

JURISDICTIONAL ANALYSIS

TIME TO TRIAL, FAVORABLE COURTS, AND OTHER LITIGATION TRENDS



Some 2016 litigation trends are new, while others continue to follow familiar patterns. The Eastern District of New York became the hotbed for antitrust complaints, while the Eastern District of Texas continues its long-established reign as the most popular court for IP litigation. The Eastern District of Virginia earned its title as the “Rocket Docket,” as cases proceeded

from filing to trial faster than those in any other district. False Claims Act litigation continues to be on the rise, with the Department of Justice trumpeting \$4.7 billion in 2016 FCA recoveries. Perhaps unexpectedly, more FCA cases were filed in the District of Maryland than in any other district, but Florida is the state where the most FCA cases were filed, spread among its three federal districts.

—KEITH HARRISON, Partner, Crowell & Moring

UNITED STATES COURTS OF APPEALS

| CIRCUIT | NOTICE OF APPEAL TO DISPOSITION IN MONTHS | S. CT. REVERSAL RECORD |
|---------|---|------------------------|
| 1ST | 11.5 | 1 OF 3 |
| 2ND | 11.1 | 2 OF 6 |
| 3RD | 7.4 | 2 OF 3 |
| 4TH | 4.4 | 3 OF 6 |
| 5TH | 9.2 | 5 OF 9 |
| 6TH | 8.5 | 3 OF 4 |
| 7TH | 6.7 | 0 OF 0 |
| 8TH | 5.0 | 2 OF 6 |
| 9TH | 15.4 | 8 OF 11 |
| 10TH | 7.0 | 3 OF 4 |
| 11TH | 6.1 | 3 OF 3 |
| DC | 13.3 | 2 OF 4 |
| FED. | 11.0 | 3 OF 4 |

Of the appellate courts, the Ninth Circuit has the slowest time from filing to disposition—over 15 months.

USPTO PTAB TRIALS—OUTCOME BY TECHNOLOGY

