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January 09, 2023

Fed. Circ. Patent Decisions in 2022: An Empirical Review



This article provides an empirical review of the [U.S. Court of Appeals for the Federal Circuit](#)'s decisions in patent cases during calendar year 2022.

The Federal Circuit decided far fewer patent cases in 2022 than in previous years — over 100 less than in 2021, which was itself a down year. The court's affirmance rate in 2021 was also much lower than normal. That was primarily due to a stunningly low affirmance rate in district court cases — just 57%.

Patentees and patent applicants fared much better than in 2021 in district court appeals, worse in appeals from the Patent Trial and Appeal Board, and about the same overall. The percentage of precedential decisions increased, but so did the dissent rate.

The court was not quite as draconian in patent eligibility cases, but patentees and applicants still struggled.

Methodology and Scope

This year's study covers all patent cases decided by the Federal Circuit in 2022, whether by precedential opinion, nonprecedential opinion or summary affirmance.

Authors

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