

# LEX MACHINA

## U.S. PRIOR USER RIGHTS / INVENTORSHIP STUDY

### EXECUTIVE SUMMARY

07 NOV 11

Congress has essentially asked the U.S. Patent and Trademark Office an impossible question: *What would happen if prior user rights were implemented in the United States?* More concretely, it has asked as to the impact of this defense on innovation, and as to non-U.S. implementations of prior user rights. But problems exist with both approaches. Future innovation rates are hard to predict. Foreign data may be hard to gather comprehensively. Moreover, the application of prior user rights in exogenous procedural environments (*i.e.*, foreign courts) may be misleading. A better approach is to comprehensively gather empirical data on U.S. doctrinal analogues, including *prior inventorship rights*. See Exhibit A, attached hereto.

This project was conceived by Professor Mark Lemley; and commissioned and financed by the Coalition for Patent Fairness (“CPF”). Lex Machina, Inc. conducted an empirical study investigating the empirical incidence of litigation merits determinations surrounding 35 U.S.C. §102(g)(2), which the Leahy-Smith America Invents Act (the “Act”) replaces, in part, with the prior user rights defense. *Id.* The CPF took no part in data analysis.

### IMPORTANCE OF STUDY

In replacing the first-to-invent system with a first-to-file system, the Act exposes inventors and entrepreneurs to the risk that they will be found to infringe their own inventions. Traditionally, 35 U.S.C. 102(g)(2) (the “prior inventor defense”) protected against this risk. Because section 102(g)(2) has now been eliminated, prior user rights are an essential mechanism to protect prior inventors. In this study, we evaluate the importance of section 102(g)(2), and hence the need for prior user rights.

### OUTCOME OF STUDY

The results were surprising.

Lex Machina completed what is, to our knowledge, the largest empirical study of §102(g)(2) in U.S. history, focusing on merits analyses of this defense occurring on or between January 1, 2005 and October 15, 2011. See *id.* We expected few such events, especially since three quarters of patent infringement lawsuits settle (see, e.g., <https://lexmachina.com/members/cases/outcomes>) and other sources of prior art are easier to find and apply. See, e.g., Lex Machina Empirical Study on 35 U.S.C. 102(a) (forthcoming) ([www.lexmachina.com](http://www.lexmachina.com)).

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To ensure comprehensiveness, we identified relevant cases in two independent ways. The first, employing attorneys and artificial intelligence experts on the IPLC database, swept over 31,000 U.S. patent infringement lawsuits and 1.7 million contemporaneous litigation events. See Ex. A. The second legal team searched using exogenous, state of the art methodologies and tools. Then the two preliminary result sets were combined and analyzed.

Lex Machina verified 90 (ninety) federal cases or case clusters (*i.e.*, groups of related lawsuits) with one or more “merits analysis event” on § 102(g)(2). *Id.* A prototypical merits analysis event (or “MAE”) is a summary judgment order, but it may also be a Federal Circuit opinion, a trial outcome, a substantive evidentiary order, or another judicial analysis.

***Diversity.*** It was an extremely diverse set of cases, covering inventions ranging from medical device, to networking technology, to drinking cups. Lex Machina classified the MAE cases into 17 (seventeen) different industries, including:

- Computer Hardware (14 cases)
- Manufacturing (12)
- Medical Devices (10)
- Software (10)
- Pharmaceuticals (8)
- Networking (8)
- Biotechnology (7)
- Home & Consumer (5)
- Transportation (4)
- Telecommunications (2)
- Chemicals (2)
- Office Equipment (2)
- Consumer Electronics (2)
- Gaming (1)
- Security (1)
- Banking & Financial (1), and
- Food & Beverage (1).

See *id.* The MAE case set was just as diverse in terms of geographic locus: It covers U.S. district courts from all over the country. *Id.* And both apparatus and process patent claims are heavily represented. See *id.*

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**MAE Outcomes.** More importantly, the success rate was high. Of nineteen trial outcomes, nine resulted in a successful §102(g)(2) outcome (*i.e.*, a dispositive or semi-dispositive win through the defense). See *id.* In the summary judgment context, a denial of a summary judgment motion may simply mean that there are genuine issues of material fact still to be resolved. Nevertheless, the MAE case set includes: (i) 13 (thirteen) outright summary judgment wins for the defense; (ii) 21 (twenty-one) denials of defense motions for summary judgment; (iii) two instances where the court analyzed the issue but did not enter judgment; (iv) 9 (nine) instances where the court granted summary judgment for the patent owner (eliminating the §102(g)(2) defense before trial); and (v) 14 (fourteen) instances in which the court denied the patent holders' motion to eliminate the defense. On evidentiary motions (motions to strike the defense or exclude relevant evidence from trial (motions *in limine*)), the courts granted four (4) and denied five (5) motions by patent holders. During post-trial proceedings, the courts denied judgment as a matter of law once to a defense-holder and once to a patent holder. Lastly, the MAE case set includes two case-dispositive wins for the §102(g)(2) defense on appeal. In contrast to the defense of inequitable conduct, the §102(g)(2) defense was used moderately, but successful frequently.

### SIGNIFICANCE

The fact that the § 102(g)(2) prior inventorship defense was relied on so heavily (against expectation), and was successful so often, reflects the importance of prior user rights. Based on prior cases, we do not expect a flood of prior user right defenses; but prior user rights are likely to stand as an important bulwark protecting first inventors who might otherwise stand to lose their rights under the new first-to-file system.

### BACKGROUND ON LEX MACHINA

Lex Machina is the “spin-off” of the Stanford Intellectual Property Litigation Clearinghouse (the “IPLC”) (<http://www.law.stanford.edu/program/centers/iplc/>). The mission of the IPLC and its commercial successor is to support the United States with accurate empirical data on the patent litigation system. Lex Machina has a positive legal duty, under its charter from Stanford, to support the courts of the United States and help inform the better administration of IP law. Lex Machina's technology and data currently supports (i) patent holding companies, (ii) operating technology companies, (iii) law firms, (iv) universities, and (v) myriad government users.

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**LEX MACHINA  
PRIOR USER RIGHTS / INVENTORSHIP STUDY**

**Cases, Industries, Merits Events re 35 U.S.C. §102(g)(2)  
Occurring On or Between January 1, 2005 – October 15, 2011**

#	CASE NAME	INDUSTRY (TECHNOLOGY)	CIVIL CASE ID (DISTRICT) IPLC CASE PAGE	MERITS ANALYSIS EVENT[S]
1.	Renato Speciality v. Wood Stone Corp.	Mfg.  (Food & Beverage; Restaurant Ovens)	4:01-cv-00317-PNB (TXED) <a href="https://lexmachina.com/members/cases/51/">https://lexmachina.com/members/cases/51/</a>	<a href="https://lexmachina.com/cases/51/documents/10161.pdf">https://lexmachina.com/cases/51/documents/10161.pdf</a>
2.	Data Treasury Corp. v. First Data Corp.	Banking & Financial  (Image Scanning Device / Checks)	5:03-cv-00039-DF-CMC (TXED) <a href="https://lexmachina.com/members/cases/137/">https://lexmachina.com/members/cases/137/</a>	<a href="https://lexmachina.com/cases/137/documents/4000023950.pdf">https://lexmachina.com/cases/137/documents/4000023950.pdf</a>
3.	Z4 Tech, Inc. v. Microsoft Corp.	Software  (Method and Apparatus for Securing Software / Antipiracy)	6:06-cv-00142-LED (TXED) <a href="https://lexmachina.com/members/cases/248/">https://lexmachina.com/members/cases/248/</a>	<a href="https://lexmachina.com/cases/248/documents/11732.pdf">https://lexmachina.com/cases/248/documents/11732.pdf</a> <a href="https://lexmachina.com/cases/248/documents/258917.pdf">https://lexmachina.com/cases/248/documents/258917.pdf</a>
4.	Cybergym Research, LLC v. Icon Health & Fitness, Inc.	Networking  (Networked Exercise Equipment)	2:05-cv-00527-DF (TXED) <a href="https://lexmachina.com/members/cases/348/">https://lexmachina.com/members/cases/348/</a>	<a href="https://lexmachina.com/cases/348/documents/187730.pdf">https://lexmachina.com/cases/348/documents/187730.pdf</a>

5.	Telecomm. Sys. Inc. v. Mobile 365, Inc.	Telecomm. (SMS Texting Infra.)	3:06-cv-00485-JRS (VAED) <a href="https://lexmachina.com/members/cases/959">https://lexmachina.com/members/cases/959</a>	<a href="https://lexmachina.com/cases/959/documents/14243.pdf">https://lexmachina.com/cases/959/documents/14243.pdf</a>
6.	Crown Packaging Tech. Inc. v. Rexam Beverage Can Co.	Mfg. (Food & Beverage; Beverage Can Mfg.)	1:05-cv-00608-MPT (DED) <a href="https://lexmachina.com/members/cases/1684">https://lexmachina.com/members/cases/1684</a>	<a href="https://lexmachina.com/cases/1684/documents/203774.pdf">https://lexmachina.com/cases/1684/documents/203774.pdf</a>
7.	Solvay S.A. v. Honeywell Int'l Inc.	Chemicals (Manuf. of Pentafluoropropane)	1:06-cv-00557-SLR (DED) <a href="https://lexmachina.com/members/cases/1809">https://lexmachina.com/members/cases/1809</a>	<a href="https://lexmachina.com/cases/1809/documents/4000027170.pdf">https://lexmachina.com/cases/1809/documents/4000027170.pdf</a> <a href="https://lexmachina.com/cases/1809/documents/4000027169.pdf">https://lexmachina.com/cases/1809/documents/4000027169.pdf</a> <a href="https://lexmachina.com/cases/1809/documents/2000001432.pdf">https://lexmachina.com/cases/1809/documents/2000001432.pdf</a>
8.	Cytec Corp. v. Tripath Imaging, Inc.	Biotech. (Method, Apparatus, System, Network Review, Ana. etc.)	1:03-cv-11142-DPW (MAD) <a href="https://lexmachina.com/members/cases/3190">https://lexmachina.com/members/cases/3190</a>	<a href="https://lexmachina.com/cases/3190/documents/203695.pdf">https://lexmachina.com/cases/3190/documents/203695.pdf</a>
9.	Siemens v. Seagate Tech.	Computer Hardware (Memory / Sensors, + Method)	8:06-cv-00788-JVS-AN (CACD) <a href="https://lexmachina.com/members/cases/4181">https://lexmachina.com/members/cases/4181</a>	<a href="http://www.cafc.uscourts.gov/images/stories/opinions-orders/09-1382.pdf">http://www.cafc.uscourts.gov/images/stories/opinions-orders/09-1382.pdf</a> <a href="https://lexmachina.com/members/cases/4181/dockets?show=All#docket4153873">https://lexmachina.com/members/cases/4181/dockets?show=All#docket4153873</a>
10.	In re: Infineon Tech. v. Mosaid Tech.	Computer Hardware (Memory / DRAM)	2:03-cv-04698-WJM-RJH (NJD) <a href="https://lexmachina.com/members/cases/6686">https://lexmachina.com/members/cases/6686</a>	<a href="https://lexmachina.com/cases/6686/documents/16809.pdf">https://lexmachina.com/cases/6686/documents/16809.pdf</a>
11.	Pinpoint Inc. v. Amazon.com Inc.	Software (E-Commerce; System, Method)	1:03-cv-04954 (ILND) <a href="https://lexmachina.com/members/cases/7540">https://lexmachina.com/members/cases/7540</a>	<a href="https://lexmachina.com/cases/7540/documents/277458.pdf">https://lexmachina.com/cases/7540/documents/277458.pdf</a>

12.	Tradecard, Inc. v. S1 Corp.	Software (Banking)	1:03-cv-01468-AKH (NYSD) <a href="https://lexmachina.com/members/cases/7659">https://lexmachina.com/members/cases/7659</a>	<a href="https://lexmachina.com/cases/7659/documents/245265.pdf">https://lexmachina.com/cases/7659/documents/245265.pdf</a>
13.	Cross Med. Prods. v. Medtronic Sofamor	Medical Device	8:03-cv-00110-DDP-AN (CACD) <a href="https://lexmachina.com/members/cases/8623">https://lexmachina.com/members/cases/8623</a>	<a href="https://lexmachina.com/cases/8623/documents/204343.pdf">https://lexmachina.com/cases/8623/documents/204343.pdf</a>
14.	Spectralytics, Inc. v. Cordis Corp.	Medical Device (Stent; Method of Producing)	0:05-cv-01464-PJS-LIB (MND) <a href="https://lexmachina.com/members/cases/9382">https://lexmachina.com/members/cases/9382</a>	<a href="https://lexmachina.com/cases/9382/documents/283953.pdf">https://lexmachina.com/cases/9382/documents/283953.pdf</a>
15.	Borgwarner, Inc. v. Honeywell Int'l, Inc.	Mfg. (Industrial)	1:07-cv-00184-MR (NCWD) <a href="https://lexmachina.com/members/cases/11513">https://lexmachina.com/members/cases/11513</a>	<a href="https://lexmachina.com/cases/11513/documents/2000027634.pdf">https://lexmachina.com/cases/11513/documents/2000027634.pdf</a>
16.	Boss Control, Inc. v. Bombardier, Inc.	Security Systems	4:00-cv-03491 (TXSD) <a href="https://lexmachina.com/members/cases/12121">https://lexmachina.com/members/cases/12121</a>	<a href="https://lexmachina.com/cases/12177/documents/282411.pdf">https://lexmachina.com/cases/12177/documents/282411.pdf</a>
17.	Junker v. Eddings	Home & Consumer (Design Patent)	3:02-cv-00172-M (TXND) <a href="https://lexmachina.com/members/cases/12177">https://lexmachina.com/members/cases/12177</a>	<a href="https://lexmachina.com/cases/12177/documents/282411.pdf">https://lexmachina.com/cases/12177/documents/282411.pdf</a>
18.	Flex-Rest, Inc. v. Steelcase, Inc.	Office Equipment (Keyboard Positioning System)	1:02-cv-00537-DWM (MIWD) <a href="https://lexmachina.com/members/cases/13232">https://lexmachina.com/members/cases/13232</a>	<a href="https://lexmachina.com/cases/13232/documents/39896.pdf">https://lexmachina.com/cases/13232/documents/39896.pdf</a> <a href="https://lexmachina.com/cases/13232/documents/39862.pdf">https://lexmachina.com/cases/13232/documents/39862.pdf</a>
19.	Old Reliable Wholesale, Inc. v. Cornell Corp.	Home & Consumer (Building / Roofing; Insulated Roof Board)	5:06-cv-02389-DDD (OHND) <a href="https://lexmachina.com/members/cases/13680/">https://lexmachina.com/members/cases/13680/</a>	<a href="https://lexmachina.com/cases/13680/documents/2000002823.pdf">https://lexmachina.com/cases/13680/documents/2000002823.pdf</a>
20.	Chrimar Sys., Inc. v. Cisco Sys., Inc.	Networking (Network Security System)	2:01-cv-71113-AC (MIED) <a href="https://lexmachina.com/members/cases/14245">https://lexmachina.com/members/cases/14245</a>	<a href="https://lexmachina.com/cases/14245/documents/205674.pdf">https://lexmachina.com/cases/14245/documents/205674.pdf</a>

21.	EMC Corp. v. Columbia Data Prods., Inc.	Computer Hardware (/Software)  (Storage: Using virtual device to access data as through mass data storage system; Method and System for providing a static snapshot of data stored on mass storage system)	2:01-cv-00312-TC (UTD) <a href="https://lexmachina.com/members/cases/15625">https://lexmachina.com/members/cases/15625</a>	<a href="https://lexmachina.com/cases/15625/documents/205052.pdf">https://lexmachina.com/cases/15625/documents/205052.pdf</a>
22.	Lucent Tech., Inc. v. Gateway, Inc.	Software  (Multimedia; some method and apparatus claims)	3:02-cv-02060-B-CAB (CASD) <a href="https://lexmachina.com/members/cases/16082">https://lexmachina.com/members/cases/16082</a>	<a href="https://lexmachina.com/cases/16082/documents/205722.pdf">https://lexmachina.com/cases/16082/documents/205722.pdf</a> <a href="https://lexmachina.com/cases/21693/documents/2000023249.pdf">https://lexmachina.com/cases/21693/documents/2000023249.pdf</a>
23.	Futuristic Fences, Inc. v. Illusion Fence, Corp.	Home & Consumer  (Design Patents; Fence Panel, Controller)	1:06-cv-22042-ASG (FLSD) <a href="https://lexmachina.com/members/cases/17515/">https://lexmachina.com/members/cases/17515/</a>	<a href="https://lexmachina.com/cases/17515/documents/28459.pdf">https://lexmachina.com/cases/17515/documents/28459.pdf</a>
24.	Rock-Tenn Co. v. Anchor Packaging, Inc.  Rock-Tenn Co. v. Cryovac, Inc.  Rock-Tenn Co. v. C&M Fine Pack, Inc.	Mfg.  (Packaging: Processes for packaging perishable and other products)	1:02-cv-03080-JTC (GAND) 1:02-cv-02438-JTC (GAND) 1:02-cv-02437-JTC (GAND) <a href="https://lexmachina.com/members/cases/18391">https://lexmachina.com/members/cases/18391</a> <a href="https://lexmachina.com/members/cases/17871">https://lexmachina.com/members/cases/17871</a> <a href="https://lexmachina.com/members/cases/17911">https://lexmachina.com/members/cases/17911</a>	<a href="https://lexmachina.com/cases/17871/documents/34021.pdf">https://lexmachina.com/cases/17871/documents/34021.pdf</a> <a href="https://lexmachina.com/cases/17911/documents/34061.pdf">https://lexmachina.com/cases/17911/documents/34061.pdf</a>
25.	Versa Corp. v. AG-BAG Int'l,	Mfg.	3:01-cv-00544-HU (DED) <a href="https://lexmachina.com/members/cases/18343">https://lexmachina.com/members/cases/18343</a>	<a href="https://lexmachina.com/cases/18343/documents/280871.pdf">https://lexmachina.com/cases/18343/documents/280871.pdf</a>

	Ltd.	(Agricultural Bagging Machine)		
26.	Kenexa Brassring, Inc. v. Taleo Corp.	Software  (System and Method for Interactive Data Entry)	1:07-cv-00521-SLR (DED) <a href="https://lexmachina.com/members/cases/19589">https://lexmachina.com/members/cases/19589</a>	<a href="https://lexmachina.com/cases/19589/documents/4000002869.pdf">https://lexmachina.com/cases/19589/documents/4000002869.pdf</a>
27.	Monsanto Co. v. Bayer Bioscience N.V.	Biotech.	4:00-cv-01915-ERW (MOED) <a href="https://lexmachina.com/members/cases/23268">https://lexmachina.com/members/cases/23268</a>	<a href="https://lexmachina.com/cases/23268/documents/2000015935.pdf">https://lexmachina.com/cases/23268/documents/2000015935.pdf</a> <a href="https://lexmachina.com/cases/23268/documents/205856.pdf">https://lexmachina.com/cases/23268/documents/205856.pdf</a>
28.	Mondis Tech. Ltd. v. LG Elec. Inc.	Computer Hardware  (Display Apparatus; Multiple apparatus patents; Method)	2:07-cv-00565-TJW-CE (TXED) <a href="https://lexmachina.com/members/cases/23491">https://lexmachina.com/members/cases/23491</a>	<a href="https://lexmachina.com/cases/23491/documents/4000020090.pdf">https://lexmachina.com/cases/23491/documents/4000020090.pdf</a>
29.	Teva Pharm. Indus. Ltd. v. Astrazeneca Pharm. LP	Pharma.  (Composition of Matter)	2:08-cv-04786-WY (PAED) <a href="https://lexmachina.com/members/cases/26004">https://lexmachina.com/members/cases/26004</a>	<a href="https://lexmachina.com/cases/26004/documents/4000008467.pdf">https://lexmachina.com/cases/26004/documents/4000008467.pdf</a>
30.	Bose Corp. v. Lightspeed Aviation, Inc.	Consumer Electronics  (Apparatus: High Compliance Headphone Driving)	1:09-cv-10222-WGY (MAD) <a href="https://lexmachina.com/members/cases/80375">https://lexmachina.com/members/cases/80375</a>	<a href="https://lexmachina.com/cases/80375/documents/2000024245.pdf">https://lexmachina.com/cases/80375/documents/2000024245.pdf</a>
31.	Netscape Comm. Corp. v. Valueclick, Inc.	Software  (Persistent client state in HTTP based client-server system)	1:09-cv-00225-TSE-TRJ (VAED) <a href="https://lexmachina.com/members/cases/89917">https://lexmachina.com/members/cases/89917</a>	<a href="https://lexmachina.com/cases/89917/documents/2000015334.pdf">https://lexmachina.com/cases/89917/documents/2000015334.pdf</a>

32.	<p>Therasense, Inc. v. Becton, Dickinson and Co.</p> <p>Becton, Dickinson and Co. v. Therasense, Inc.</p> <p>Therasense, Inc. v. Nova Biomedical Corp.</p> <p>Abbott Diabetes Care, Inc. v. Roche Diagnostic Corp.</p>	<p>Biotech.</p> <p>(Sensors, Method of Using Sensors, Device)</p>	<p>3:04-cv-02123-WHA (CAND)</p> <p>3:04-cv-03327-WHA (CAND)</p> <p>3:04-cv-03732-WHA (CAND)</p> <p>3:05-cv-03117-WHA (CAND)</p> <p><a href="https://lexmachina.com/members/cases/1000000494">https://lexmachina.com/members/cases/1000000494</a></p> <p><a href="https://lexmachina.com/members/cases/1000000520">https://lexmachina.com/members/cases/1000000520</a></p> <p><a href="https://lexmachina.com/members/cases/1000000529">https://lexmachina.com/members/cases/1000000529</a></p> <p><a href="https://lexmachina.com/members/cases/1000000631">https://lexmachina.com/members/cases/1000000631</a></p>	<p><a href="https://lexmachina.com/cases/1000000494/documents/1000007915.pdf">https://lexmachina.com/cases/1000000494/documents/1000007915.pdf</a></p> <p><a href="https://lexmachina.com/cases/1000000520/documents/1000007921.pdf">https://lexmachina.com/cases/1000000520/documents/1000007921.pdf</a></p> <p><a href="https://lexmachina.com/cases/1000000529/documents/1000007929.pdf">https://lexmachina.com/cases/1000000529/documents/1000007929.pdf</a></p> <p><a href="https://lexmachina.com/cases/1000000631/documents/1000007947.pdf">https://lexmachina.com/cases/1000000631/documents/1000007947.pdf</a></p>
33.	<p>MEMC Elec. Materials, Inc. v. Mitsubishi Materials Silicon Corp.</p>	<p>Computer Hardware</p> <p>(Semiconductor: Low Defect Density Silicon Comp.)</p>	<p>4:01-cv-04925-SBA (CAND)</p> <p><a href="https://lexmachina.com/members/cases/1000000708">https://lexmachina.com/members/cases/1000000708</a></p>	<p><a href="https://lexmachina.com/cases/1000000708/documents/1000007959.pdf">https://lexmachina.com/cases/1000000708/documents/1000007959.pdf</a></p>
34.	<p>Sanofi-Aventis Deutschland GMBH, v. Genentech, Inc.</p> <p>Genentech, Inc. v. Sanofi-Aventis Deutschland GMBH</p> <p>(University Origin: Iowa Research Foundation)</p>	<p>Biotech.</p> <p>(Enhancer for eukaryotic expression systems; Vectors &amp; Micro-organisms)</p>	<p>3:09-cv-04919-SI (CAND)</p> <p>3:08-cv-04909-SI (CAND)</p> <p><a href="https://lexmachina.com/members/cases/2000000751">https://lexmachina.com/members/cases/2000000751</a></p> <p><a href="https://lexmachina.com/members/cases/1000001284">https://lexmachina.com/members/cases/1000001284</a></p>	<p><a href="https://lexmachina.com/cases/2000000751/documents/4000011662.pdf">https://lexmachina.com/cases/2000000751/documents/4000011662.pdf</a></p> <p><a href="https://lexmachina.com/cases/1000001284/documents/4000011721.pdf">https://lexmachina.com/cases/1000001284/documents/4000011721.pdf</a></p>
35	<p>Hurricane Shooters, LLC v. Emi Yoshi, Inc.</p>	<p>Mfg.</p> <p>(Food &amp; Beverage: Product: Plural chamber drinking cup)</p>	<p>8:10-cv-00762-JSM-AEP (FLMD)</p> <p><a href="https://lexmachina.com/members/cases/2000002458">https://lexmachina.com/members/cases/2000002458</a></p>	<p><a href="https://lexmachina.com/cases/2000002458/documents/4000028161.pdf">https://lexmachina.com/cases/2000002458/documents/4000028161.pdf</a></p>

36.	The Fox Group, Inc. v. Cree, Inc.	Computer Hardware  (Semiconductor: Low defect density silicon carbide, etc.)	2:10-cv-00314-RBS-FBS (VAED) <a href="https://lexmachina.com/members/cases/2000003287">https://lexmachina.com/members/cases/2000003287</a>	<a href="https://lexmachina.com/cases/2000003287/documents/4000025455.pdf">https://lexmachina.com/cases/2000003287/documents/4000025455.pdf</a>
37.	Storage Tech. Corp. v. Quantum Corp.	Computer Hardware  (Storage; Optical Servo System for Tape Drive)	1:03-cv-00672-RPM (COD) <a href="https://lexmachina.com/members/cases/18899">https://lexmachina.com/members/cases/18899</a>	<a href="https://lexmachina.com/members/cases/18899/dockets?show=All#docket1188711">https://lexmachina.com/members/cases/18899/dockets?show=All#docket1188711</a>
38.	Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.	Computer Hardware  (Semiconductor: Devices, Transistors, Control, Converter)	1:04-cv-01371-LPS (DED) <a href="https://lexmachina.com/members/cases/1589">https://lexmachina.com/members/cases/1589</a>	<a href="https://lexmachina.com/cases/1589/documents/2000001449.pdf">https://lexmachina.com/cases/1589/documents/2000001449.pdf</a>
39.	Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.	Pharma.  (Composition: Optically active pyridobenzoxazine derivatives and anti-microbial use)	1:02-cv-00032-IMK-JSK (WVND) <a href="https://lexmachina.com/members/cases/11781">https://lexmachina.com/members/cases/11781</a>	<a href="https://lexmachina.com/cases/11781/documents/42640.pdf">https://lexmachina.com/cases/11781/documents/42640.pdf</a>
40.	Shuffle Master, Inc. v. MP Games LLC	Gaming  (Multiple Patents-In-Suit re each of Methods, Systems; Apparatus)	3:04-cv-00407-ECR-RAM (NVD) <a href="https://lexmachina.com/members/cases/18387">https://lexmachina.com/members/cases/18387</a>	<a href="https://lexmachina.com/cases/18387/documents/278041.pdf">https://lexmachina.com/cases/18387/documents/278041.pdf</a>
41.	Arctic Cat, Inc. v.	Transport.	0:01-cv-00543-MJD-RLE (MND)	<a href="https://lexmachina.com/cases/6267/documents/275646.pdf">https://lexmachina.com/cases/6267/documents/275646.pdf</a>

	Injection Research Specialists, Inc.	(Snowmobile Engines)	<a href="https://lexmachina.com/members/cases/6267">https://lexmachina.com/members/cases/6267</a>	
42.	Tyco Healthcare Grp. LP v. Ethicon Endo-Surgery, Inc.	Medical Device (Ultrasonic Blade, System)	3:04-cv-01702-JBA (CTD) <a href="https://lexmachina.com/members/cases/10021">https://lexmachina.com/members/cases/10021</a>	<a href="https://lexmachina.com/cases/10021/documents/275918.pdf">https://lexmachina.com/cases/10021/documents/275918.pdf</a>
43.	IGT v. Alliance Gaming Corp.	Computer Hardware  (Multiple Method / Apparatus / System Patents)	2:04-cv-01676-RCJ–RJ (NVD) <a href="https://lexmachina.com/members/cases/18924">https://lexmachina.com/members/cases/18924</a>	<a href="https://lexmachina.com/cases/18924/documents/278103.pdf">https://lexmachina.com/cases/18924/documents/278103.pdf</a>
44.	Medtronic Xomed, Inc. v. Gyrus ENT LLC	Medical Device  (Method of performing sinus surgery utilizing & sinus debrider instrument)	3:04-cv-00400-TJC-MCR (FLMD) <a href="https://lexmachina.com/members/cases/18060">https://lexmachina.com/members/cases/18060</a>	<a href="https://lexmachina.com/cases/18060/documents/34826.pdf">https://lexmachina.com/cases/18060/documents/34826.pdf</a>
45.	Crossroads Sys., Inc. v. Pathlight Tech., Inc.	Computer Hardware  (Storage)	1:00-cv-00248-SS (TXWD) <a href="https://lexmachina.com/members/cases/12157">https://lexmachina.com/members/cases/12157</a>	<a href="https://lexmachina.com/cases/12157/documents/31206.pdf">https://lexmachina.com/cases/12157/documents/31206.pdf</a>
46.	Benedict v. General Motors Corp.	Software  (Method for controlling daytime running lights; related circuitry)	4:00-cv-00483-RH (FLND) <a href="https://lexmachina.com/members/cases/16954">https://lexmachina.com/members/cases/16954</a>	<a href="https://lexmachina.com/cases/16954/documents/205071.pdf">https://lexmachina.com/cases/16954/documents/205071.pdf</a>
47.	Chemfree Corp. v. J. Walter, Inc.	Chemicals  (Washing Machine Parts and Related Method)	1:04-cv-03711-CRW (GAND) <a href="https://lexmachina.com/members/cases/17245">https://lexmachina.com/members/cases/17245</a>	<a href="https://lexmachina.com/cases/17245/documents/235198.pdf">https://lexmachina.com/cases/17245/documents/235198.pdf</a> <a href="https://lexmachina.com/cases/17245/documents/4000023168.pdf">https://lexmachina.com/cases/17245/documents/4000023168.pdf</a>

48.	TV Interactive Data Corp. v. Microsoft Corp.	Software  (Wireless Controller Apparatus and Method)	3:02-cv-02385-JSW (CAND) <a href="https://lexmachina.com/members/cases/1000000272">https://lexmachina.com/members/cases/1000000272</a>	<a href="https://lexmachina.com/cases/1000000272/documents/1000007860.pdf">https://lexmachina.com/cases/1000000272/documents/1000007860.pdf</a>
49.	Smith v. Pro-Lock	Mfg.  (Security: Drill Jig for Padlocks)	2:00-cv-00709-LKK-JFM (CAED) <a href="https://lexmachina.com/members/cases/9414">https://lexmachina.com/members/cases/9414</a>	<a href="https://lexmachina.com/cases/9414/documents/205474.pdf">https://lexmachina.com/cases/9414/documents/205474.pdf</a>
50.	Crossroads Sys., Inc. v. Chaparral Network Storage, Inc.	Computer Hardware  (Storage Router and Related Method)	1:00-cv-00217-SS (TXWD) <a href="https://lexmachina.com/members/cases/12205">https://lexmachina.com/members/cases/12205</a>	<a href="https://lexmachina.com/cases/12205/documents/31144.pdf">https://lexmachina.com/cases/12205/documents/31144.pdf</a>
51.	WM. Wrigley Jr. Co. v. Cadbury Adams USA LLC	Food & Beverage  (Chewing Gum Composition and Related Method)	1:04-cv-00346 (ILND) <a href="https://lexmachina.com/members/cases/7824">https://lexmachina.com/members/cases/7824</a>	<a href="https://lexmachina.com/cases/7824/documents/2000002983.pdf">https://lexmachina.com/cases/7824/documents/2000002983.pdf</a>
52.	ICU Medical, Inc. v. Rymed Tech., Inc.	Medical Device  (Medical Valve and Method of Use)	1:07-cv-00468-LPS (DED) <a href="https://lexmachina.com/members/cases/19580">https://lexmachina.com/members/cases/19580</a>	<a href="https://lexmachina.com/cases/19580/documents/4000003031.pdf">https://lexmachina.com/cases/19580/documents/4000003031.pdf</a> <a href="https://lexmachina.com/cases/19580/documents/4000004155.pdf">https://lexmachina.com/cases/19580/documents/4000004155.pdf</a>
53.	Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.	Pharma.  (Composition of Matter and Related Method)	2:06-cv-03533-DMC –MF (NJD) <a href="https://lexmachina.com/members/cases/5571">https://lexmachina.com/members/cases/5571</a>	<a href="https://lexmachina.com/cases/11781/documents/42640.pdf">https://lexmachina.com/cases/11781/documents/42640.pdf</a>
54.	Van Romer v. Interstate Prods., Inc.  (University Origin: North Carolina State)	Computer Hardware  (Semiconductor)	6:06-cv-02867-WMC (SCD) <a href="https://lexmachina.com/members/cases/11920">https://lexmachina.com/members/cases/11920</a>	<a href="https://lexmachina.com/cases/11920/documents/2000019984.pdf">https://lexmachina.com/cases/11920/documents/2000019984.pdf</a>

55.	Myers v. Master Lock Co.	Mfg. (Security / Locks)	1:06-cv-00619-LTB-MJW (COD) <a href="https://lexmachina.com/members/cases/19311">https://lexmachina.com/members/cases/19311</a>	<a href="https://lexmachina.com/cases/19311/documents/233194.pdf">https://lexmachina.com/cases/19311/documents/233194.pdf</a>
56.	Commonwealth Scientific and Indus. Research Org. v. Buffalo Tech.  (University / Research Institute Origin: CSIRO [Australia])	Networking (Wireless LAN: Method and Apparatus)	6:06-cv-00324-LED (TXED) <a href="https://lexmachina.com/members/cases/408">https://lexmachina.com/members/cases/408</a>	<a href="https://lexmachina.com/cases/408/documents/29064.pdf">https://lexmachina.com/cases/408/documents/29064.pdf</a>
57.	Zimmer Tech., Inc. v. Howmedica Osteonics Corp.	Medical Device (Modular Hip Prosthesis)	3:02-cv-00425-WCL-RBC (INND) <a href="https://lexmachina.com/members/cases/14659">https://lexmachina.com/members/cases/14659</a>	<a href="https://lexmachina.com/cases/14659/documents/4000009958.pdf">https://lexmachina.com/cases/14659/documents/4000009958.pdf</a>
58.	Hybrid Patents Inc. v. Charter Comms. Inc.	Networking (Asymmetric Data Access System and Method)	2:05-cv-00436-TJW-CE (TXED) <a href="https://lexmachina.com/members/cases/324">https://lexmachina.com/members/cases/324</a>	<a href="https://lexmachina.com/cases/324/documents/4000010486.pdf">https://lexmachina.com/cases/324/documents/4000010486.pdf</a>
59.	Forest Labs. Inc., v. Ivax Pharm. Inc.	Pharma. (Composition and Related Method)	1:03-cv-00891-JJF (DED) <a href="https://lexmachina.com/members/cases/1415">https://lexmachina.com/members/cases/1415</a>	<a href="https://lexmachina.com/cases/1415/documents/1514.pdf">https://lexmachina.com/cases/1415/documents/1514.pdf</a>
60.	Safeflight, Inc. v. Chelton Flight Sys., Inc.	Transport. (Aircraft Navigation System and related Method)	5:05-cv-02622-JRA (OHND) <a href="https://lexmachina.com/members/cases/14474">https://lexmachina.com/members/cases/14474</a>	<a href="https://lexmachina.com/cases/14474/documents/225621.pdf">https://lexmachina.com/cases/14474/documents/225621.pdf</a>
61.	Synthon IP, Inc. v. Pfizer Inc.	Pharma. (Process of Manufacture)	1:05-cv-01267-TSE-TRJ (VAED) <a href="https://lexmachina.com/members/cases/900">https://lexmachina.com/members/cases/900</a>	<a href="https://lexmachina.com/cases/900/documents/1351.pdf">https://lexmachina.com/cases/900/documents/1351.pdf</a>

62.	Forgent Networks, Inc. v. Echostar Tech. Corp.	Networking  (Video Display System and Method)	6:06-cv-00208-LED (TXED) <a href="https://lexmachina.com/members/cases/407">https://lexmachina.com/members/cases/407</a>	<a href="https://lexmachina.com/cases/407/documents/4000033776.pdf">https://lexmachina.com/cases/407/documents/4000033776.pdf</a> <a href="https://lexmachina.com/cases/407/documents/4000033776.pdf">https://lexmachina.com/cases/407/documents/4000033776.pdf</a>
63.	Volovik v. Bayer Corp. [Chiron Diagnostics]	Biotech.  (Pump re Immuno-assays / Diagnostics)	0:01-cv-01426-JNE-AJB (MND) <a href="https://lexmachina.com/members/cases/6348">https://lexmachina.com/members/cases/6348</a>	<a href="https://lexmachina.com/cases/6348/documents/205486.pdf">https://lexmachina.com/cases/6348/documents/205486.pdf</a>
64.	Pfizer Inc. v. Teva Pharm. USA, Inc.	Pharma.  (Composition of matter and Related Method of use)	2:04-cv-00754-GEB-MCA (NJ) <a href="https://lexmachina.com/members/cases/6895">https://lexmachina.com/members/cases/6895</a>	<a href="https://lexmachina.com/cases/6895/documents/2000001625.pdf">https://lexmachina.com/cases/6895/documents/2000001625.pdf</a>
65.	Fargo Elecs., Inc. v. Iris, Ltd., Inc.	Consumer Electronics  (Printer Ribbon and Method)	0:04-cv-01017-JRT-FLN (MND) <a href="https://lexmachina.com/members/cases/7150">https://lexmachina.com/members/cases/7150</a>	<a href="https://lexmachina.com/cases/7150/documents/13265.pdf">https://lexmachina.com/cases/7150/documents/13265.pdf</a>
66.	Ben. Venue Labs., Inc. v. Hospira, Inc.	Medical Device  (Composition of Matter and related Method)	2:03-cv-00210-TJW (OHND) <a href="https://lexmachina.com/members/cases/13992">https://lexmachina.com/members/cases/13992</a>	<a href="https://lexmachina.com/cases/13992/documents/237917.pdf">https://lexmachina.com/cases/13992/documents/237917.pdf</a>
67.	Friskit, Inc. v. Realnetworks, Inc.	Software  (Media streaming and related Methods)	3:03-cv-05085-WWS (CAND) <a href="https://lexmachina.com/members/cases/1000000444">https://lexmachina.com/members/cases/1000000444</a>	<a href="https://lexmachina.com/cases/1000000444/documents/1000007899.pdf">https://lexmachina.com/cases/1000000444/documents/1000007899.pdf</a>
68.	Phase Four Indus. Inc. v. Marathon Coach Inc.	Transport.  (Recreational	5:04-cv-04801-JW (CAND) <a href="https://lexmachina.com/members/cases/1000000968">https://lexmachina.com/members/cases/1000000968</a>	<a href="https://lexmachina.com/cases/1000000968/documents/1000008521.pdf">https://lexmachina.com/cases/1000000968/documents/1000008521.pdf</a>

		Vehicles)		
69.	Aventis Pharm. Deutschland GMBH v. Lupin Ltd.	Pharma. (Composition of Matter, Process of Manufacture and Method of Use)	2:05-cv-00421-RGD-TEM (VAED) <a href="https://lexmachina.com/members/cases/911">https://lexmachina.com/members/cases/911</a>	<a href="https://lexmachina.com/cases/911/documents/1461.pdf">https://lexmachina.com/cases/911/documents/1461.pdf</a>
70.	Freedom Wireless, Inc. v. Boston Comms. Grp. Inc.	Telecomm. (Device)	1:00-cv-12234-EFH (MAD) <a href="https://lexmachina.com/members/cases/2964">https://lexmachina.com/members/cases/2964</a>	<a href="https://lexmachina.com/cases/2964/documents/287727.pdf">https://lexmachina.com/cases/2964/documents/287727.pdf</a>
71.	Briggs & Stratton Corp. v. Kohler Co.	Mfg. (Lawn Mower Engine Parts)	3:05-cv-00025-bbc (WIWD) <a href="https://lexmachina.com/members/cases/89680">https://lexmachina.com/members/cases/89680</a>	<a href="https://lexmachina.com/cases/89680/documents/279558.pdf">https://lexmachina.com/cases/89680/documents/279558.pdf</a>
72.	Syngenta Seeds, Inc. v. Monsanto Co.	Biotech. (Methods for Transforming Maize)	1:02-cv-01331-SLR (DED) <a href="https://lexmachina.com/members/cases/1276">https://lexmachina.com/members/cases/1276</a>	<a href="https://lexmachina.com/cases/1276/documents/14323.pdf">https://lexmachina.com/cases/1276/documents/14323.pdf</a> <a href="https://lexmachina.com/members/cases/1276/dockets#docket130462">https://lexmachina.com/members/cases/1276/dockets#docket130462</a>
73.	JJK Indus. v. Kplus Inc.	Home & Consumer (“Energized Body Jewelry”)	4:02-cv-02259 (TXSD) <a href="https://lexmachina.com/members/cases/12427">https://lexmachina.com/members/cases/12427</a>	<a href="https://lexmachina.com/cases/12427/documents/30823.pdf">https://lexmachina.com/cases/12427/documents/30823.pdf</a>
74.	Storage Tech. v. Cisco Sys., Inc.	Networking (Method and Apparatus)	3:00-cv-01176-SI (CAND) <a href="https://lexmachina.com/members/cases/1000000026">https://lexmachina.com/members/cases/1000000026</a>	<a href="https://lexmachina.com/members/cases/1000000026/dockets#docket100004822">https://lexmachina.com/members/cases/1000000026/dockets#docket100004822</a>
75.	Automotive Tech. Int’l, Inc. v. TRW Vehicle Safety Sys., Inc.	Transport. (Airbag and Method of	2:02-cv-73572-NGE (MIED) <a href="https://lexmachina.com/members/cases/14024">https://lexmachina.com/members/cases/14024</a>	<a href="https://lexmachina.com/cases/14024/documents/205345.pdf">https://lexmachina.com/cases/14024/documents/205345.pdf</a>

		Construction and Use)		
76.	Billingnetwork.com, Inc. v. Cerner Physician Practice, Inc.	Networking (Billing Comm. System)	8:04-cv-01515-JDW-MAP (FLMD) <a href="https://lexmachina.com/members/cases/17522">https://lexmachina.com/members/cases/17522</a>	<a href="https://lexmachina.com/cases/17522/documents/205598.pdf">https://lexmachina.com/cases/17522/documents/205598.pdf</a>
77.	Boston Scientific Corp. v. Cordis Corp.  (University Origin: University of California)	Medical Device (Vascular Implant)	5:02-cv-01474-JW (CAND) <a href="https://lexmachina.com/members/cases/1000000861">https://lexmachina.com/members/cases/1000000861</a>	<a href="https://lexmachina.com/cases/1000000861/documents/1000007986.pdf">https://lexmachina.com/cases/1000000861/documents/1000007986.pdf</a>
78.	Candela Corp. v. Palomar Medical Tech., Inc.	Medical Device (Method and Apparatus for Treating Wrinkles)	9:06-cv-00277-RC (TXED) <a href="https://lexmachina.com/members/cases/672">https://lexmachina.com/members/cases/672</a>	<a href="https://lexmachina.com/cases/672/documents/257722.pdf">https://lexmachina.com/cases/672/documents/257722.pdf</a>
79.	Cardiac Science, Inc. v. Koninklijke Philips Electronics N.V.	Medical Device (Defibrillator and Related Methods)	0:03-cv-01064-DWF-RLE (MND) <a href="https://lexmachina.com/members/cases/6891">https://lexmachina.com/members/cases/6891</a>	<a href="https://lexmachina.com/cases/6891/documents/4000033498.pdf">https://lexmachina.com/cases/6891/documents/4000033498.pdf</a>
80.	Cordance Corp. v. Amazon.com, Inc.  (University Origin: Colorado State)	Software (Internet; Online Shopping System)	1:06-cv-00491-MPT (DED) <a href="https://lexmachina.com/members/cases/1795">https://lexmachina.com/members/cases/1795</a>	<a href="https://lexmachina.com/cases/1795/documents/286416.pdf">https://lexmachina.com/cases/1795/documents/286416.pdf</a>
81.	Optimumpath, LLC, v. Belkin Int'l, Inc.	Networking (Wireless)	4:09-cv-01398-CW (CAND) <a href="https://lexmachina.com/members/cases/1000005600">https://lexmachina.com/members/cases/1000005600</a>	<a href="https://lexmachina.com/cases/1000005600/documents/4000013884.pdf">https://lexmachina.com/cases/1000005600/documents/4000013884.pdf</a>
82.	Sabasta v. Buckaroos, Inc.	Mfg.	4:06-cv-00180-RP-TJS (IASD) <a href="https://lexmachina.com/members/cases/15209">https://lexmachina.com/members/cases/15209</a>	<a href="https://lexmachina.com/cases/15209/documents/37914.pdf">https://lexmachina.com/cases/15209/documents/37914.pdf</a>

		(Roll-Bending Die re Pipe Insulation)		
83.	The GSI Group, Inc. v. Sukup Mfg. Co.	Mfg.  (Grain-shifting and Related Methods)	3:05-cv-03011 (ILCD) <a href="https://lexmachina.com/members/cases/22547">https://lexmachina.com/members/cases/22547</a>	<a href="https://lexmachina.com/cases/22547/documents/276626.pdf">https://lexmachina.com/cases/22547/documents/276626.pdf</a>
84.	Eolas Tech. Inc. v. Microsoft Corp.  (University Origin: University of California)	Software  (Multimedia; Method)	04-1234 (ILND / FEDCIR) <a href="http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1234.pdf">http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1234.pdf</a> Original filing predates Lex Machina dataset 01 JAN 00	<a href="http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1234.pdf">http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1234.pdf</a>
85.	Invitrogen Corp. v. Clontech Labs., Inc.	Biotech.  (Bioengineering; Related Methods)	04-1039 (MAD / FEDCIR) 04-1040 (MAD / FEDCIR) Original filing predates Lex Machina dataset 01 JAN 00	<a href="http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1039.pdf">http://www.cafc.uscourts.gov/images/stories/opinions-orders/04-1039.pdf</a>
86.	Advanced Magnetic Closures, Inc. v. Rome Fastener Corp.	Office Equipment  (Magnetic Snap Lock)	98-CV-7766 (NYSB) Original filing predates Lex Machina dataset 01JAN00 Cf.: <a href="http://www.cafc.uscourts.gov/images/stories/opinions-orders/09-1102.pdf">http://www.cafc.uscourts.gov/images/stories/opinions-orders/09-1102.pdf</a>	2007 WL 1552395
87.	Eli Lilly & Co. v. Sicor Pharm., Inc.	Pharma.  (Composition of Matter, Related Method)	1:06-cv-00238 (INSD) <a href="https://lexmachina.com/cases/14831">https://lexmachina.com/cases/14831</a>	<a href="https://lexmachina.com/cases/14831/documents/2000021119.pdf">https://lexmachina.com/cases/14831/documents/2000021119.pdf</a>
88.	Energy Transp. Group, Inc. v. Sonic Innovations, Inc.	Computer Hardware  (Hearing Aid Related Computer System, Host Controller)	1:05-cv-00422 (DED) <a href="https://lexmachina.com/members/cases/1667">https://lexmachina.com/members/cases/1667</a>	<a href="https://lexmachina.com/members/cases/1667/dockets#docket2001377516">https://lexmachina.com/members/cases/1667/dockets#docket2001377516</a>
89.	RMDI, LLC v.	Mfg.	2:10-cv-00029 (UTD)	<a href="https://lexmachina.com/members/cases/2000001756/dockets#docket20013">https://lexmachina.com/members/cases/2000001756/dockets#docket20013</a>

	Remington Arms Co., Inc.	(Firearms; Multi-Caliber Ambidextrously Controllable Firearm)	<a href="https://lexmachina.com/members/cases/2000001756">https://lexmachina.com/members/cases/2000001756</a>	63394
90.	Johnson & Johnson Vision Care, Inc. v. CIBA Vision Corp.  CIBA Vision Corp. v. Johnson & Johnson Vision Care, Inc.  (University / Research Institute Origin: Commonwealth Scientific and Industrial Research Organization [Australia])	Home & Consumer (Contact Lens; Lenses and Methods of Forming, Using)	3:05-cv-135-J-32TEM (FLMD) 3:06-cv-301-J-32TEM (FLMD) <a href="https://lexmachina.com/members/cases/16942">https://lexmachina.com/members/cases/16942</a> <a href="https://lexmachina.com/members/cases/17497">https://lexmachina.com/members/cases/17497</a>	<a href="https://lexmachina.com/cases/16942/documents/276267.pdf">https://lexmachina.com/cases/16942/documents/276267.pdf</a>