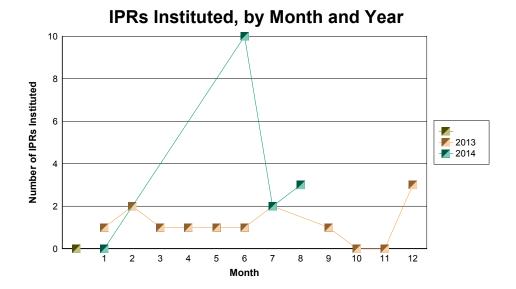


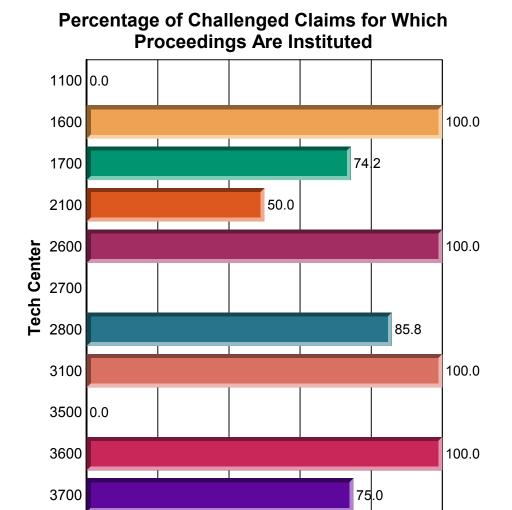
IPR Filings by Tech Center: The number of new IPR case filings by Tech Center is shown in the chart below.





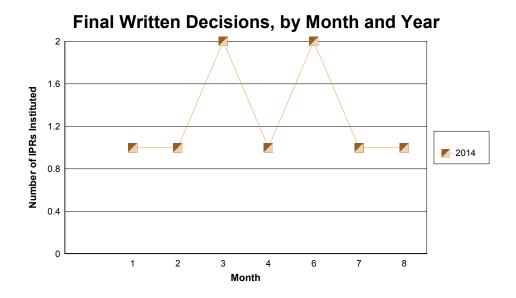
IPRs Instituted: The number of IPRs instituted by month and year is shown in the chart below. The second chart shows the number instituted by Tech Center.

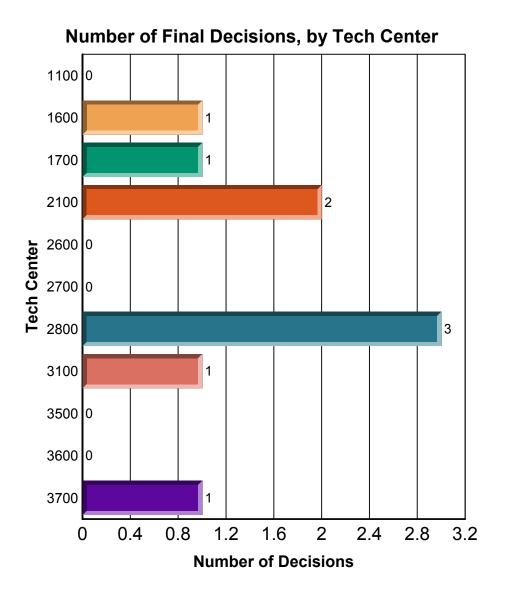




Percentage of Claims

Final Written Decisions: The number of final written decisions by month and year is shown in the chart below. The second chart shows the number of decisions by Tech Center.

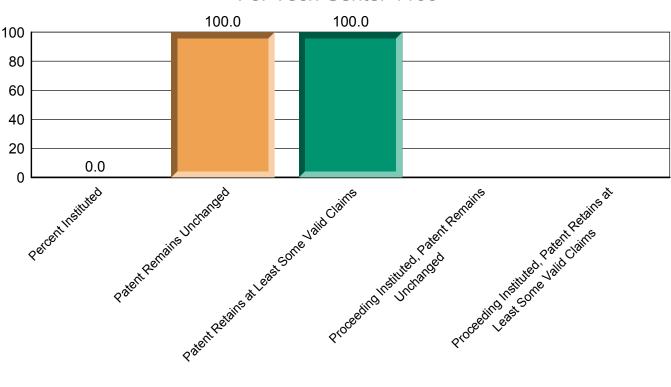




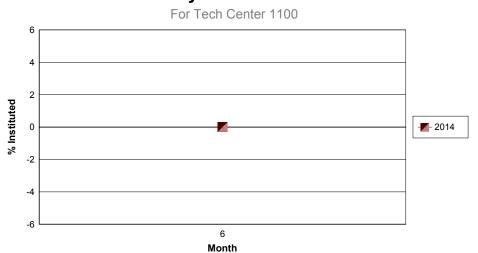
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates



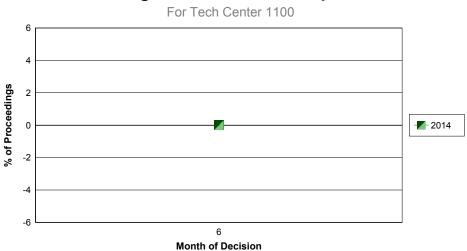


Institution Rates by Year and Month of Decision

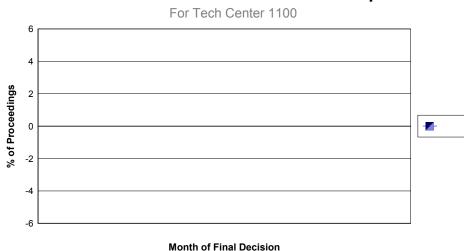


The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable

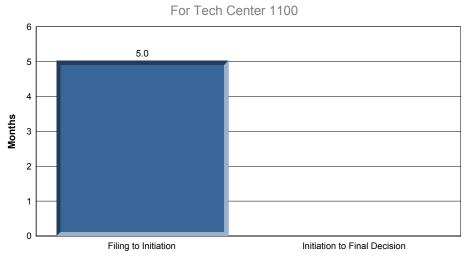


Final Written Decisions with All Claims Unpatentable



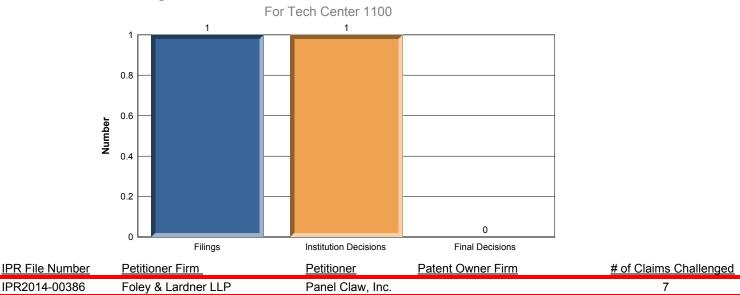
Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

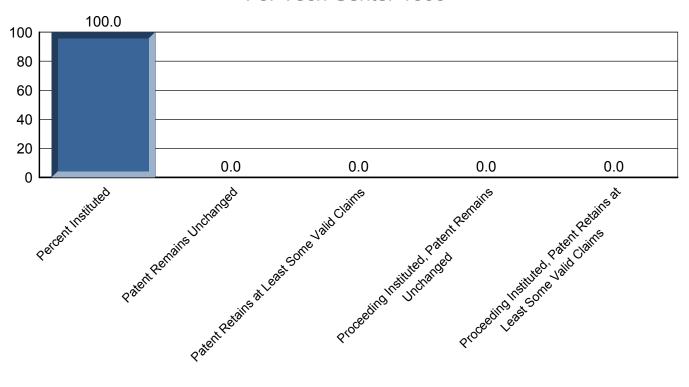
Filings, Institution Decisions, and Final Decisions



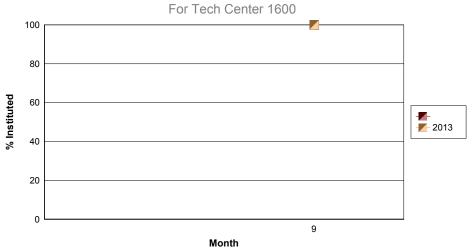
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Petition Rates

For Tech Center 1600

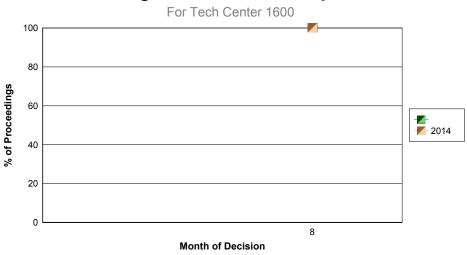


Institution Rates by Year and Month of Decision

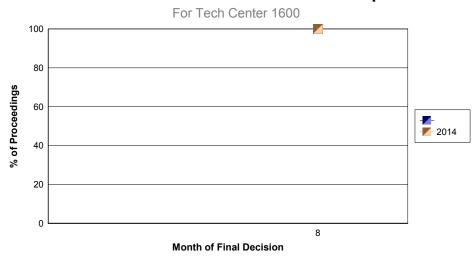


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Proceedings with All Claims Unpatentable

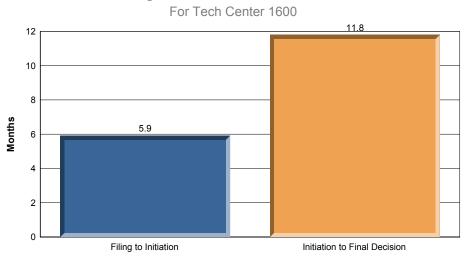


Final Written Decisions with All Claims Unpatentable



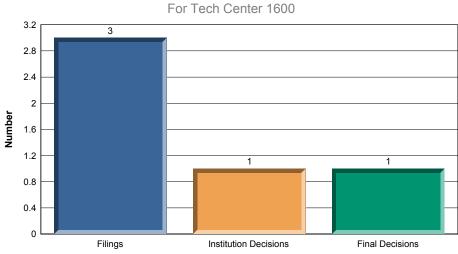
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Time from Filing to Institution and to Final Decision



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Filings, Institution Decisions, and Final Decisions

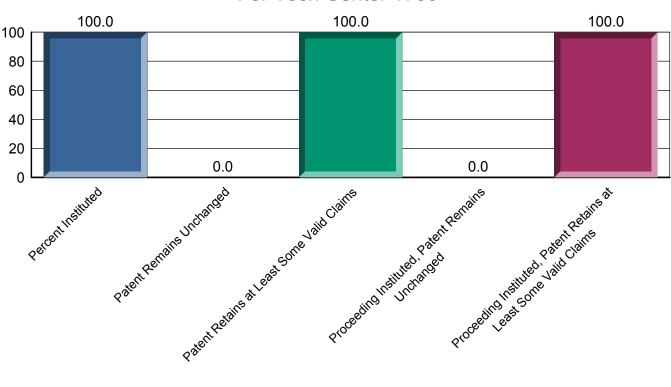


IPR File Number	Petitioner Firm	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2013-00178	Foley & Lardner LLP	Syntroleum Corporation	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	20
IPR2014-01514	Foley & Lardner LLP	Diacel Corporation		13
IPR2014-01515	Foley & Lardner LLP	Diacel Corporation		1

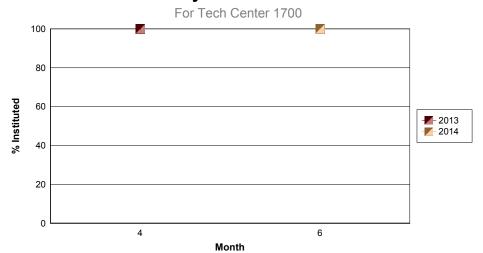
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Petition Rates



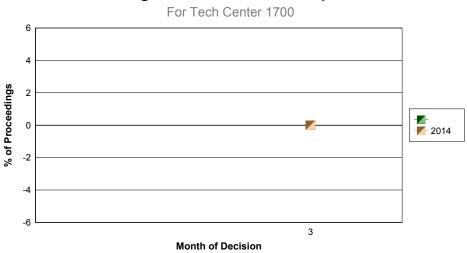


Institution Rates by Year and Month of Decision

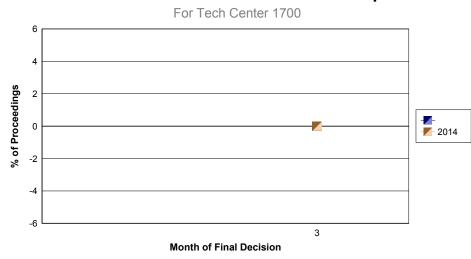


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Proceedings with All Claims Unpatentable

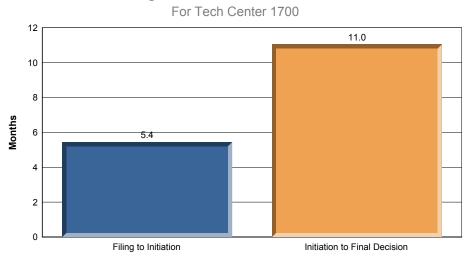


Final Written Decisions with All Claims Unpatentable



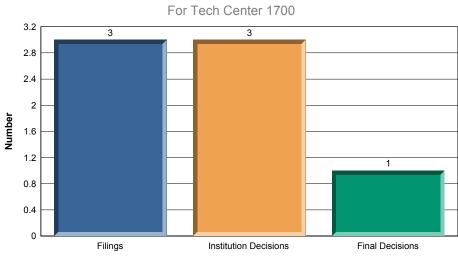
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Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

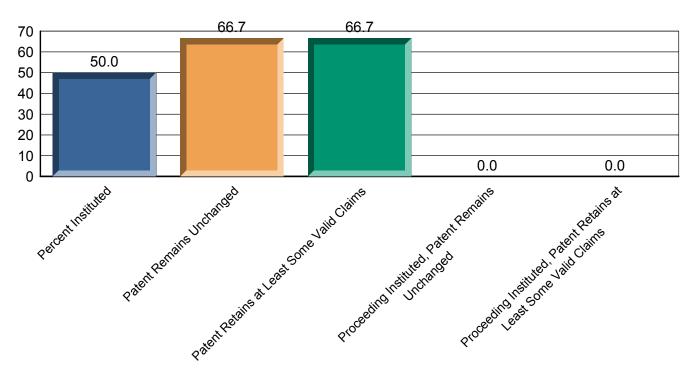


IPR File Number	Petitioner Firm_	<u>Petitioner</u>	Patent Owner Firm	<u># of Claims Challenged</u>
IPR2013-00057	Sofer & Haroun, L.L.P.	Berk-Tek LLC	Foley & Lardner LLP	6
IPR2014-00192	FOLEY & LARDNER LLP	Syntroleum Corporation		24
IPR2014-00388	Foley & Lardner LLP	Panel Claw, Inc.		22

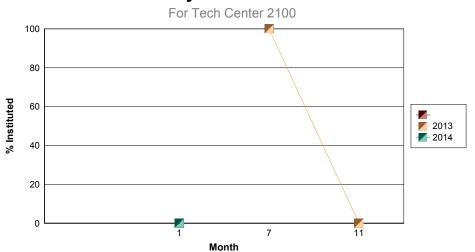
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Petition Rates

For Tech Center 2100

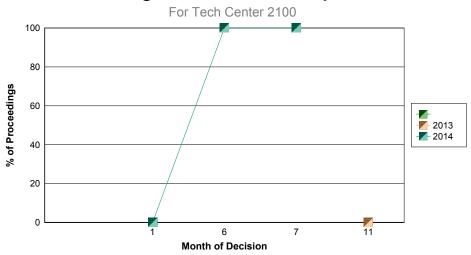


Institution Rates by Year and Month of Decision

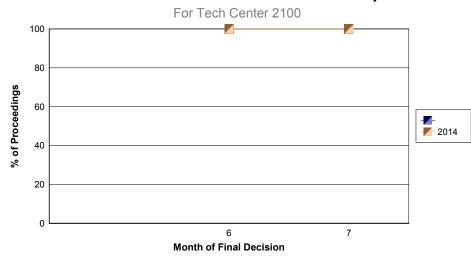


The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable

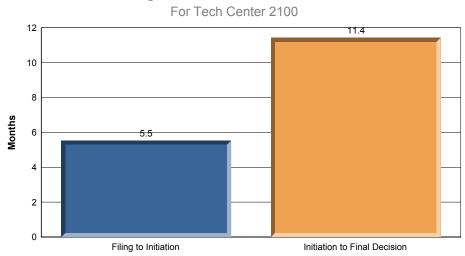


Final Written Decisions with All Claims Unpatentable



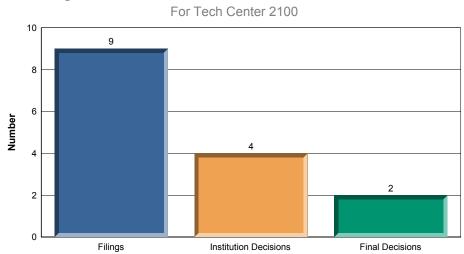
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Time from Filing to Institution and to Final Decision



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Filings, Institution Decisions, and Final Decisions

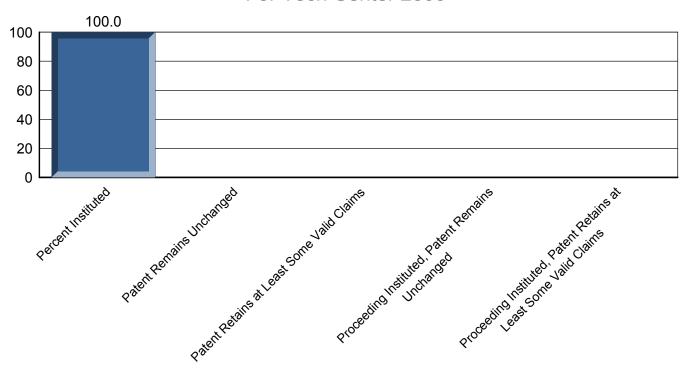


IPR File Number	Petitioner Firm	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2013-00170	Foley & Lardner LLP	Vibrant Media, Inc.	Davidson Berquist Jackson & Gowdey, LLP	42
IPR2013-00172	Foley & Lardner LLP	Vibrant Media, Inc.	Davidson Berquist Jackson & Gowdey, LLP	12
IPR2013-00307	Foley & Lardner LLP	BSP Software LLC		10
IPR2013-00456	Foley & Lardner LLP,	Zerto Inc.		6
IPR2013-00457	Foley & Lardner LLP,	Zerto Inc.		15
IPR2013-00458	Foley & Lardner LLP,	Zerto Inc.		17
IPR2014-01254	Foley & Lardner LLP	Zerto, Inc.		18
IPR2014-01295	Foley & Lardner LLP	Zerto, Inc.		17
IPR2014-01329	Foley & Lardner LLP	Zerto, Inc.		34

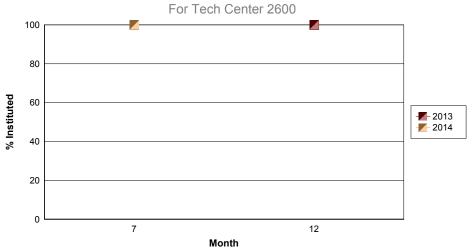
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Petition Rates

For Tech Center 2600

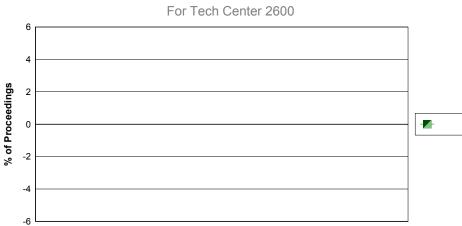


Institution Rates by Year and Month of Decision



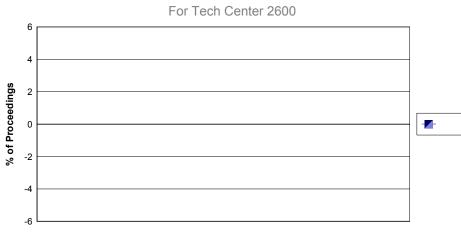
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Proceedings with All Claims Unpatentable



Month of Decision

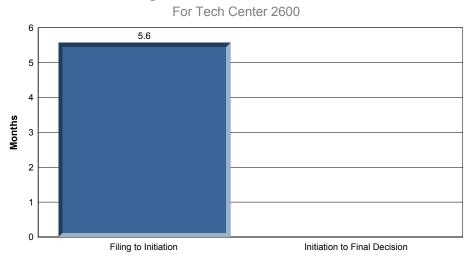
Final Written Decisions with All Claims Unpatentable



Month of Final Decision

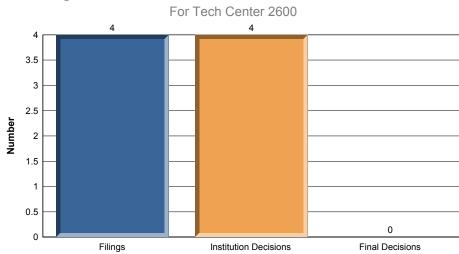
Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

Filings, Institution Decisions, and Final Decisions

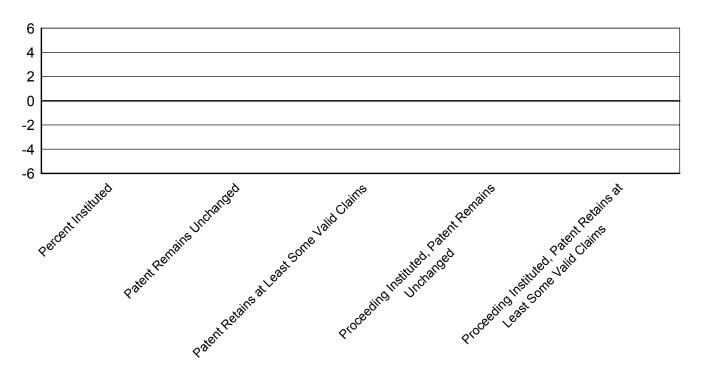


IPR File Number	Petitioner Firm	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2013-00350	Foley & Lardner LLP	SDI Technolgies Inc.		54
IPR2013-00465	Foley & Lardner LLP	SDI Technolgies Inc.		52
IPR2014-00343	Foley & Lardner LLP	SDI Technologies, Inc.		12
IPR2014-00346	Foley & Lardner LLP	SDI Technologies, Inc.		15

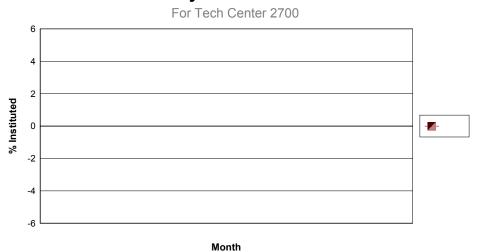
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 2700

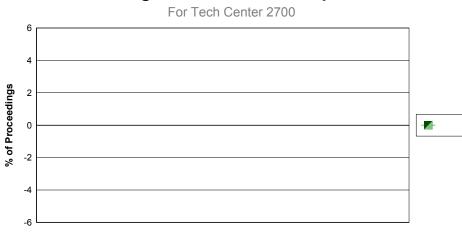


Institution Rates by Year and Month of Decision



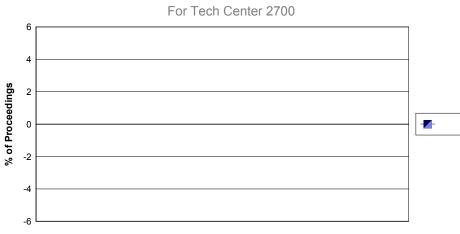
The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable



Month of Decision

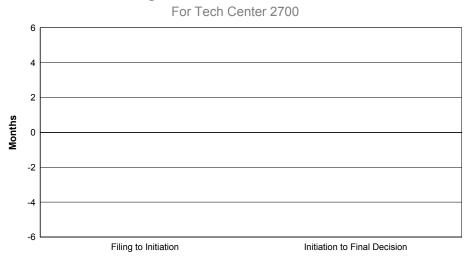
Final Written Decisions with All Claims Unpatentable



Month of Final Decision

Time from Filing to Institution and from Institution to Final Decision: The time from filing to institution decision and from institution decision to final written decision (if any) is shown in the chart below.

Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

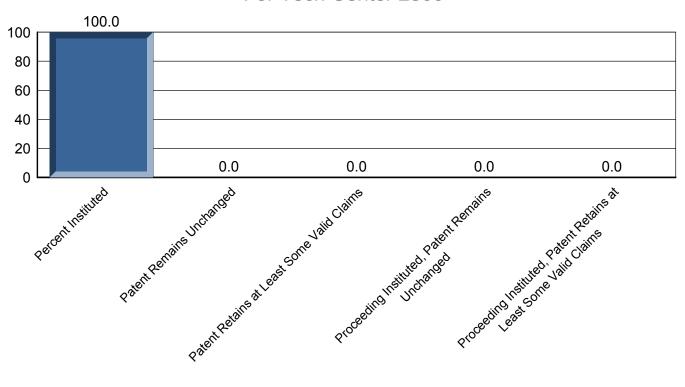
Filings, Institution Decisions, and Final Decisions For Tech Center 2700



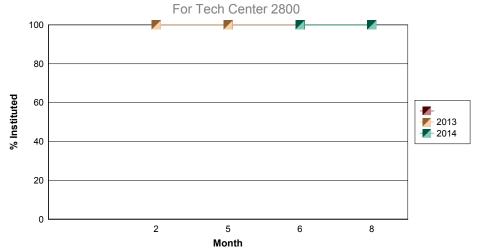
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 2800

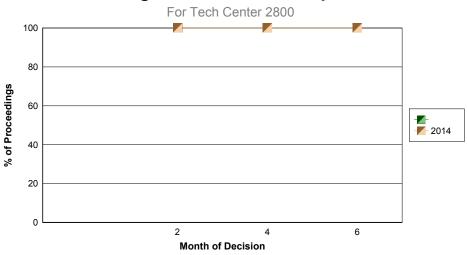


Institution Rates by Year and Month of Decision

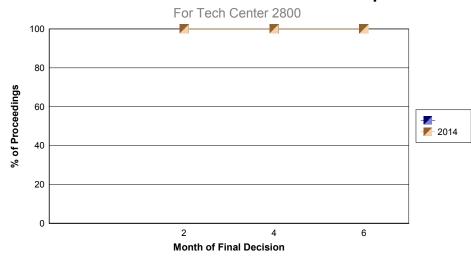


The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

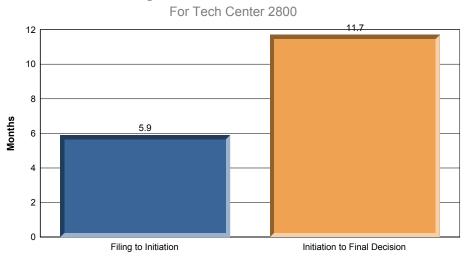
Proceedings with All Claims Unpatentable



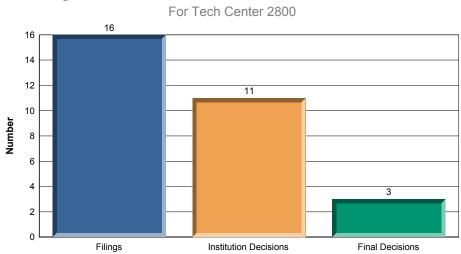
Final Written Decisions with All Claims Unpatentable



Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.



IPR File Number	Petitioner Firm	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2012-00005	Foley & Lardner LLP	Nichia Corporation	Winston & Strawn, LLP	17
IPR2012-00033	Foley & Lardner LLP	Sony Corporation	Sterne, Kessler, Goldstein & Fox P.L.L.C.	4
IPR2013-00069	Sofer & Haroun, L.L.P.	Berk-Tek LLC	Foley & Lardner LLP	21
IPR2013-00112	Haynes and Boone, LLP	Xilinx, Inc.	Foley & Lardner LLP; In-House Counsel (Intellecutal Ventures)	14
IPR2014-00167	Foley & Lardner LLP	Micro Motion Inc		9
IPR2014-00170	Foley & Lardner LLP	Micro Motion Inc		6
IPR2014-00178	Foley & Lardner LLP	Micro Motion Inc		12
IPR2014-00179	Foley & Lardner LLP	Micro Motion Inc		9

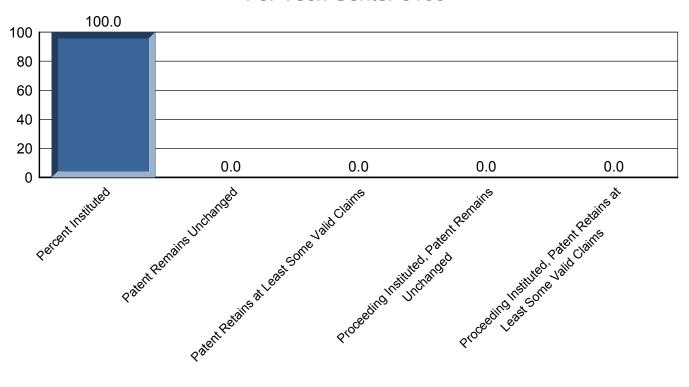
IPR2014-00390	Foley & Lardner LLP	Micro Motion Inc.	9
IPR2014-00392	Foley & Lardner LLP	Micro Motion Inc.	9
IPR2014-00393	Foley & Lardner LLP	Micro Motion Inc.	12
IPR2014-00697	Foley & Lardner LLP	AVX Corporation	28
IPR2014-01046	Foley & Lardner LLP	Renesas Electronics Corporation	9
IPR2014-01057	Foley & Lardner LLP	Renesas Electronics Corporation	5
IPR2014-01063	Foley & Lardner LLP	Renesas Electronics Corporation	11
IPR2014-01066	Foley & Lardner LLP	Renesas Electronics Corporation	17

Tech Center 3100

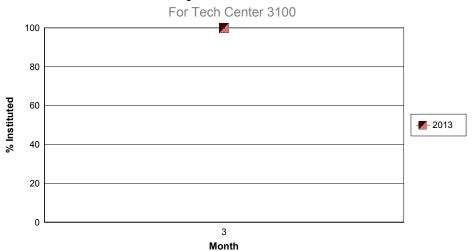
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 3100

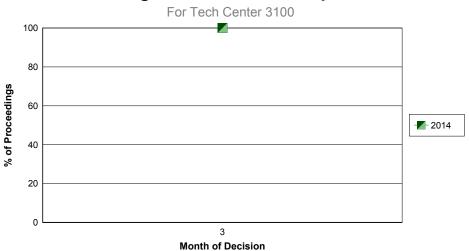


Institution Rates by Year and Month of Decision

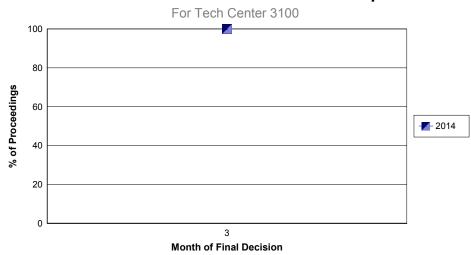


The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

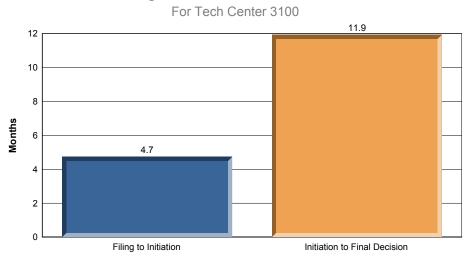
Proceedings with All Claims Unpatentable



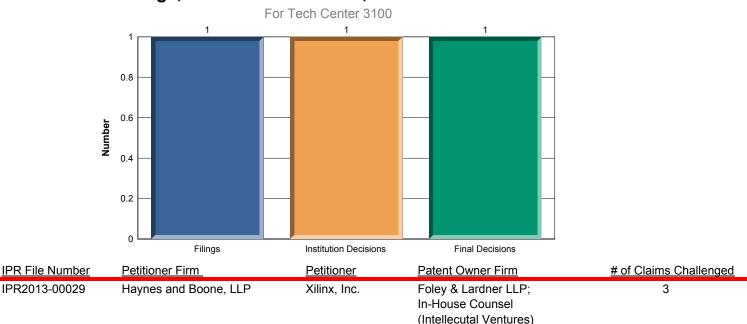
Final Written Decisions with All Claims Unpatentable



Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

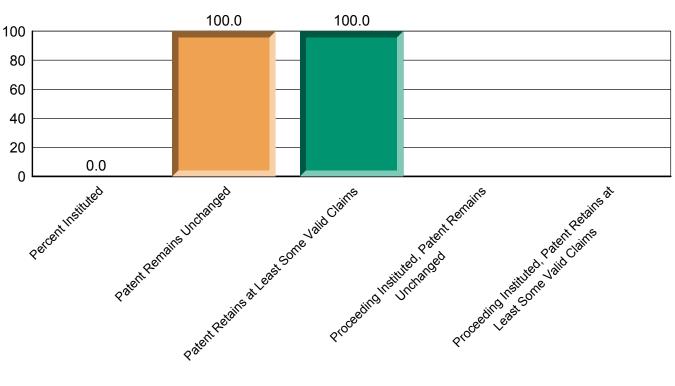


Tech Center 3500

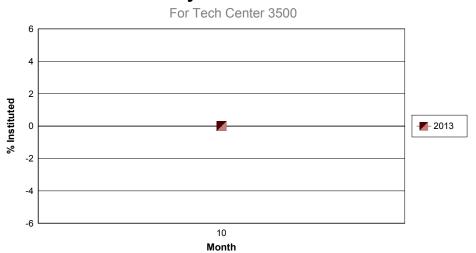
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 3500

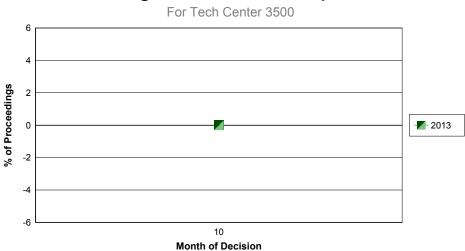


Institution Rates by Year and Month of Decision

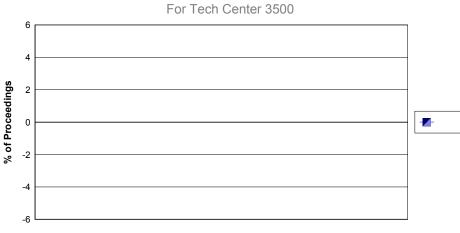


The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable

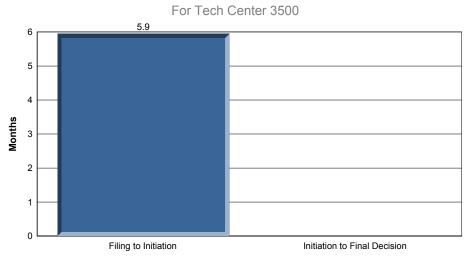


Final Written Decisions with All Claims Unpatentable

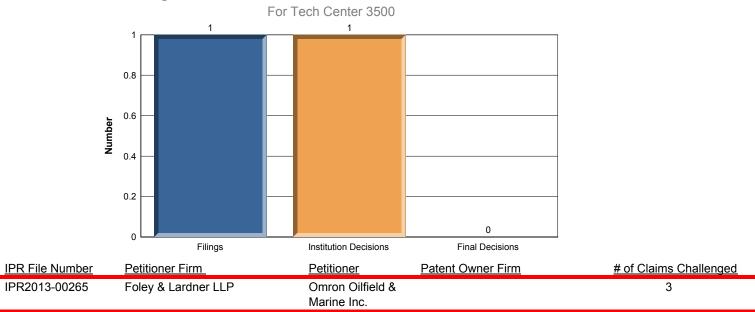


Month of Final Decision

Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

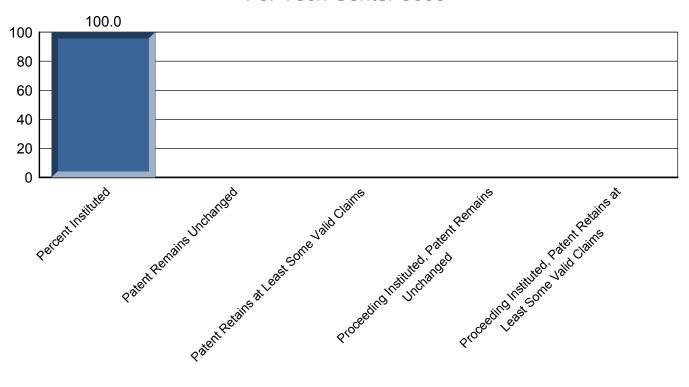


Tech Center 3600

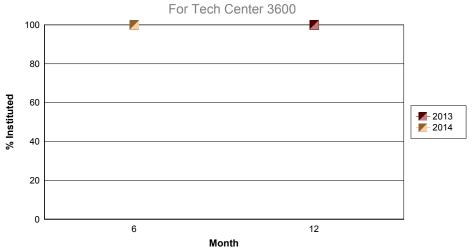
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 3600

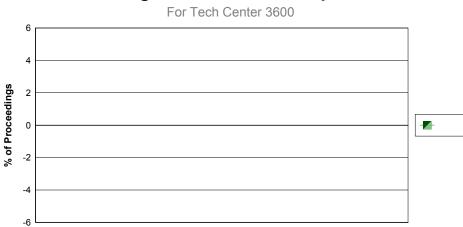


Institution Rates by Year and Month of Decision



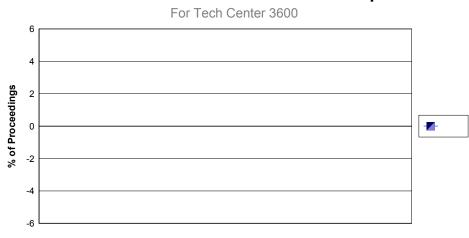
The fraction of proceedings where all claims are found unpatentable is shown (by year and month) in the chart to the right. Note that a decision not to institute an IPR is considered to be a validity holding for this purpose. Note that the percentage of proceedings with a "final written decision" of unpatentability is a different number, which is discussed in a later section.

Proceedings with All Claims Unpatentable



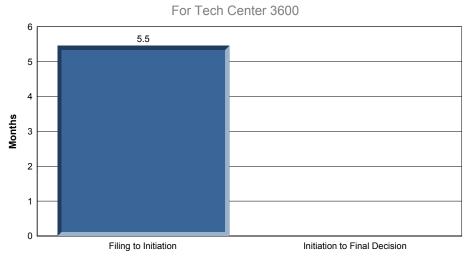
Month of Decision

Final Written Decisions with All Claims Unpatentable

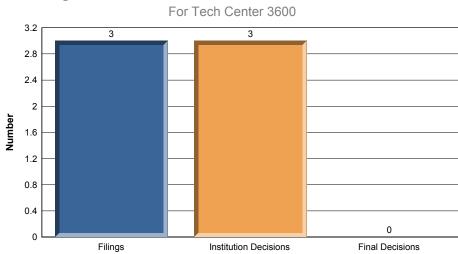


Month of Final Decision

Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.

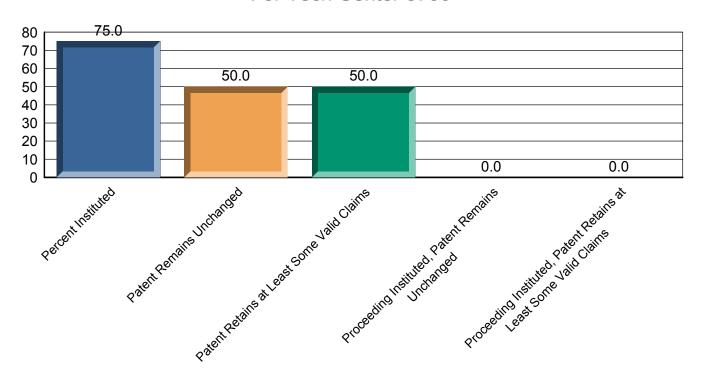


IPR File Number	Petitioner Firm	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2013-00418	Foley & Lardner LLP	Moore Rod & Pipe LLC		20
IPR2014-00216	FOLEY & LARDNER LLP	GREENE'S ENERGY GROUP LLC		2
IPR2014-00364	Foley & Lardner LLP	GREENE'S ENERGY GROUP, LLC		17

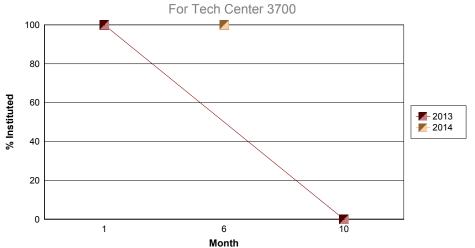
Overview: The institution rates, rates at which patents remain unchanged after institution decision and (if any) final decision, rates at which at least some claims survive IPR, rates at which patents for which a decision granting institution survive the IPR unscathed, and rates at which patents survive at least in part the IPR are shown in the chart below. Note that all these rates include proceedings where the institution of an IPR was denied. Note as well that not all Tech Centers have proceedings where the IPR was instituted. These are shown in the chart as blank (if applicable).

Petition Rates

For Tech Center 3700

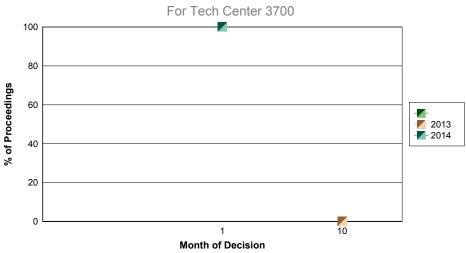


Institution Rates by Year and Month of Decision

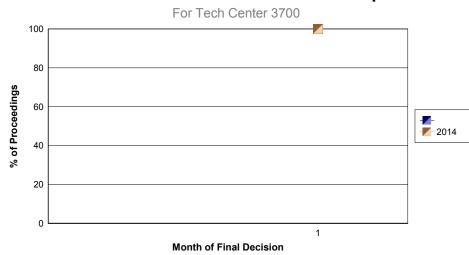


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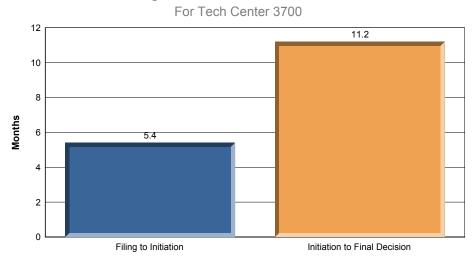
Proceedings with All Claims Unpatentable



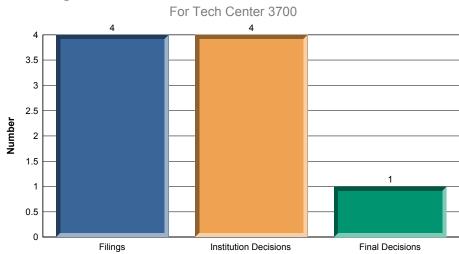
Final Written Decisions with All Claims Unpatentable



Time from Filing to Institution and to Final Decision



Number of Filings, Institution Decisions, and Final Written Decisions: The numbers of IPR filings, institution decisions and final written decisions (if any) for this Tech Center are shown in the chart below.



<u>IPR File Number</u>	Petitioner Firm_	<u>Petitioner</u>	Patent Owner Firm	# of Claims Challenged
IPR2012-00027	Foley & Lardner LLP	ldle Free Systems, Inc.	Morgan, Lewis & Bockius LLP	23
IPR2013-00258	Foley & Lardner LLP	St. Jude Medical, Inc.	Fish & Richardson P.C.	20
IPR2014-00304	Foley & Lardner LLP	Johnson Controls Inc.		2
IPR2014-00305	Foley & Lardner LLP	Johnson Controls Inc.		7