

# YEAR IN REVIEW 2014



**Docket**Navigator®



## AN OPEN LETTER FROM OUR CEO

Dear Friends:

**D**ocket Navigator was founded in 2007 with a single goal: to help patent professionals make better decisions. We started by tracking every U.S. patent case and publishing a daily update, the Docket Report. Today, more than 11,000 patent professionals and judges receive the Docket Report every morning. A few years later, we released our patent litigation research database and today our subscribers perform more than 300,000 searches and related database activities every month, and they've created more than 40,000 daily alerts.

We are now developing a set of analytics tools so our subscribers can easily visualize large collections of data for trends, patterns, and comparisons. The first three analytics tools, the Timelines Report, the Milestones Report, and Case Activity Stats were released in beta at the end of 2014. You can read more about these tools [HERE](#). We recently released the Motion Success Report, which tracks the outcomes and success rates of different types of motions over time, by court or judge. Several other reports are nearing completion and will be released throughout 2015.

MORE THAN  
**300,000**

searches are performed  
every month.

MORE THAN  
**11,000**

people get our  
report in their inbox  
every morning.

MORE THAN  
**40,000**

active daily alerts  
have been created by  
our users.

## ABOUT THIS REPORT

**W**ithout question, 2014 was an eventful year for the U.S. patent community. New patent litigation filings in U.S. district courts declined for the first time since 2010, while the number of proceedings in the PTAB grew more than 200%. This is interesting and important information, but it tells only part of the story. In this report we look deeper - we examine cases and administrative proceedings individually, study milestones and events that occurred throughout the litigation lifecycle to shed light on questions that impact the business of our subscribers. Questions such as:

**Is patent litigation activity declining?**

**Who are the key players?**

**How do courts and judges compare?**

**How has patent reform impacted litigation?**

**What's happening in the PTAB?**

This report is only the beginning. We'll publish updates based on feedback from our subscribers. In addition, many of the charts will be incorporated into our Analytics services, giving you the ability to sort, filter, and customize the charts to meet your needs.

## A WORD ABOUT OUR METHODOLOGY

**C**harts and graphs about patent litigation can be found all over the Internet and are available from various services. But are they reliable? Like expert opinions, that depends in large part on the quality of the underlying data. How was the data collected? Who (or what algorithm) reviewed the data, and on what basis were codes and classifications assigned? Is the process transparent and is the underlying data available for independent analysis?

This report was prepared using Docket Navigator data. We collect raw data from government sources, primarily PACER, USPTO databases, and EDIS. That data is then coded, classified, and summarized by hand - in most cases by licensed U.S. attorneys. We rarely rely on automated processes and do so only where interpretation of the data is not required

and the automated processes consistently yield highly accurate results. Even then, the data is reviewed for accuracy and normalized by hand. We never rely on natural language or text recognition algorithms to generate data charts. While we do not claim to be free from human error, our software engineers have developed a series of checks and safety nets to identify gaps or inconsistencies in our data. Additionally, most of the data used to create the charts in this report was first published in the *Docket Report* and vetted by the 11,000+ patent professionals who subscribe to Docket Navigator. The underlying data is available to Docket Navigator subscribers for independent review and analysis via our publicly available database. For a complete description visit our [SCOPE OF DATA](#) page.

## WE WELCOME YOUR FEEDBACK

**P**atent litigation is complex, and growing more so every year. Our work helping you navigate those complexities is just beginning. As we continue to enhance Docket Navigator services, we welcome and encourage your input. If you have any questions about this report or suggestions for making it better, please contact us at 866-352-2749 or send an email to [contact@docketnavigator.com](mailto:contact@docketnavigator.com). Additional

contact information can be found on our [CONTACT PAGE](#).

If you are a Docket Navigator subscriber, we appreciate your business. We are honored and grateful for your support. If you are not a Docket Navigator subscriber and would like to learn more about our service, please visit our [WEBSITE](#) or contact us anytime.

Very best wishes for 2015,



**Darryl E. Towell**  
CEO/Co-founder

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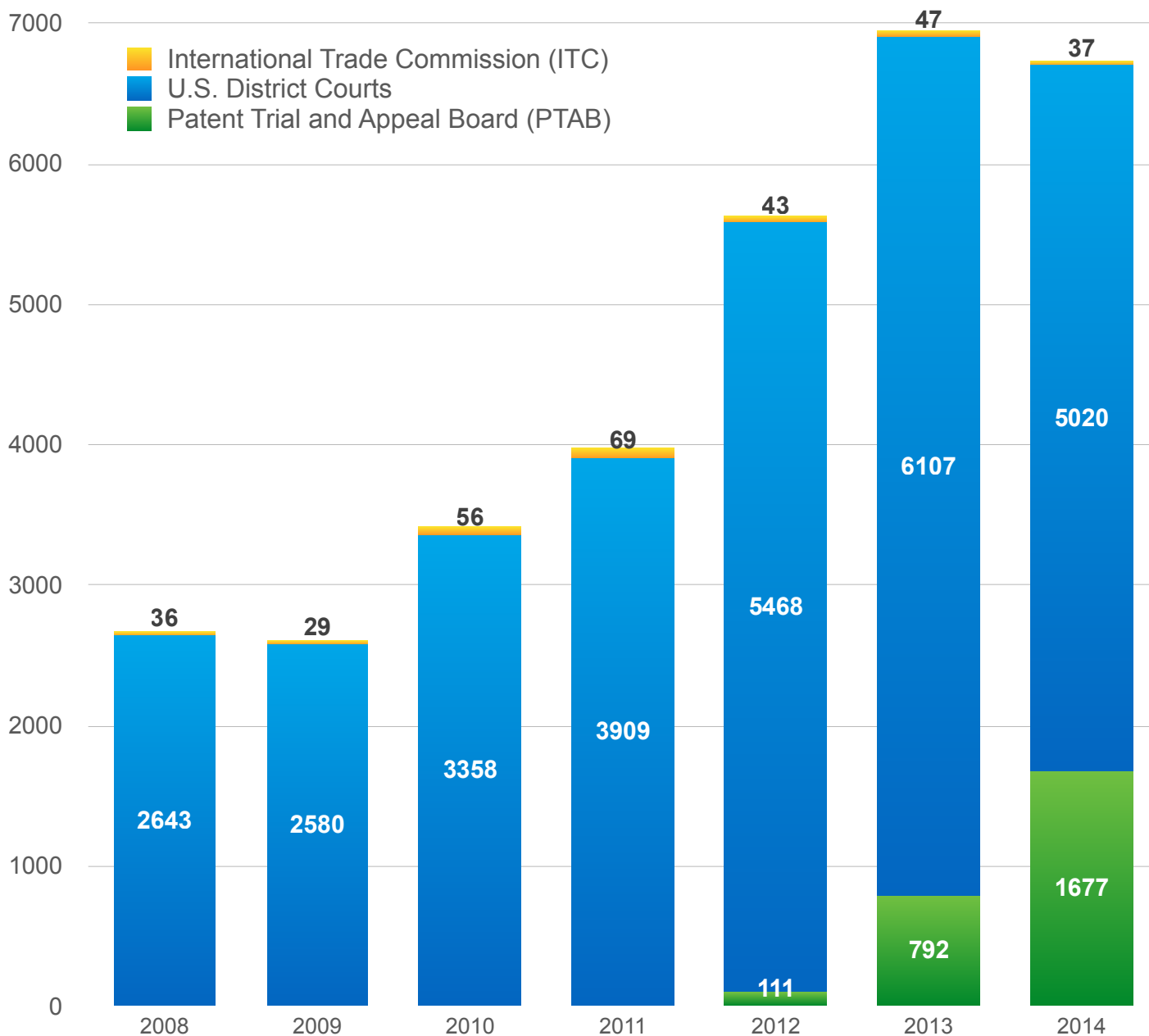
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# NEW PATENT LITIGATION PROCEEDINGS

## 2008-2014

In 2014, the number of new U.S. district court cases declined 18%, while the number of new IPR and CBM proceedings in the PTAB increased 212%.



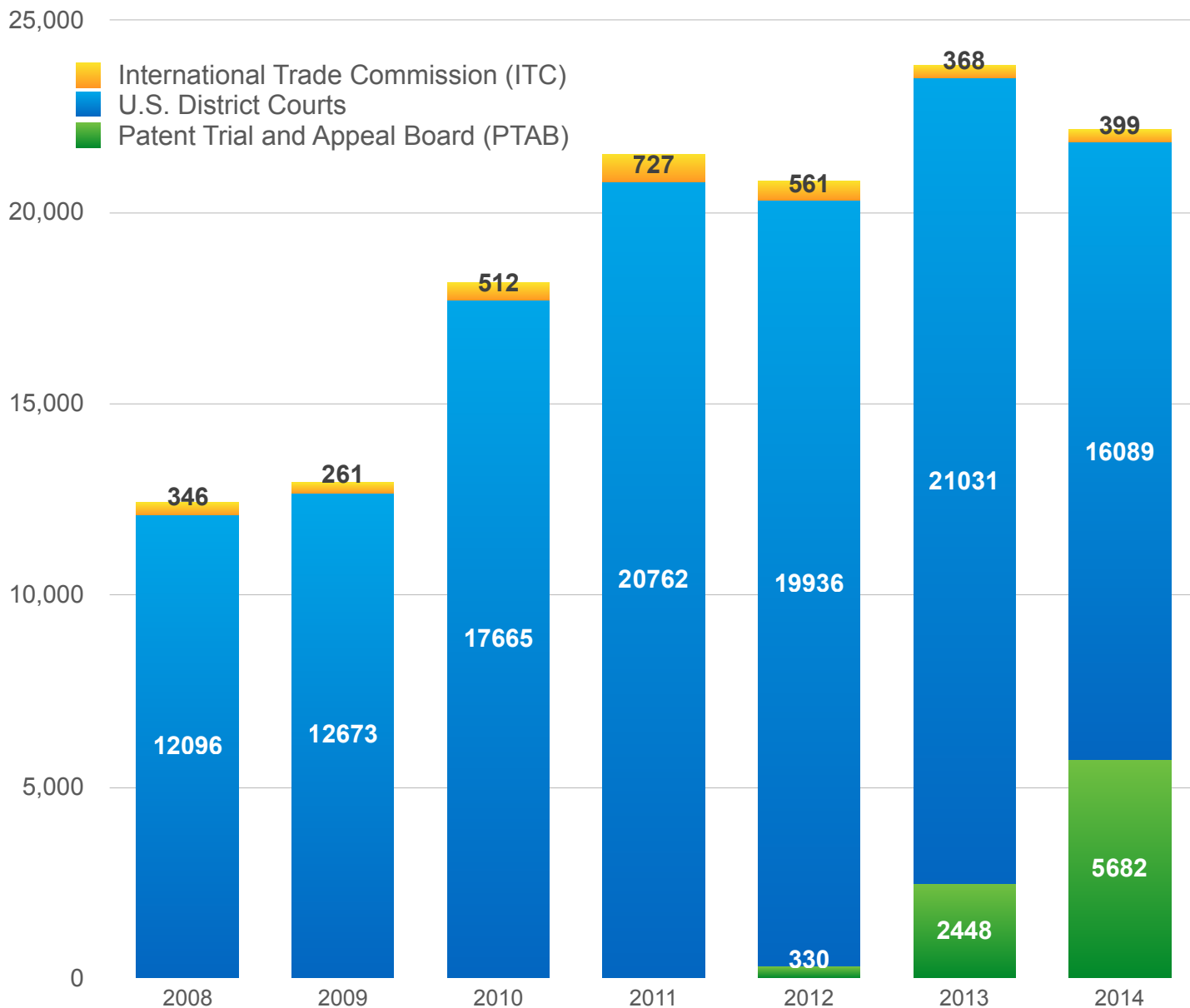
Want to be notified anytime a new case is filed?

It's easy to get New Case Alerts. Go to your "**MY ACCOUNT**" page in Docket Navigator and click "activate new case alerts". You'll be notified throughout the day as new patent cases are added to the database.

# NEW PATENT LITIGANTS

## 2008-2014

The number of litigants in new U.S. district court cases dropped 23% to 16,089, the lowest number since 2009. New litigants in PTAB proceedings grew 232%.



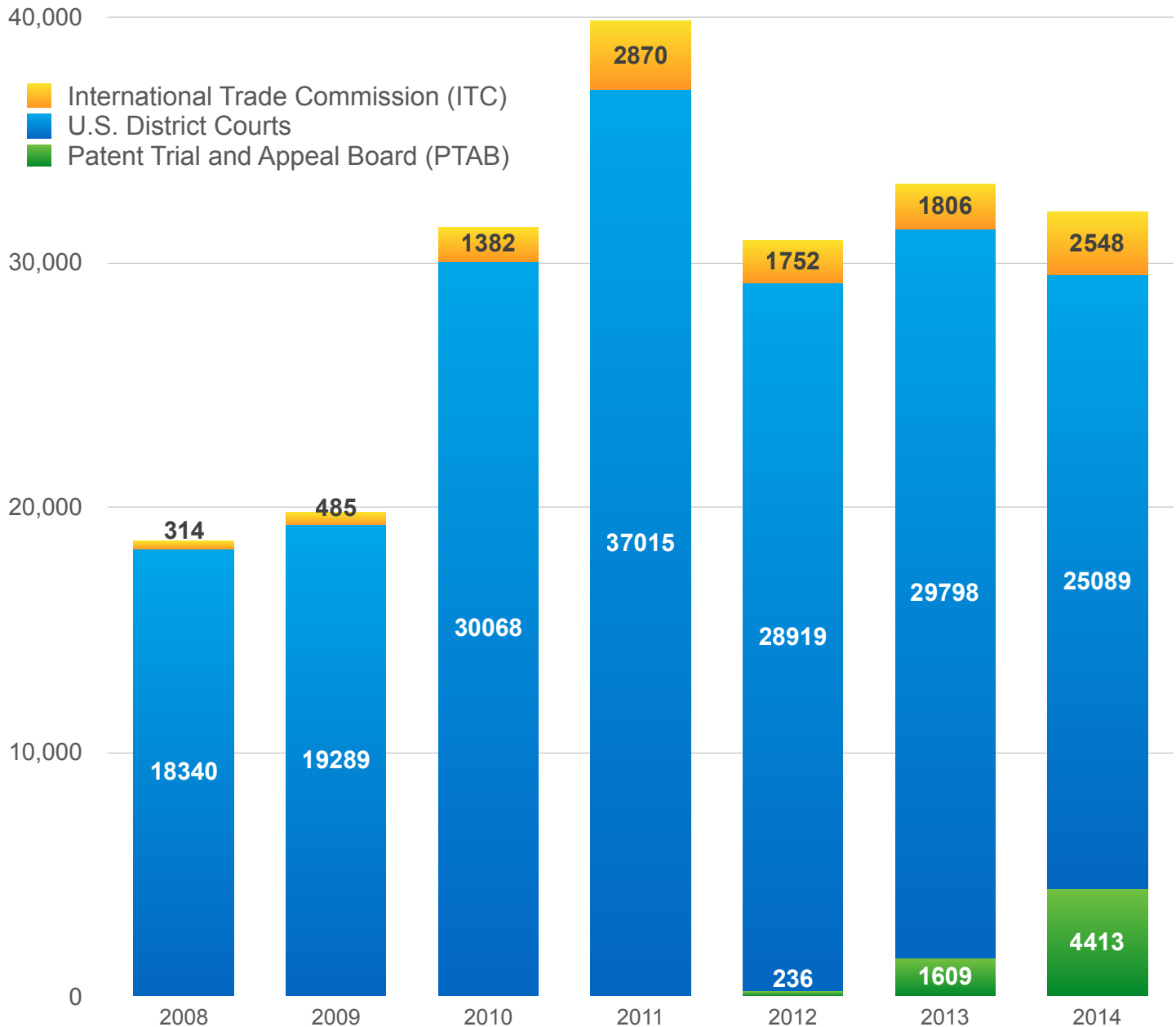
Want to be notified if a particular party is named in a patent suit?

It's easy with a Docket Alert. When performing a cases search, just enter the party's name and click "**CREATE ALERT**" at the bottom of the page. We'll run that same search for you each weekday morning, and if there are any "hits" we will send you an email.

# NEW PATENT ACCUSATIONS

## 2008-2014

In 2014, the total number of new patent accusations fell slightly to 32,050. But the number of accusations in U.S. district court cases fell to 25,089, the lowest since 2009.



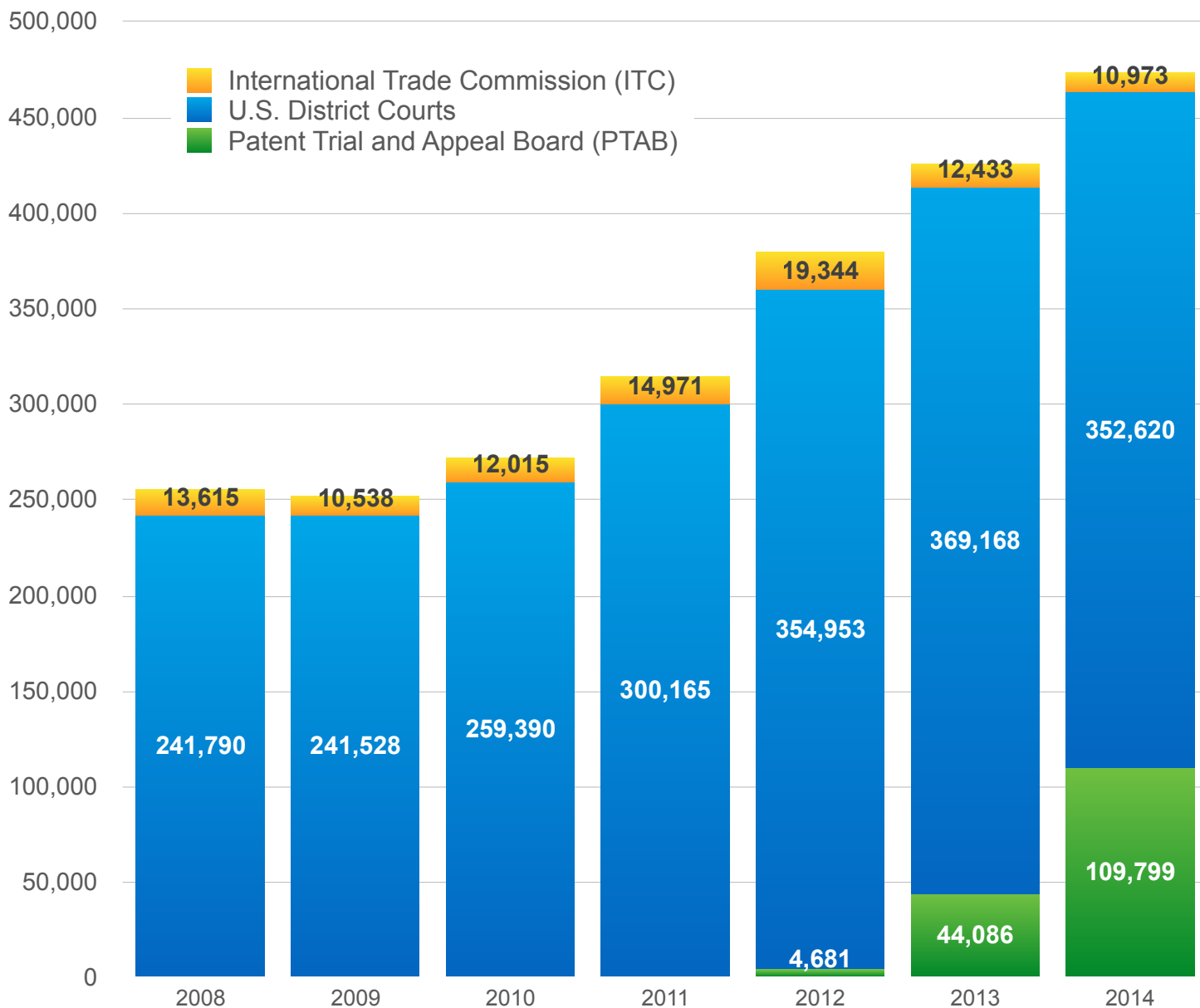
### WHAT IS A PATENT ACCUSATION?

A patent accusation is a request for relief in a court or administrative proceeding, the resolution of which could determine if a patent has been infringed or the patent's validity or enforceability. For example, a civil case with one plaintiff asserting one patent against one defendant would involve one patent accusation, whereas a case with one plaintiff asserting 5 patents against 10 defendants would result in 50 infringement accusations. Multiple claims involving the same parties and patents (e.g., a claim of infringement and a declaratory judgment counterclaim of invalidity or unenforceability) are counted as a single accusation.

# NEW DOCKET ENTRIES IN PATENT LITIGATION PROCEEDINGS

## 2008-2014

The number of new docket entries dropped by about 4.5% in U.S. district court cases, but increased 249% in PTAB proceedings.



Would you like to be notified of any new filings on a patent case?

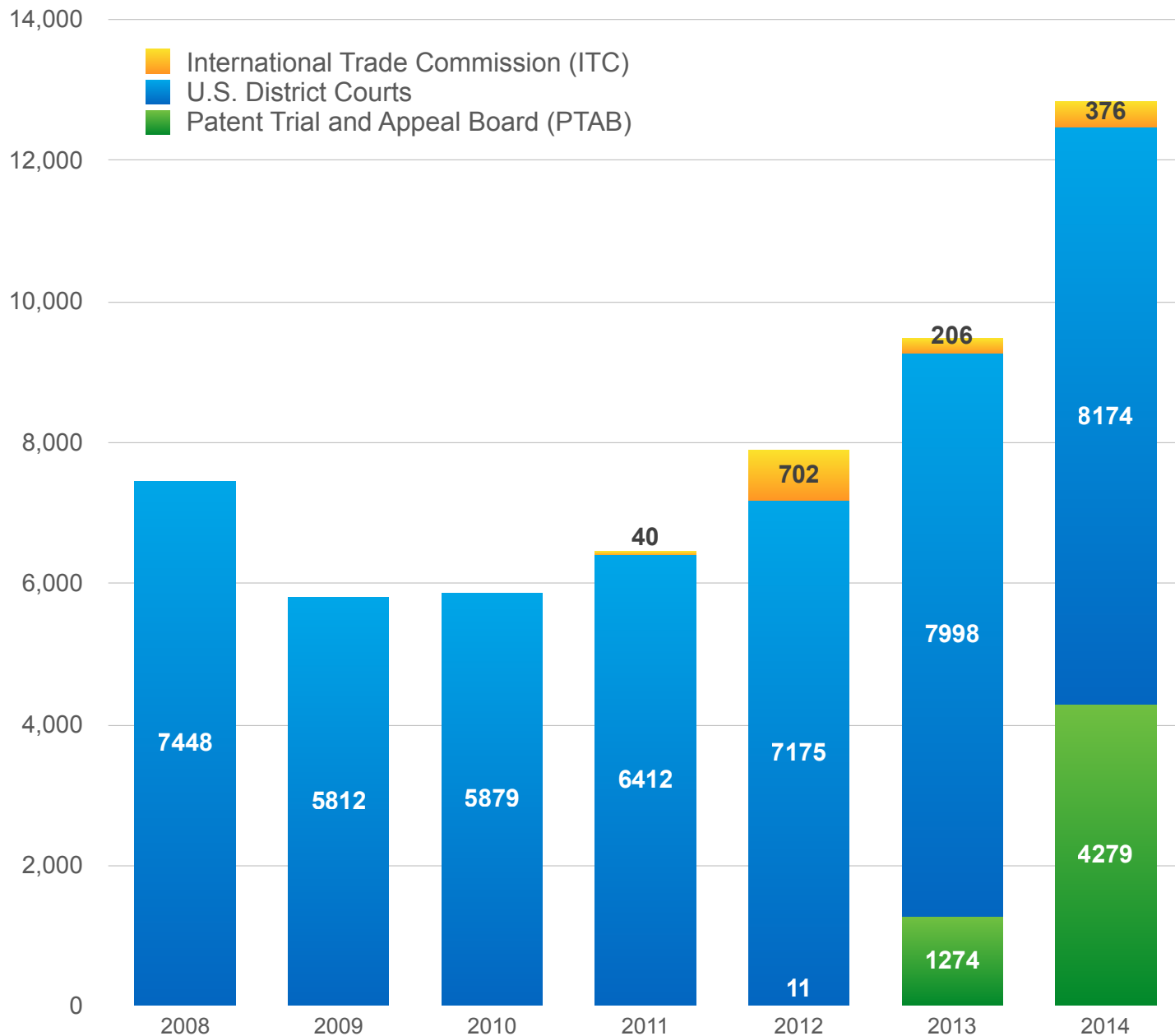
Go to the **CASE SUMMARY PAGE** and click on the Filings tab. Then click "Create Alert" at the bottom of that tab. We'll check that tab for you every weekday and notify you of any new docket entries that we find.



# CLAIM CONSTRUCTIONS

## 2008-2014

The number of new claim constructions increased by 2.2% in U.S. district court cases, and increased 336% in PTAB proceedings.

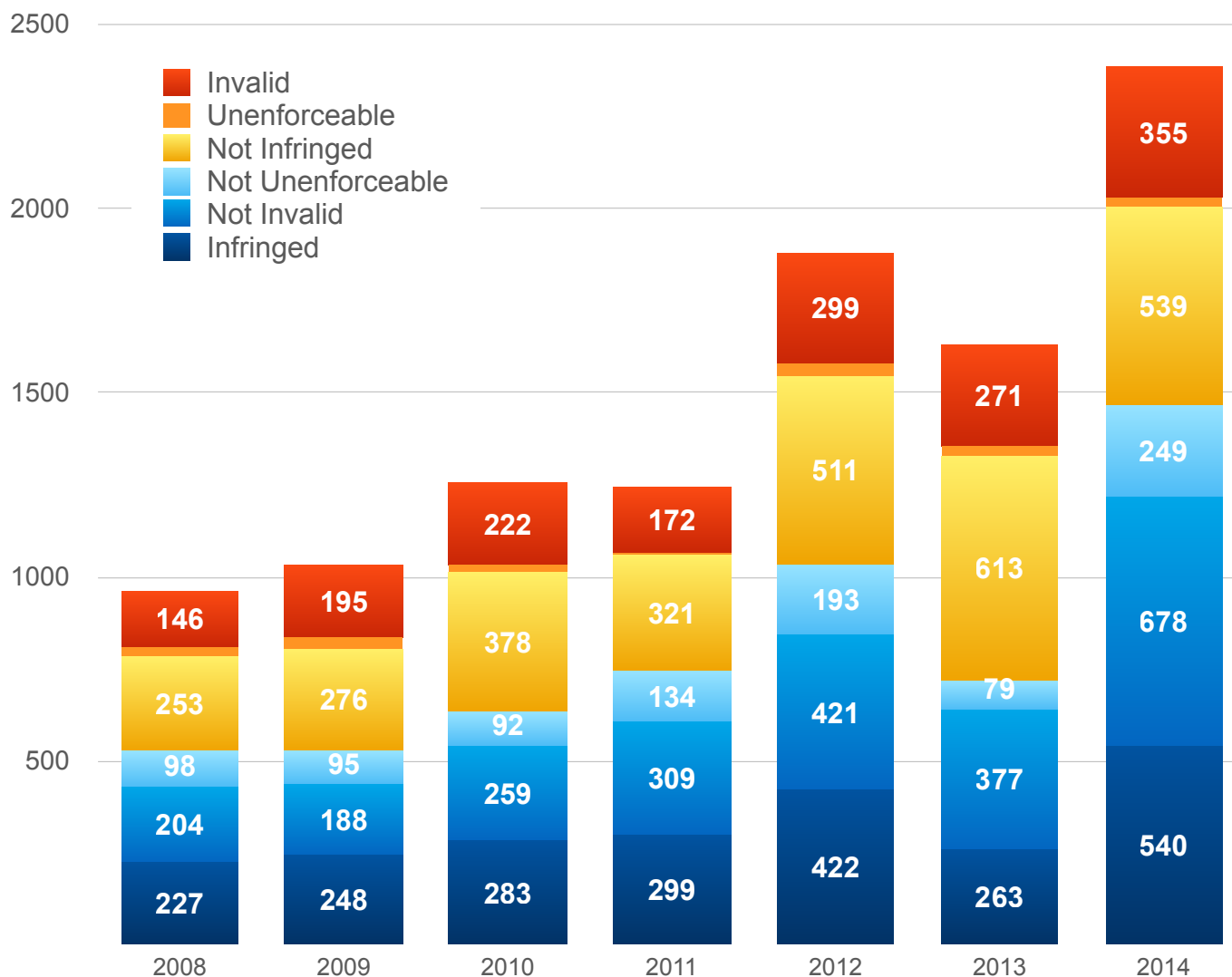


You can search the Docket Navigator dictionary of more than 75,000 construed claim terms by performing a **TERMS SEARCH**. You can even set up a Docket Alert to be notified the next time a court construes a term by clicking "Create Alert" at the bottom of the page.

# DISTRICT COURT PATENT DETERMINATIONS

## 2008-2014

In 2014, the total number of patent determinations of all types increased by more than 46% over 2013, however it was only 26.8% higher than 2012, a record year for determinations.



### WHAT IS A PATENT DETERMINATION?

A patent determination occurs when a court or administrative agency issues a decision that determines the infringement, validity, or enforceability of one or more claims of a patent. There may be more than one determination per patent and determinations may be overturned or reversed in later proceedings. For purposes of this chart, determinations based on stipulated requests have been excluded.



Did you know that you can use a patent determination as a search filter?

For example, you can **GENERATE A LIST** of all cases in which a patent claim has been found invalid.

# TOP PATENTEES

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF NEW PATENT CASES

eDekka LLC	130
Olivistar, LLC	61
Simon Nicholas Richmond	58
Logitraq, LLC	58
Hawk Technology Systems, LLC	57
Penovia LLC	49
Presqriber, LLC	45
Uniloc USA, Inc.	44
Uniloc Luxembourg SA	44
QualiQode, LLC	42
PanTaurus LLC	40
TQP Development, LLC	39
Eclipse IP LLC	36
Adaptive Data LLC	36
Dynamic Hosting Company LLC	34
BSG Tech LLC	33
Otsuka Pharmaceutical Co., Ltd.	29
Novartis AG	28
AstraZeneca AB	27
Multiplayer Network Innovations, LLC	27
Fontem Holdings 1 BV	27
Fontem Ventures BV	27
Peter F. Wingard	25
Selene Communication Technologies, LLC	25
Antennatech, LLC	25
Innovative Display Technologies LLC	23
Cephalon, Inc.	23
Open Network Solutions, Inc.	22
NovelPoint Tracking LLC	22
Blackbird Tech LLC	22
Qonduit, LLC	22
James P. Freeny	21
Charles C. Freeny, III	21
Rothschild Location Technologies, LLC	21
Bryan E. Freeny	21
My Health, Inc.	21
Landmark Technology, LLC	21
Orlando Communications LLC	21

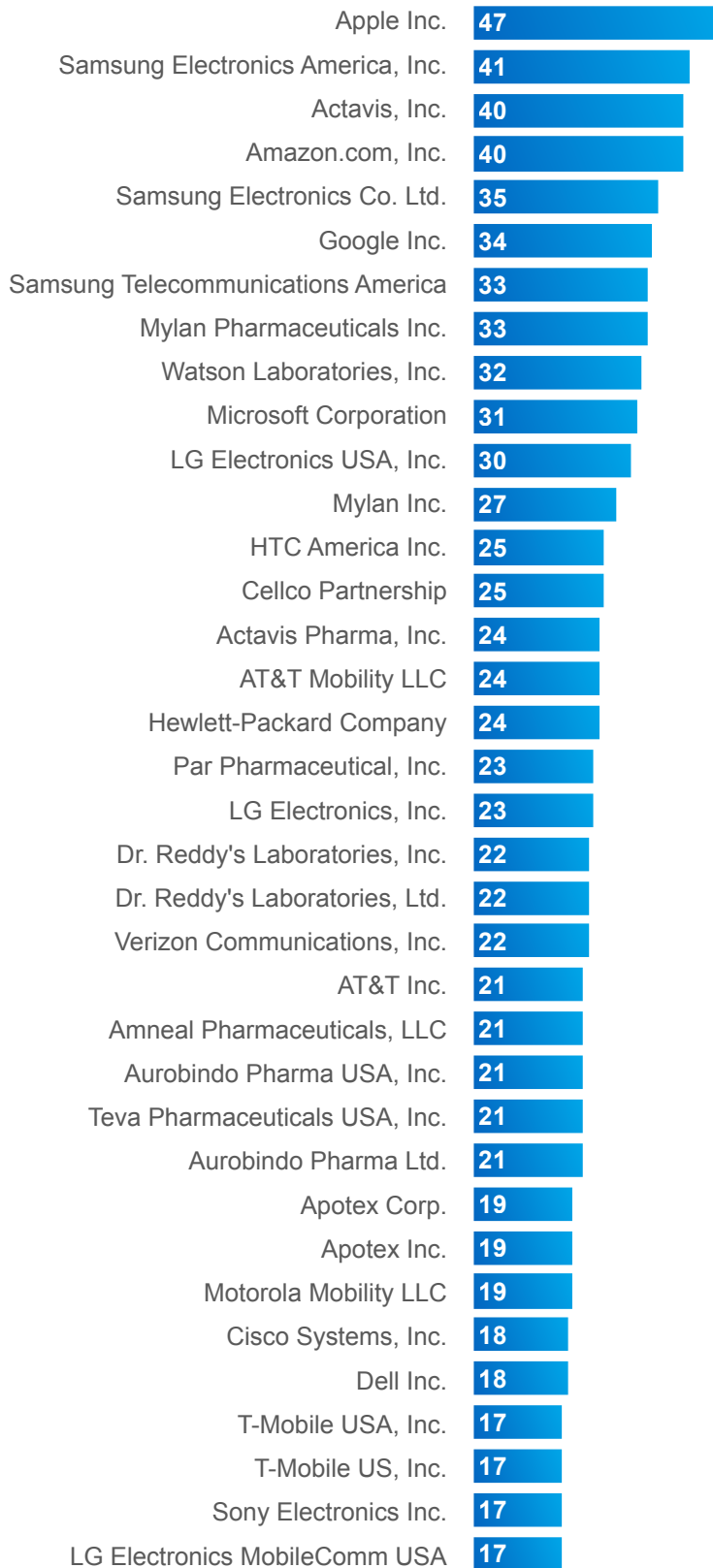
### NUMBER OF PATENT ACCUSATIONS

Innovative Display Technologies LLC	507
Canon Inc.	435
Amarin Pharmaceuticals Ireland Ltd.	279
Eclipse IP LLC	240
Forest Laboratories Holdings, Ltd.	233
Simon Nicholas Richmond	226
Intellectual Ventures II LLC	219
Otsuka Pharmaceutical Co., Ltd.	213
Cellular Communications Equipment	211
Amarin Pharma, Inc.	209
Phoenix Licensing, LLC	195
Clouding Corp.	195
LPL Licensing, LLC	195
AT&T Intellectual Property II, LP	192
Eli Lilly and Company	180
Kinglite Holdings, Inc.	179
Ube Industries, Ltd.	174
Adamas Pharmaceuticals, Inc.	174
Forest Laboratories, Inc.	171
Daiichi Sankyo Company, Ltd.	166
Daiichi Sankyo, Inc.	162
Freescall Semiconductor, Inc.	154
Orlando Communications LLC	142
Myriad Genetics, Inc.	141
Amini Innovation Corporation	141
eDekka LLC	140
Logitraq, LLC	135
QualiQode, LLC	133
Cephalon, Inc.	133
Olivistar, LLC	132
Parthenon Unified Memory Architecture	127
RevoLaze LLC	126

# TOP ACCUSED INFRINGERS

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF CASES



### NUMBER OF PATENT ACCUSATIONS



# TOP PATENTEE FIRMS

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF CASES

Tadlock Law Firm	365
Stamoulis & Weinblatt	307
Bayard	182
Spangler Law	161
Farnan	153
Austin Hansley PLLC	134
Morris Nichols Arsht & Tunnell	125
Ward & Smith Law Firm	120
Russ August & Kabat	115
Capshaw DeRieux	114
Antonelli Harrington & Thompson	103
Finnegan Henderson	94
Ni Wang & Massand	87
Fitzpatrick Cella Harper & Scinto	86
McCarter & English	80
Devlin Law Firm	68
Mishcon de Reya	68
Pepper Hamilton	65
Farney Daniels	60
Parker Bunt & Ainsworth	58
Shiells Law Firm	58
Fish & Richardson	57
Ferraiuoli	55
Law Office of Lawrence C. Hersh	55
The Stafford Davis Firm	50

### NUMBER OF LITIGATION MILESTONES

Morris Nichols Arsht & Tunnell	143
Ward & Smith Law Firm	125
Russ August & Kabat	103
Farnan	100
Fish & Richardson	97
Buether Joe & Carpenter	91
Quinn Emanuel Urquhart & Sullivan	88
Cooley	84
Spangler & Fussell	82
Susman Godfrey	81
Finnegan Henderson	74
Wilmer Cutler Pickering Hale and Dorr	70
Capshaw DeRieux	70
Novak Druce Connolly Bove + Quigg	65
Bayard	65
Morgan Lewis & Bockius	65
Niro Haller & Niro	65
Gibson Dunn & Crutcher	64
Morrison & Foerster	63
Tadlock Law Firm	63
Ni Wang & Massand	62
Spangler Law	60
Sheppard Mullin Richter & Hampton	60
Orrick Herrington & Sutcliffe	60

### WHAT IS A LITIGATION MILESTONE?

A litigation milestone is an event that marks meaningful progress in a patent litigation proceeding such as claim construction, summary judgment, entry of a damage award or injunction, trial, etc. Milestones are determined based on Docket Navigator's classification of pleadings, orders and other litigation documents.

[CLICK HERE TO VIEW A CHART](#) displaying a complete list of district court milestones.

# TOP PATENTEE LAWYERS

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF CASES

Craig Tadlock	365
Keith Smiley	365
John J Harvey, Jr.	345
Stamatios Stamoulis	307
Richard C Weinblatt	298
Vanessa R Tiradentes	182
Stephen B Brauerman	182
Sara E Bussiere	178
Richard D Kirk	176
Andrew W Spangler	161
Brian E Farnan	153
Austin Hansley	134
Elizabeth L DeRieux	112
Jack B Blumenfeld	104
Matthew J Antonelli	103
Larry D Thompson, Jr.	103
Marc A Fenster	100
Brandon M LaPray	98
J Wesley Hill	98
Zachariah S Harrington	96
T John Ward, Jr.	95
S Calvin Capshaw	92
Michael J Farnan	91
D Jeffrey Rambin	90
Califf T Cooper	79
Neal G Massand	76
Timothy J Devlin	71
Hao Ni	66
Timothy Wang	62
Maryellen Noreika	60
Stevenson Moore V	59
Claire Abernathy Henry	59
Theodore F Shiells	58
Robert Christopher Bunt	58
Mark S Raskin	58
Charles L Ainsworth	58

### NUMBER OF LITIGATION MILESTONES

T John Ward, Jr.	110
J Wesley Hill	103
Marc A Fenster	103
Brian E Farnan	100
Andrew W Spangler	92
Christopher M Joe	90
Eric W Buether	86
Jack B Blumenfeld	82
Monica N Tavakoli	81
Brian A Carpenter	75
Claire Abernathy Henry	73
Elizabeth L DeRieux	70
S Calvin Capshaw	69
D Jeffrey Rambin	67
Stephen B Brauerman	65
Richard D Kirk	65
Craig Tadlock	63
Keith Smiley	62
Hao Ni	62
Niky Bukovcan	61
William F Lee	57
Charles K Verhoeven	57
Alexander C D Giza	55
Vanessa R Tiradentes	53
Sean S Pak	53
John J Edmonds	52
Jonathan T Suder	50
Mark D Perantie	48
Amy H Candido	48
Rebecca Ann Bers	48
David R Bennett	46
Timothy Wang	46
Kevin P B Johnson	45
Benjamin G Damstedt	45
Ian Feinberg	45
Stevenson Moore V	45

# TOP ACCUSED INFRINGERS FIRMS

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF CASES

Morris Nichols Arsht & Tunnell	192
Fish & Richardson	137
Potter Anderson & Corroon	100
Potter Minton	97
Gillam & Smith	87
Richards Layton & Finger	80
DLA Piper	78
Perkins Coie	53
Alston & Bird	52
Morris James	51
Winston & Strawn	50
Findlay & Craft	49
Norton Rose Fulbright	48
Wilson Sonsini Goodrich & Rosati	46
Morrison & Foerster	46
Baker Botts	44
K&L Gates	44
Foley & Lardner	43
Ashby & Geddes	43
Young Conaway Stargatt & Taylor	42
Duane Morris	41
Greenberg Traurig	38
Shaw Keller	38
Akin Gump Strauss Hauer & Feld	37
Quinn Emanuel Urquhart & Sullivan	37

### NUMBER OF MILESTONES

Fish & Richardson	285
Morris Nichols Arsht & Tunnell	194
Potter Minton	177
Quinn Emanuel Urquhart & Sullivan	175
Cooley	173
Baker Botts	167
Potter Anderson & Corroon	145
Morrison & Foerster	143
Findlay & Craft	143
Foley & Lardner	135
Wilmer Cutler Pickering Hale and Dorr	129
Sidley Austin	128
Perkins Coie	124
DLA Piper	118
K&L Gates	114
Winston & Strawn	112
Orrick Herrington & Sutcliffe	111
Gillam & Smith	111
Jones Day	111
Morgan Lewis & Bockius	104
Kirkland & Ellis	104
Kilpatrick Townsend & Stockton	103
Alston & Bird	102



To view average times to milestones like claim construction or trial for specific courts or judges, click the **"TIME TO MILESTONES"** tab on the main Docket Navigator search page.

# TOP ACCUSED INFRINGERS LAWYERS

## IN DISTRICT COURT CASES IN 2014

### NUMBER OF CASES

Jack B Blumenfeld	114
Michael Edwin Jones	79
Melissa Richards Smith	74
David E Moore	71
Richard L Horwitz	70
Neil J McNabney	67
Eric H Findlay	42
Allen F Gardner	41
Bindu A Palapura	40
John C Phillips, Jr.	36
Kenneth L Dorsney	33
Jennifer P Ainsworth	32
Rodger D Smith, II	31
Andrew C Mayo	30
Benjamin J Schladweiler	30
Deron R Dacus	29
Karen Jacobs Loudon	28
Richard S Zembek	28
Kelly E Farnan	27
Frederick L Cottrell, III	26
David B Conrad	24
Michael C Smith	24
Megan C Haney	23
James G Warriner	23
Jennifer Ying	23
Ricardo J Bonilla	22
Daniel A Prati	22
Steven J Fineman	21
Brian A Biggs	20
John W Shaw	20
Denise S Kraft	20
J Thad Heartfield	20
Dominick T Gattuso	20
Steven J Balick	20

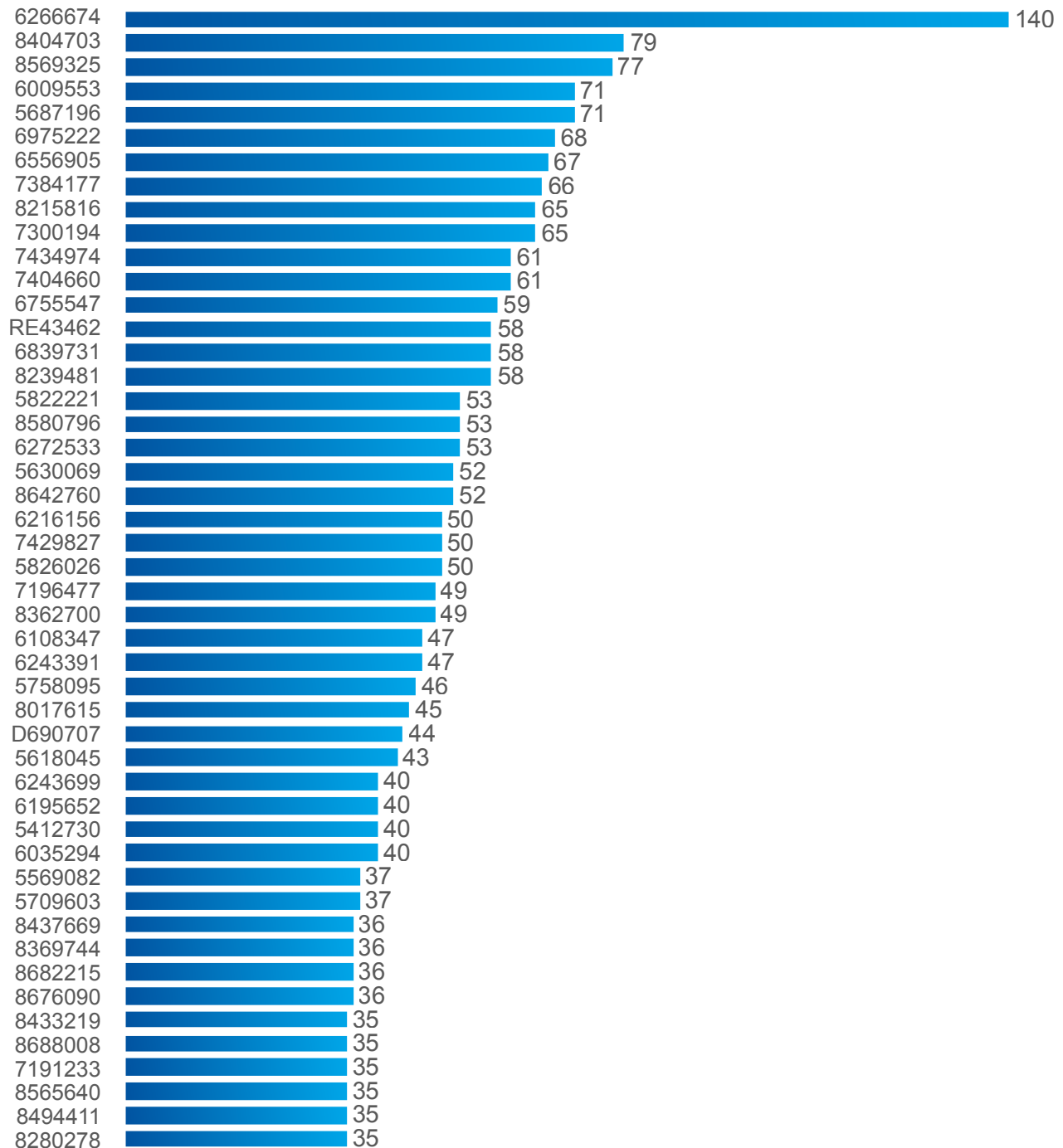
### NUMBER OF MILESTONES

Michael Edwin Jones	155
Allen F Gardner	137
Jack B Blumenfeld	130
David E Moore	123
Richard L Horwitz	118
Eric H Findlay	116
R Brian Craft	98
Melissa Richards Smith	93
J Thad Heartfield	81
Charles K Verhoeven	78
Kevin P B Johnson	72
Sean S Pak	64
Michael C Smith	62
Bindu A Palapura	62
Mark D Selwyn	60
Michael J Bettinger	60
Joseph Milowic, III	59
Joseph J Mueller	58
M Dru Montgomery	57
William F Lee	57
Elizabeth L DeRieux	57
Edward J DeFranco	56
Deron R Dacus	56
David A Nelson	55
H Mark Lyon	55
Jennifer P Ainsworth	55
Harold J McElhinny	54
Victoria Fishman Maroulis	53
Josh A Krevitt	52
D Jeffrey Rambin	52
Alan L Whitehurst	51
Benjamin G Damstedt	51
Amy H Candido	51
Mark N Reiter	50



# TOP PATENTS

## BY NUMBER OF ACCUSATIONS IN 2014

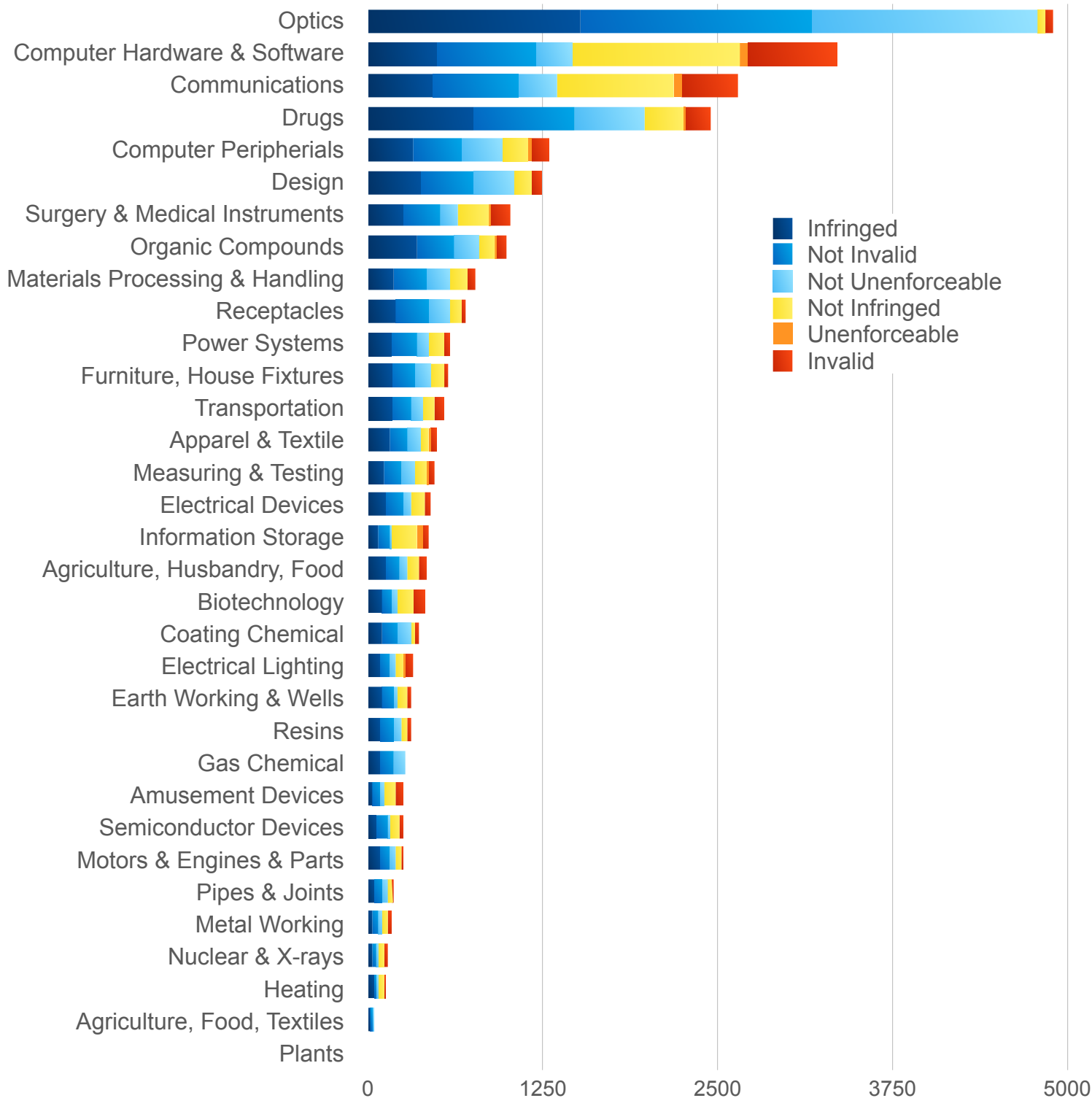


### WHAT IS A PATENT ACCUSATION?

A patent accusation is a request for relief in a court or administrative proceeding, the resolution of which could determine if a patent has been infringed or the patent's validity or enforceability. For example, a civil case with one plaintiff asserting one patent against one defendant would involve one patent accusation, whereas a case with one plaintiff asserting 5 patents against 10 defendants would result in 50 infringement accusations. Multiple claims involving the same parties and patents (e.g., a claim of infringement and a declaratory judgment counterclaim of invalidity or unenforceability) are counted as a single accusation.

# TOP PATENT CLASSIFICATIONS

## BY NUMBER OF DETERMINATIONS 2008-2014

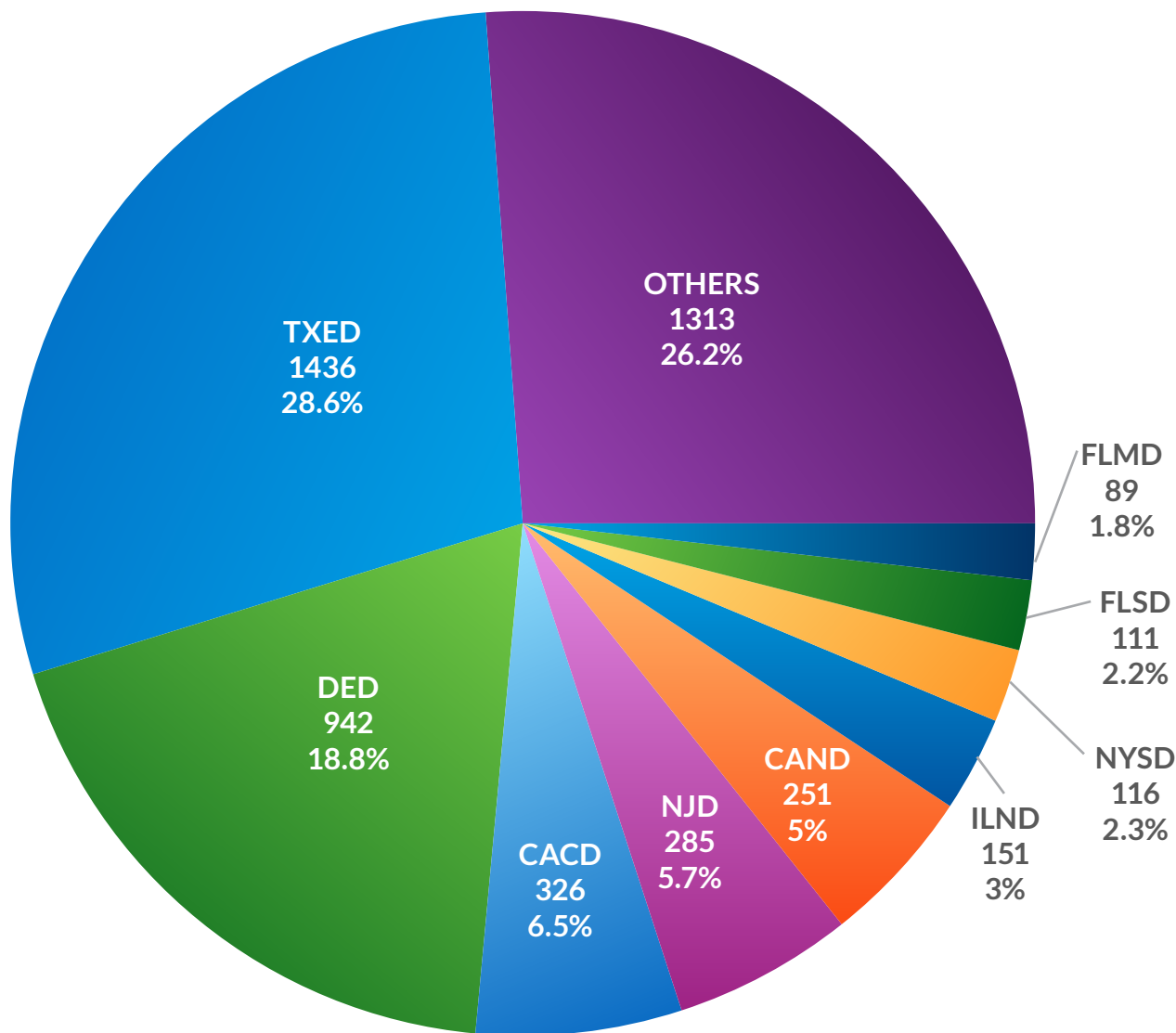


You can find a list of cases involving a specific class of patents with a **CASES SEARCH, FILTERED BY PATENT CLASSIFICATION.**

# TOP COURTS

## BY NUMBER OF NEW PATENT CASES IN 2014

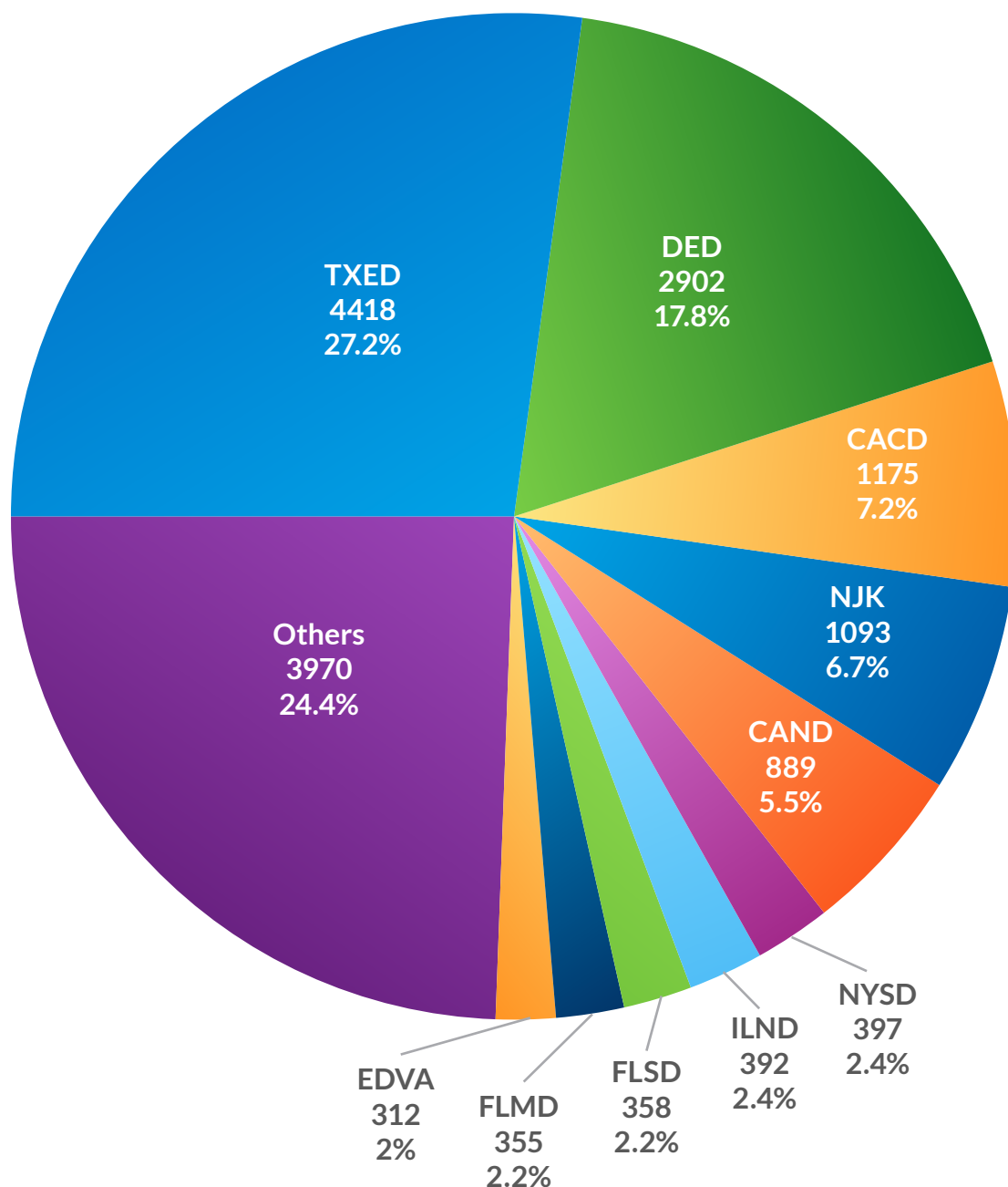
Overall the number of new district court cases declined in 2014. However the top 9 courts accounted for a larger percentage of all new cases. In 2013, 69.3% of all new district court cases were filed in the top 9 courts. In 2014, that number increased to 73.8%. The Eastern District of Texas rose from 24.7% in 2013 to 28.6% of all new US District Court patent litigation cases filed in 2014.



You can view a chart that shows how the number of patent cases increase or decrease in a certain court over time with a [CASES BY YEAR SEARCH](#).

## TOP COURTS

BY NUMBER OF LITIGANTS IN NEW PATENT CASES IN 2014



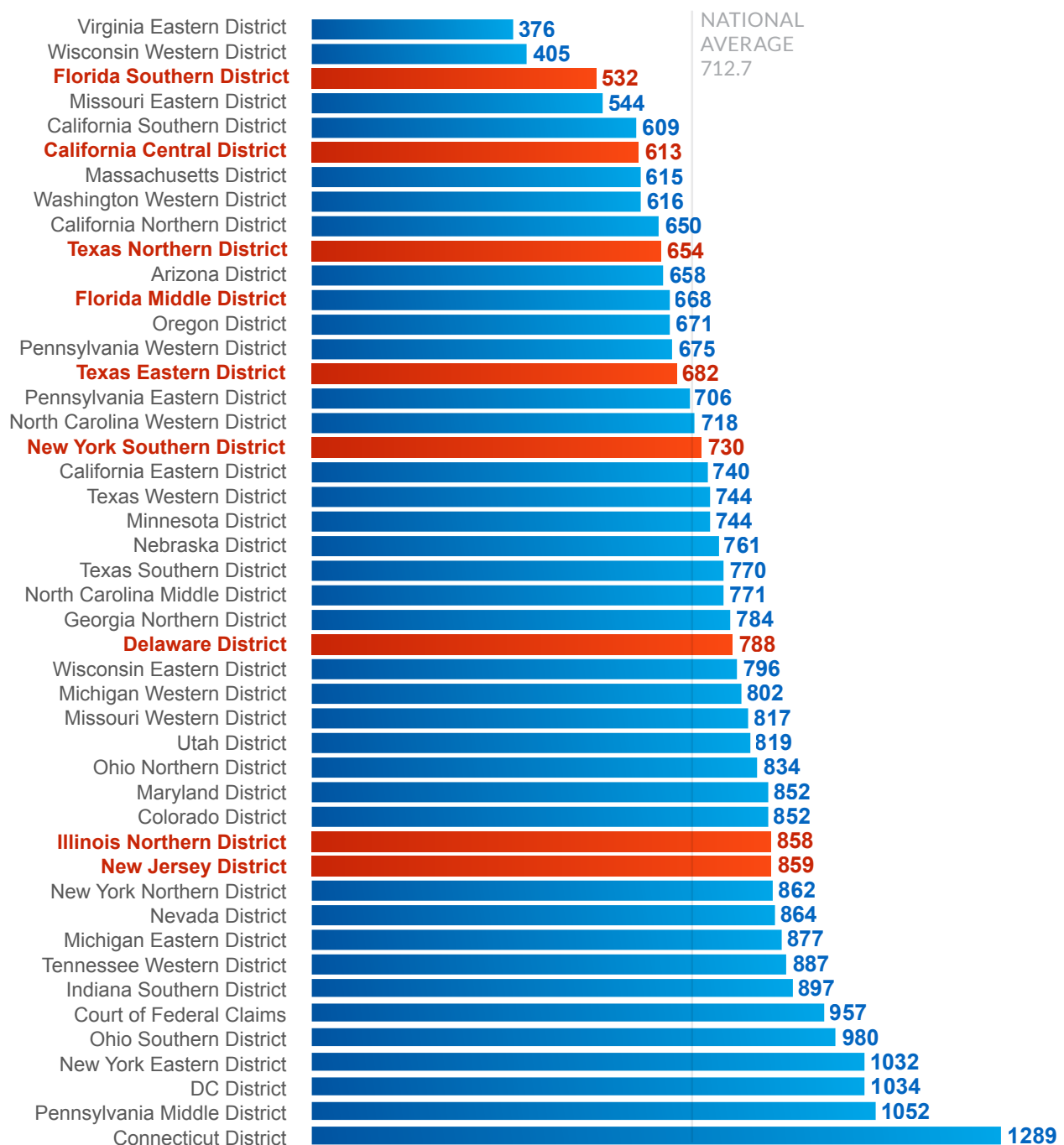
You can view a chart that shows how the number of parties in patent cases increased or decreased over time by viewing the [COURT ACTIVITY STATS](#) page.

# AVERAGE TIME TO MARKMAN

## BY COURT 2008-2014

This chart shows the average number of days from case filing to claim construction by US District Courts with at least 10 Markman orders filed between 2008 and 2014. The national average for all patent litigation cases over the same period was just under two years, 712.7 days. Sixteen courts beat the national average with Virginia Eastern and Wisconsin Western Districts as the clear winners.

Focusing on the top nine courts, Texas Eastern, California Central and Northern and Florida Middle and Southern were all quicker to claim construction than the national average, while New York Southern was just slightly longer than the national average. On the other hand, Delaware, New Jersey, and Illinois Northern Districts took considerably longer to reach claim construction with New Jersey adding almost five months to the process.



## AVERAGE TIME TO SUMMARY JUDGMENT BY COURT 2008-2014

This chart shows the average number of days from case filing to a motion for summary judgment (MSJ) in US District Courts for orders which occurred between 2008 and 2014. The chart labeled “MSJ in favor of patentee” shows times for motions, which if granted, would favor the patentee. Conversely, the chart labeled “MSJ against patentee” shows times for motions, which if granted, would favor an accused infringer or patent challenger. In both cases, only districts with at least 10 orders between 2008 and 2014 are considered. The national average for all patent litigation cases over the same period was roughly comparable, at 1009.8 and 942.0 days respectively.

Focusing on the top nine courts, Texas Eastern, California Northern, California Central, Florida Middle, and Florida Southern are quicker than the national average for both types of motions. Delaware, New Jersey and Illinois Northern have averages lower than the national average.

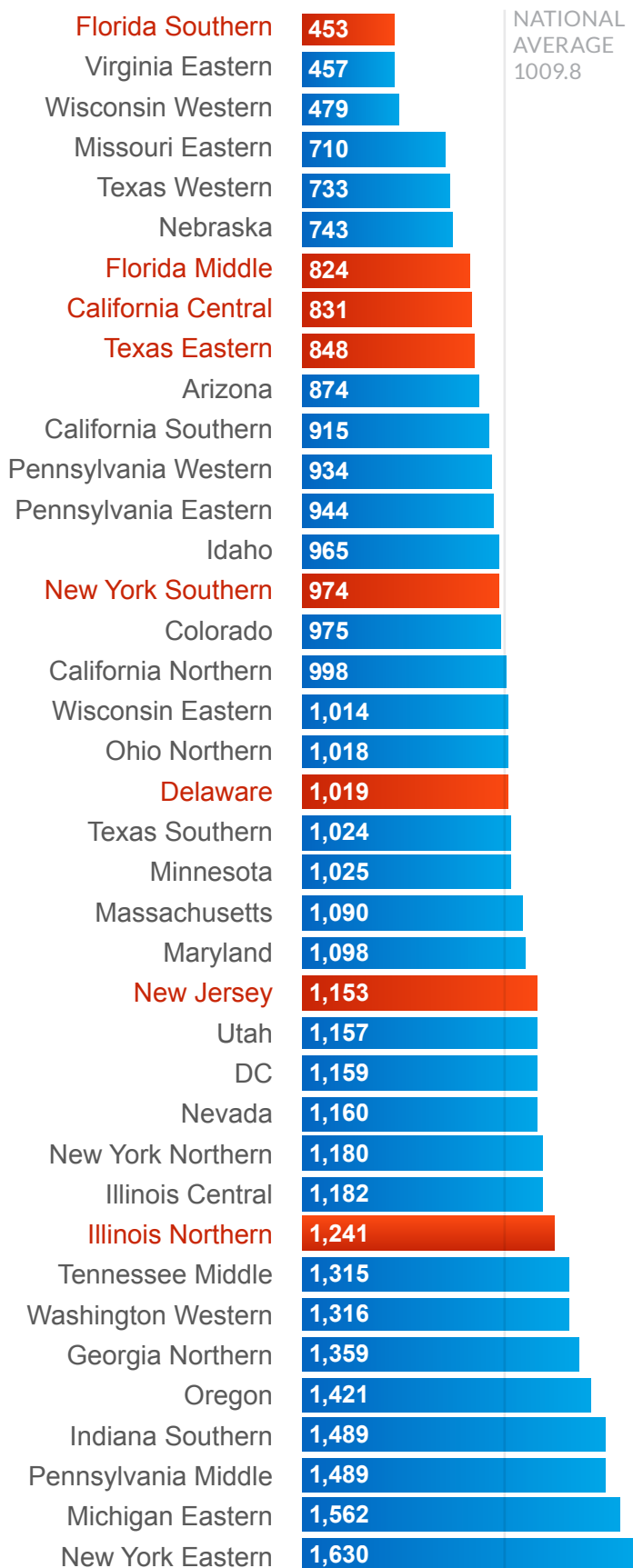
Interestingly, New York Southern District averages only 973.5 days to issue an order on an MSJ that would favor the patentee if granted, but averages 1132.3 days to issue an order on an MSJ that would favor the accused infringer or patent challenger if granted, a difference of about five months.



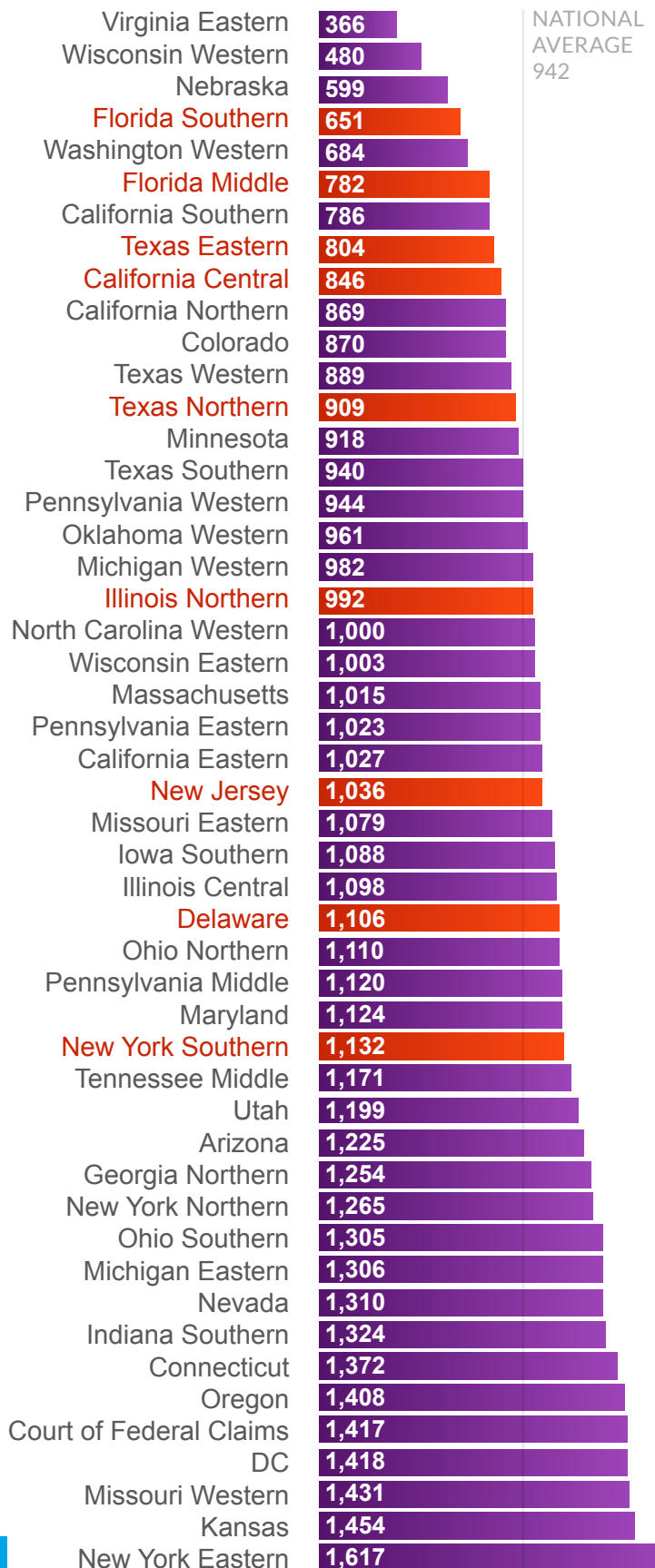
You can set up an alert on all MSJ rulings in patent cases if you **SEARCH BY ALL DISPOSITIVE MOTIONS**. Just click “Create Alert” at the bottom of the page.

# AVERAGE TIME TO SUMMARY JUDGMENT CONTINUED

## MSJ IN FAVOR OF PATENTEE

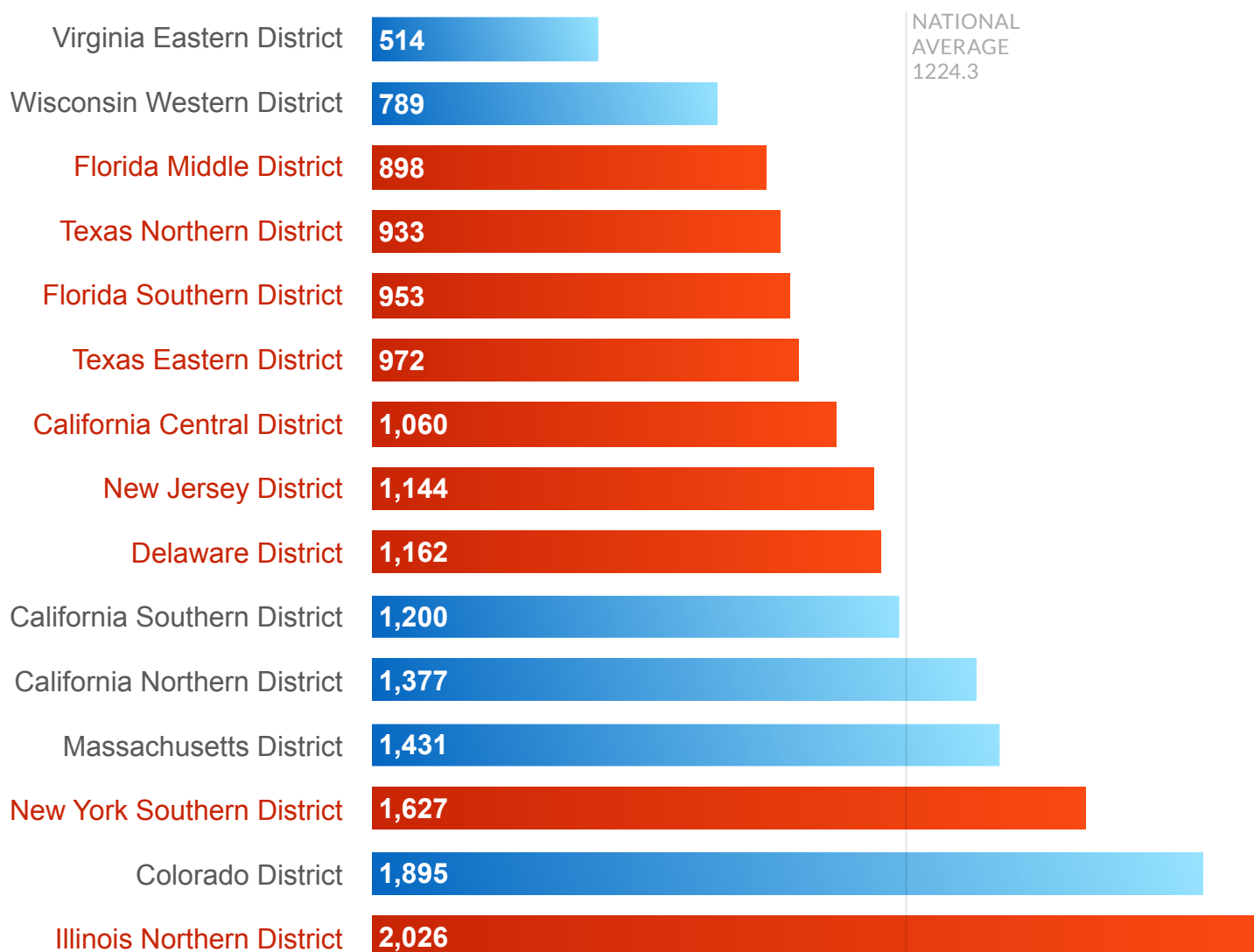


## MSJ AGAINST PATENTEE



## AVERAGE TIME TO TRIAL BY COURT 2008-2014

This chart shows the average number of days from case filing to a trial event in US District Courts with at least 10 occurrences between 2008 and 2014. The national average for all patent litigation cases over the same period was 1224.3 days.



### WHAT IS A TRIAL EVENT?

A trial event is an event in a patent litigation proceeding that indicates a trial occurred. In district courts, jury trials are indicated by a verdict and bench trials are indicated by the filing of a FRCP 52 Findings of Fact and Conclusions of Law.



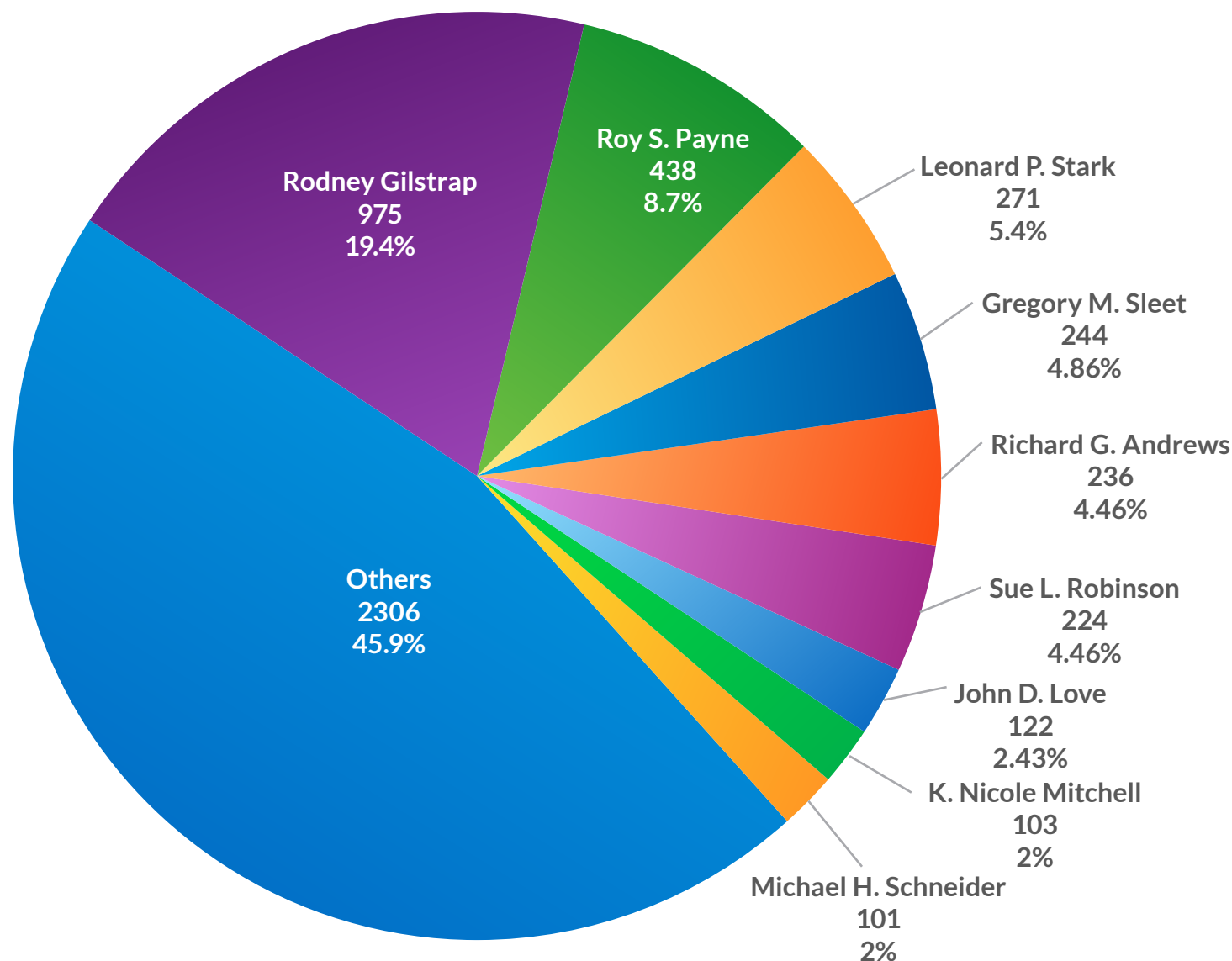
You can find all Verdicts issued since 2008 with a **DOCUMENTS SEARCH**. Want to add bench rulings? Click the pencil icon next to the “type of court document” in the Search Criteria, then click “**FINDINGS OF FACT AND CONCLUSIONS OF LAW**”.



## TOP JUDGES

### BY NUMBER OF NEW PATENT CASES IN 2014

This chart shows the top judges by number of new patent litigation cases filed in 2014. Although the total number of new district court cases declined in 2014, the number of cases assigned to the top nine judges grew as a percentage of the overall patent litigation pie. The top nine judges presided over 54% of all new cases in 2014; the same group of nine presided over 43.7% in 2013. Judge Rodney Gilstrap continues to carry the lion's share (19.4%) of patent litigation with a total of 975 cases filed in 2014.

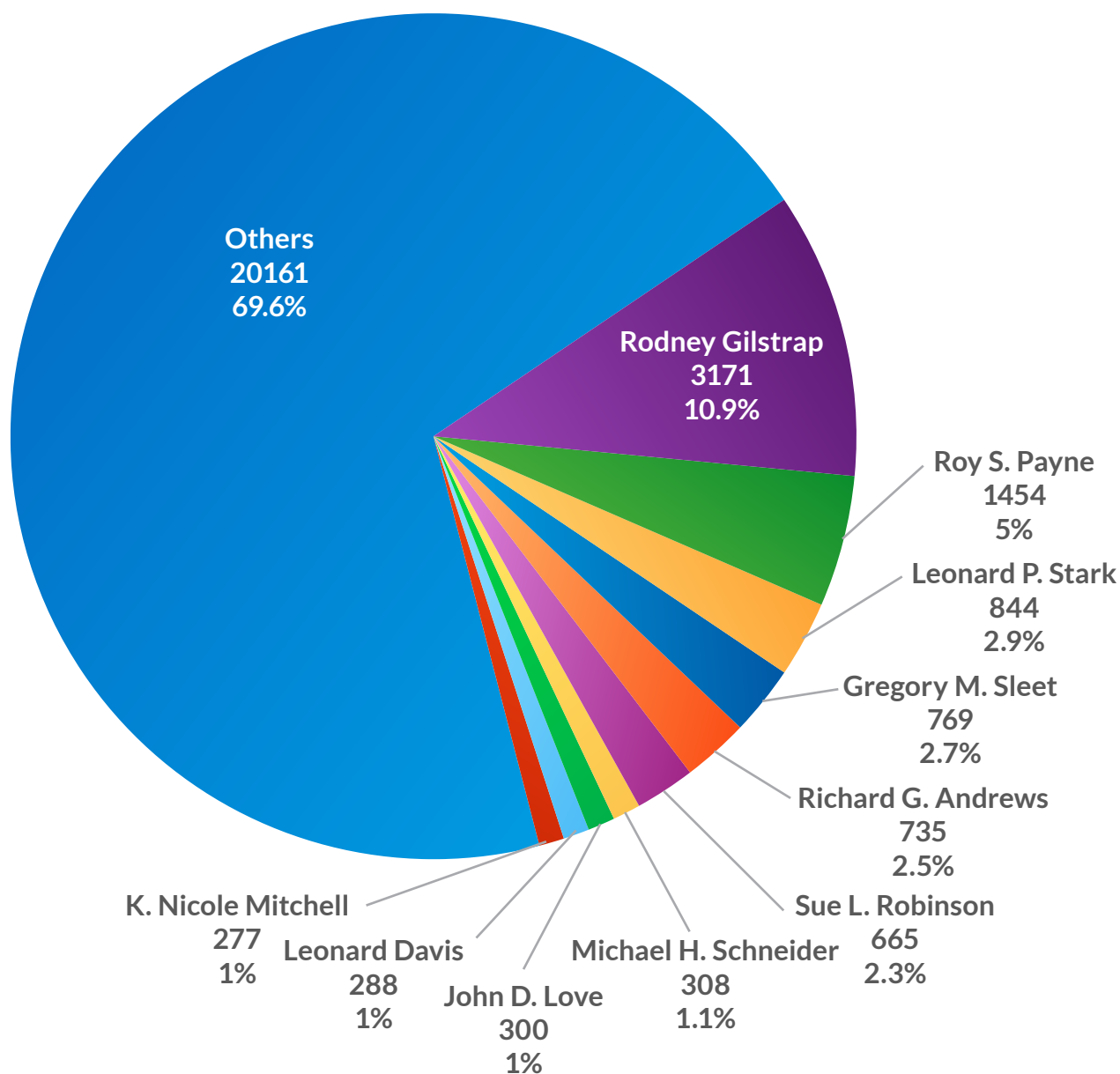


You can view a **JUDGE'S LITIGATION HISTORY** in patent cases with a Judges search. Just click Judges on our **SEARCH PAGE**, type in the last name and click the judge's full name in the drop-down suggestions. Be sure to click the tabs across the top of the page to reveal more information.

# TOP JUDGES

## BY NUMBER OF LITIGANTS IN NEW PATENT CASES IN 2014

This chart shows the top judges by number of patent litigants in cases filed in 2014. Although the top nine judges presided over 54% of all new cases in 2014; that represents only 29.4% of all patent litigants before U.S. district court judges.

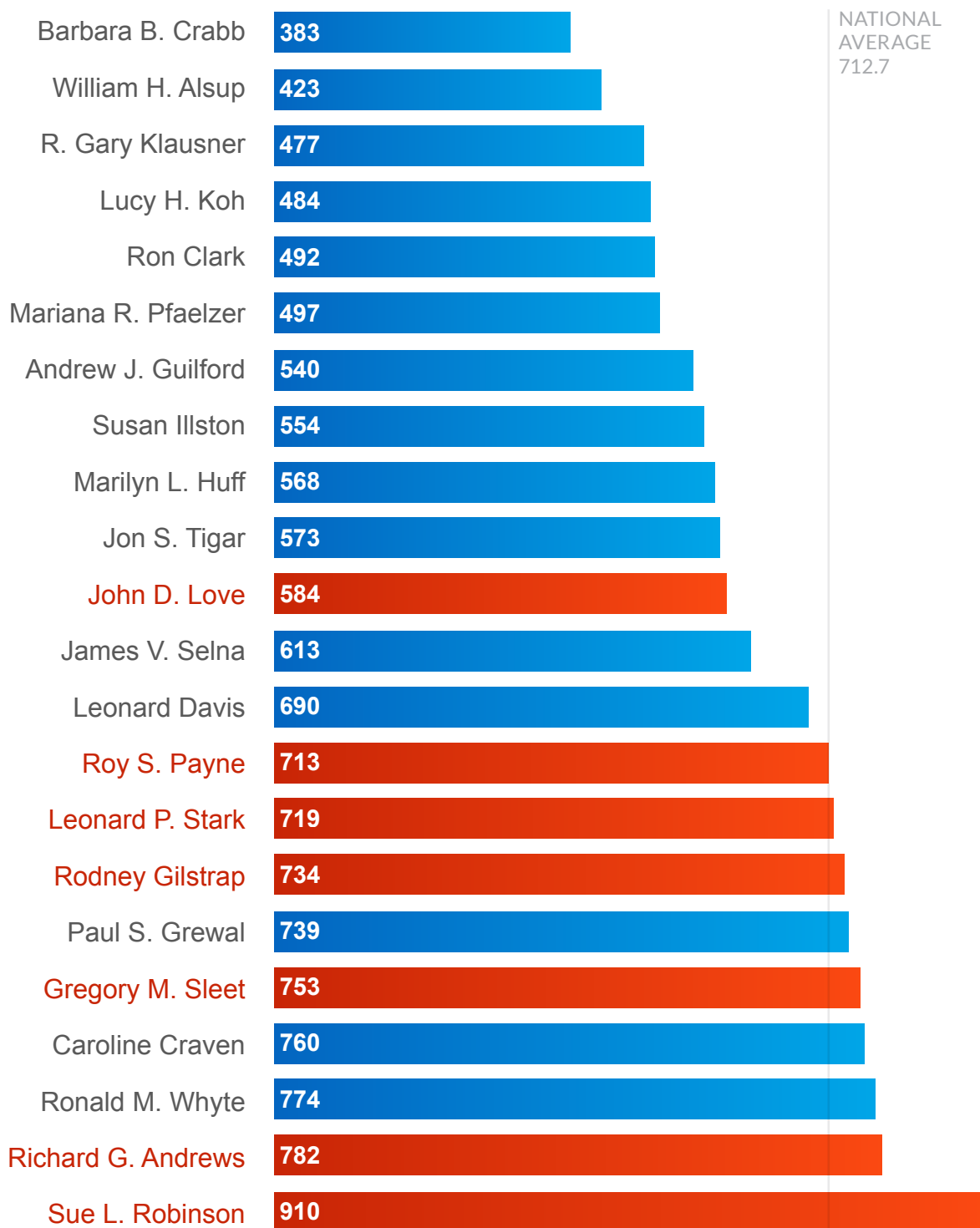


You can view a **JUDGE'S LITIGATION HISTORY** in patent cases with a Judges search. Just click Judges on our **SEARCH PAGE**, type in the last name and click the judge's full name in the drop-down suggestions. Be sure to click the tabs across the top of the page to reveal more information.

# AVERAGE TIME TO MARKMAN

## BY JUDGE

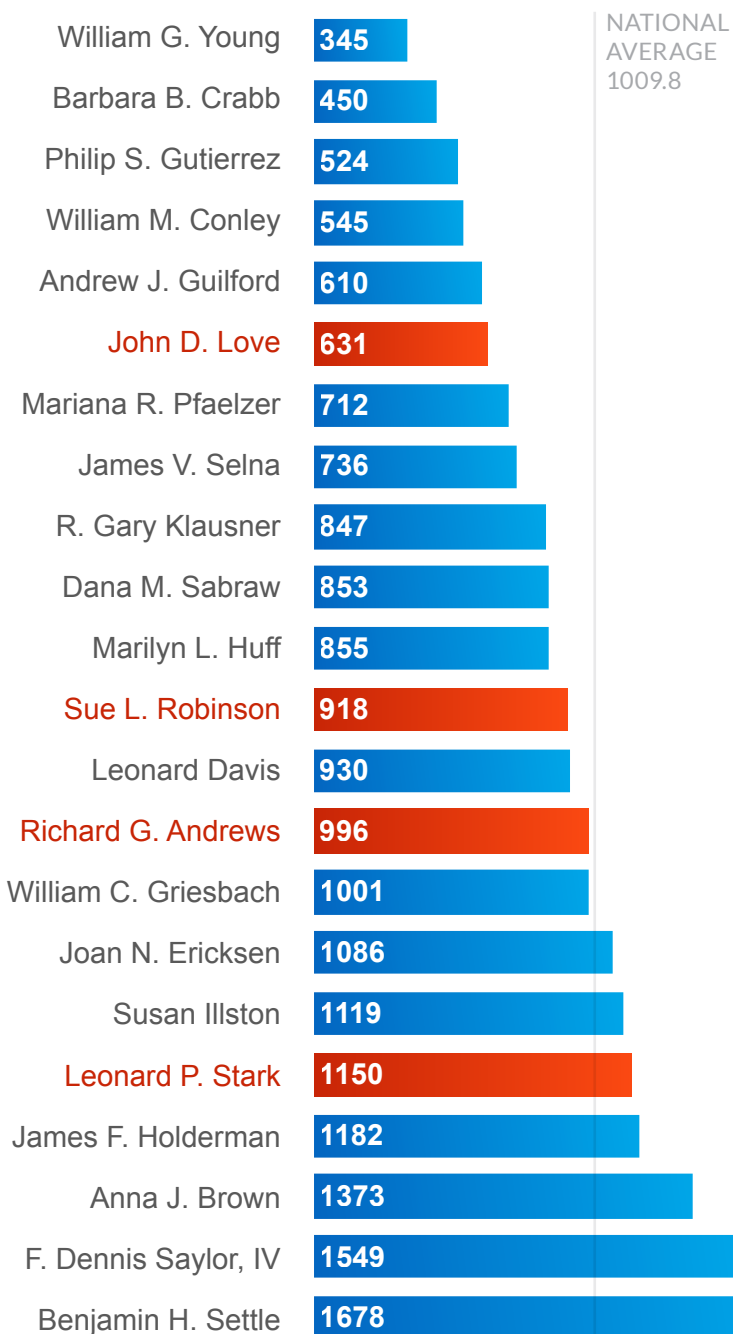
The chart below shows the average number of days from case filing to claim construction for judges with at least 10 Markman orders filed between 2008 and 2014. The national average for all patent litigation cases over the same period was just under two years, 712.7 days. Judge Barbara B. Crabb has the quickest average at just over a year, 382.7 days.



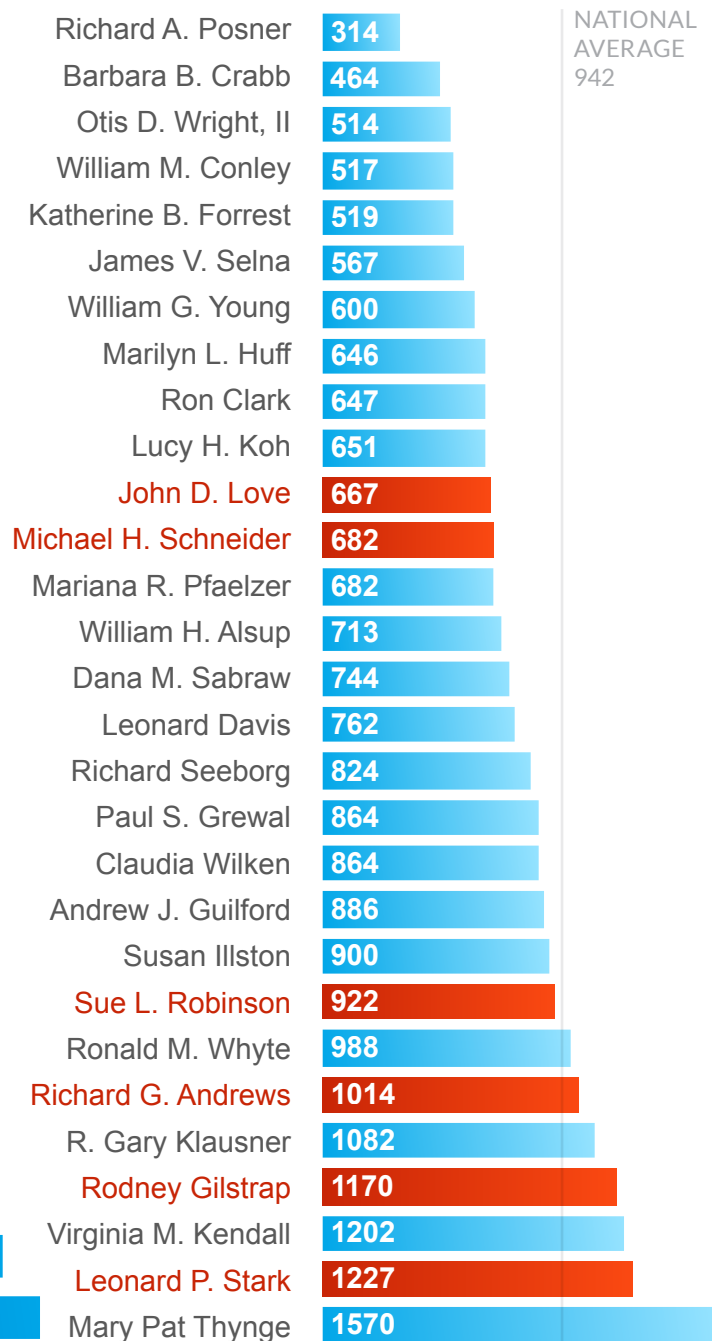
# AVERAGE TIME TO MOTION FOR SUMMARY JUDGMENT BY JUDGE

The charts below show the average number of days from case filing to a Motion for Summary Judgment (MSJ) ruling by district court judges which occurred between 2008 and 2014. The chart labeled “MSJ in favor of patentee” shows times for motions, which if granted, would favor the patentee. Conversely, the chart labeled “MSJ against patentee” shows times for motions, which if granted, would favor an accused infringer or patent challenger. In both cases, only judges with at least 10 MSJ orders between 2008 and 2014 are considered. The national average for all patent litigation cases over the same period was roughly comparable, at 1009.8 and 942.0 days respectively.

## MSJ IN FAVOR OF PATENTEE



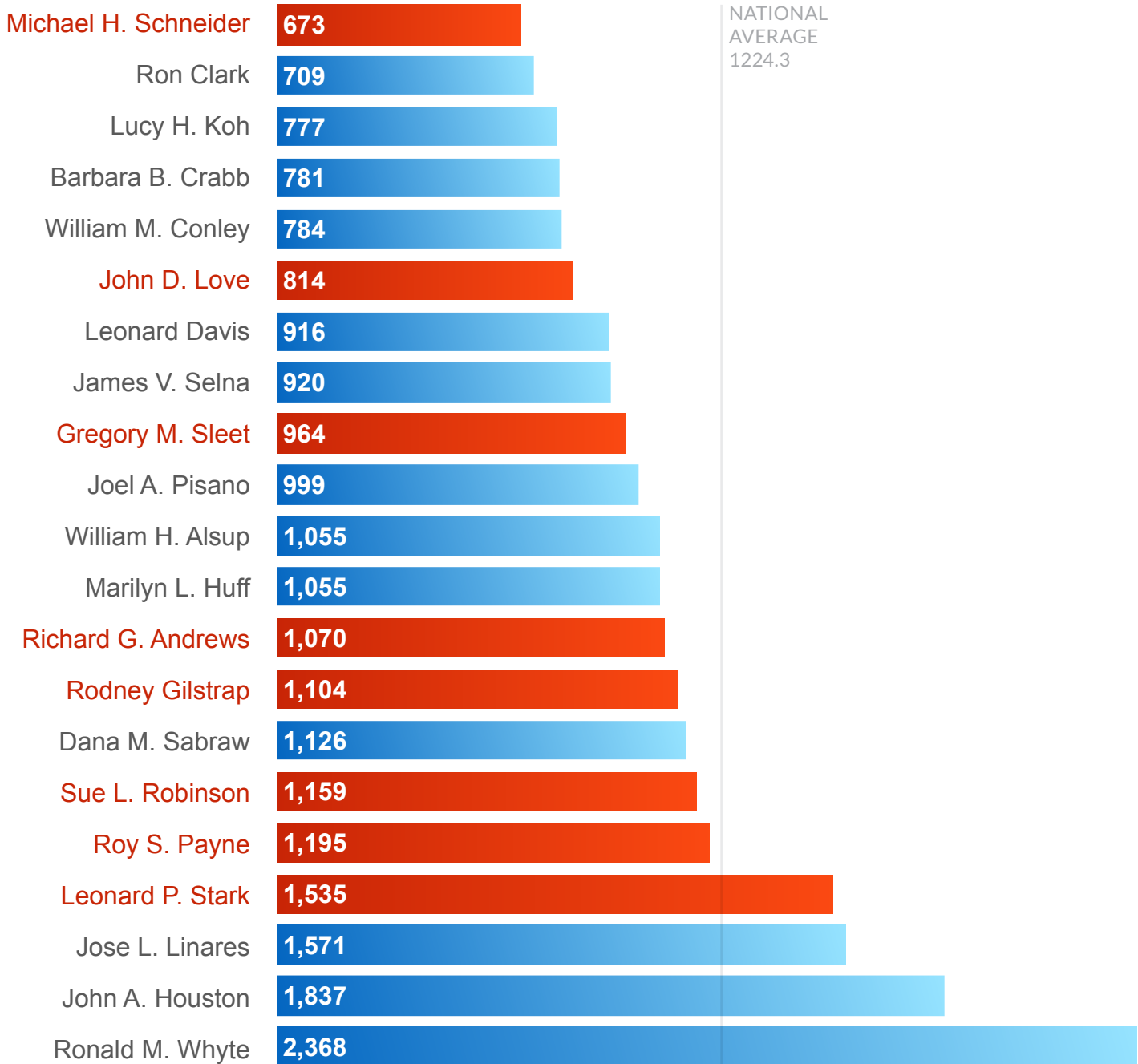
## MSJ AGAINST PATENTEE



# AVERAGE TIME TO TRIAL

## BY JUDGE

The chart below shows the average number of days from case filing to a trial event before District Courts judges with at least six occurrences between 2008 and 2014. The national average for all patent litigation cases over the same period was 1224.3 days.



## WHAT IS A TRIAL EVENT?

A trial event is an event in a patent litigation proceeding that indicates a trial occurred. In district courts, jury trials are indicated by a verdict and bench trials are indicated by the filing of a FRCP 52 Findings of Fact and Conclusions of Law.

# COMPARISON OF JURY TRIAL, BENCH TRIAL AND DISPOSITIVE MOTION OUTCOMES

## 2008-2014

These charts show how patent determinations differ based on the jurisdiction and type of proceeding. It is designed to help answer questions like: “Am I more likely to succeed with a jury or in a bench trial?” or “Are juries in Delaware more likely to favor patent owners than juries in New Jersey?”

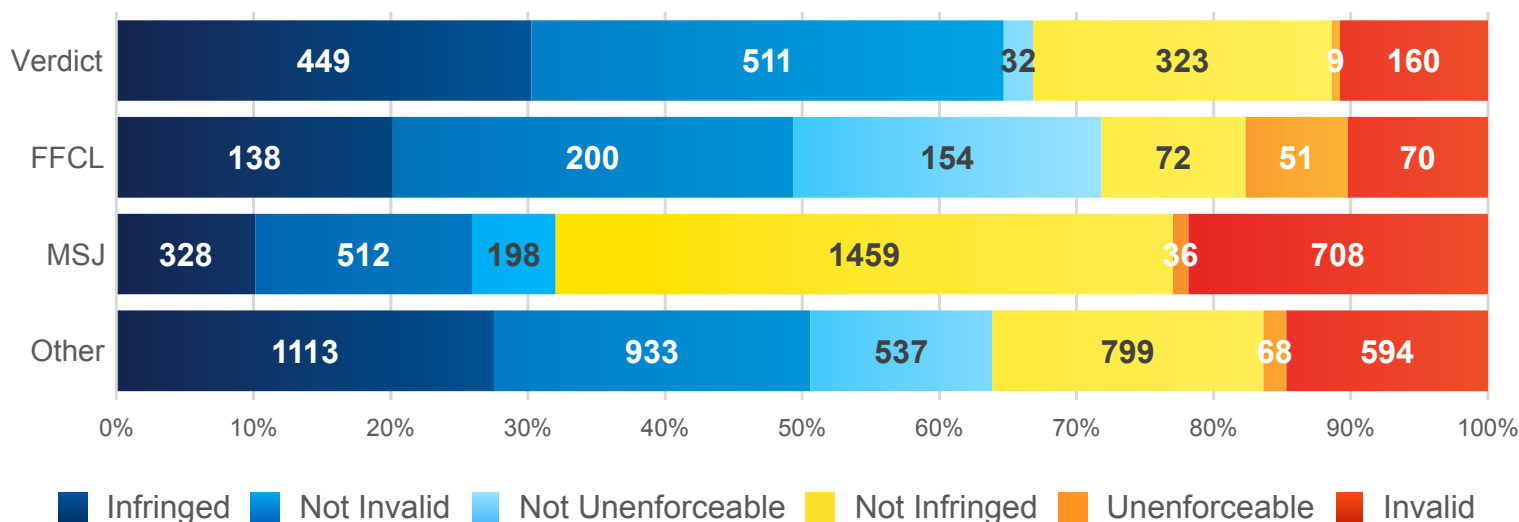
### HOW TO READ THESE CHARTS

Each colored line represents the determinations rendered in a specific type of proceeding: jury trial, bench trial, summary judgment, or other. Colors correspond to the type of determination. Blue shades represent determinations that favor patentees.



## ALL U.S. DISTRICT COURTS

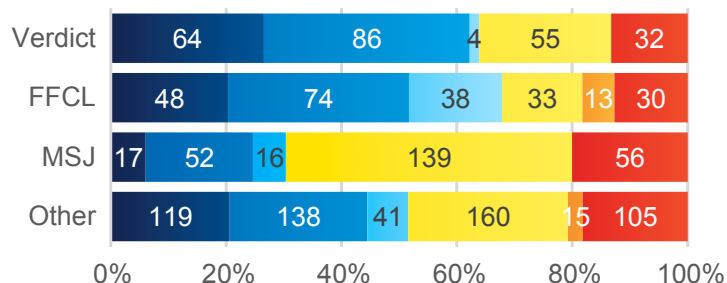
Across all US district courts, 71.8% of all bench trial determinations favored patentees. Jury trial determinations also favored patentees, but to a lesser degree. 68% of summary judgment determinations favor accused patent infringers or patent challengers.



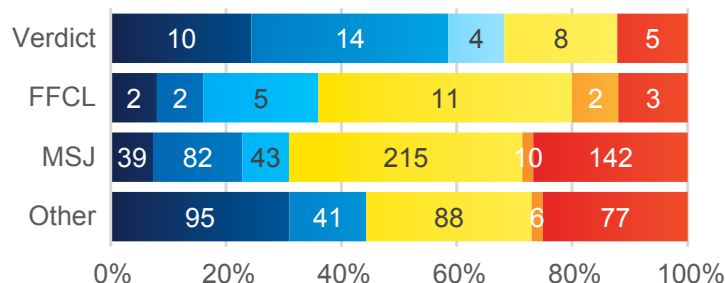
However a closer look at the top courts shows even more variation. *(next page)*

# COMPARISON OF JURY TRIAL, BENCH TRIAL AND DISPOSITIVE MOTION OUTCOMES CONTINUED

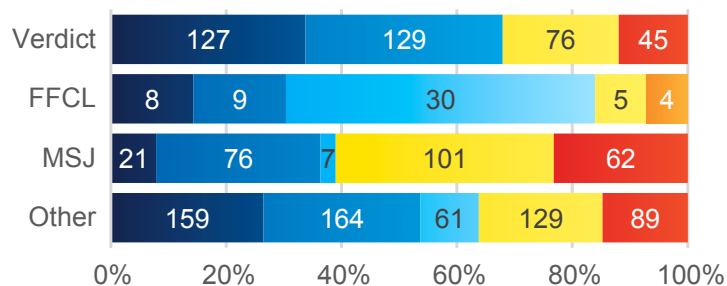
## DELAWARE DISTRICT



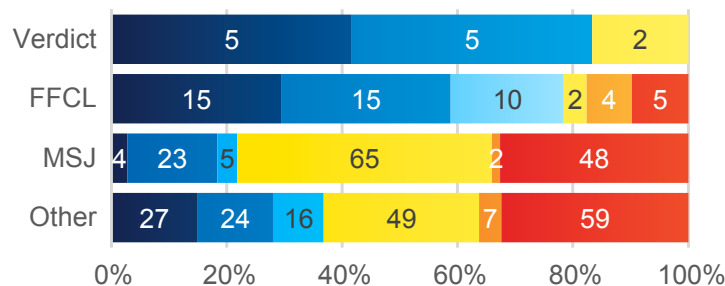
## CALIFORNIA CENTRAL DISTRICT



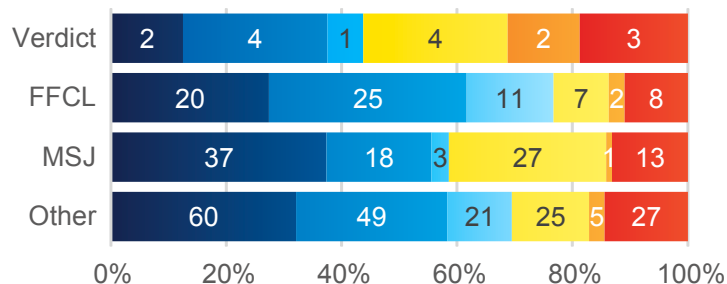
## TEXAS EASTERN DISTRICT



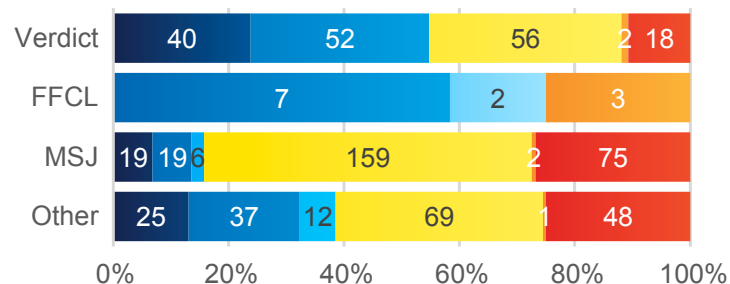
## NEW YORK SOUTHERN DISTRICT



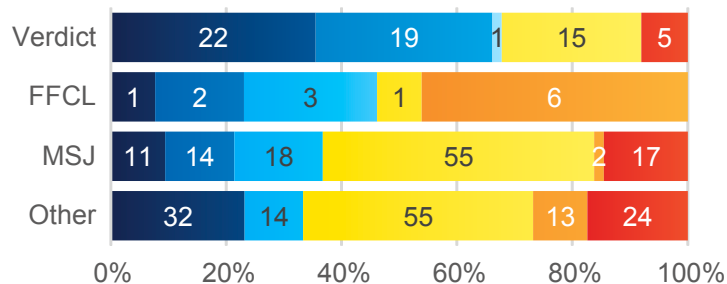
## NEW JERSEY DISTRICT



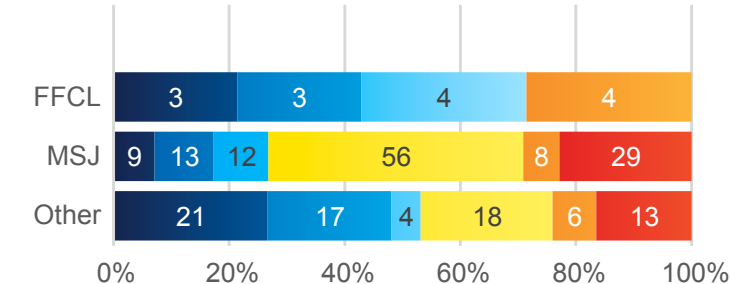
## CALIFORNIA NORTHERN DISTRICT



## CALIFORNIA SOUTHERN DISTRICT



## ILLINOIS NORTHERN DISTRICT



■ Infringed 
 ■ Not Invalid 
 ■ Not Unenforceable 
 ■ Not Infringed 
 ■ Unenforceable 
 ■ Invalid

# MOTION SUCCESS RATES

## 2011-2014

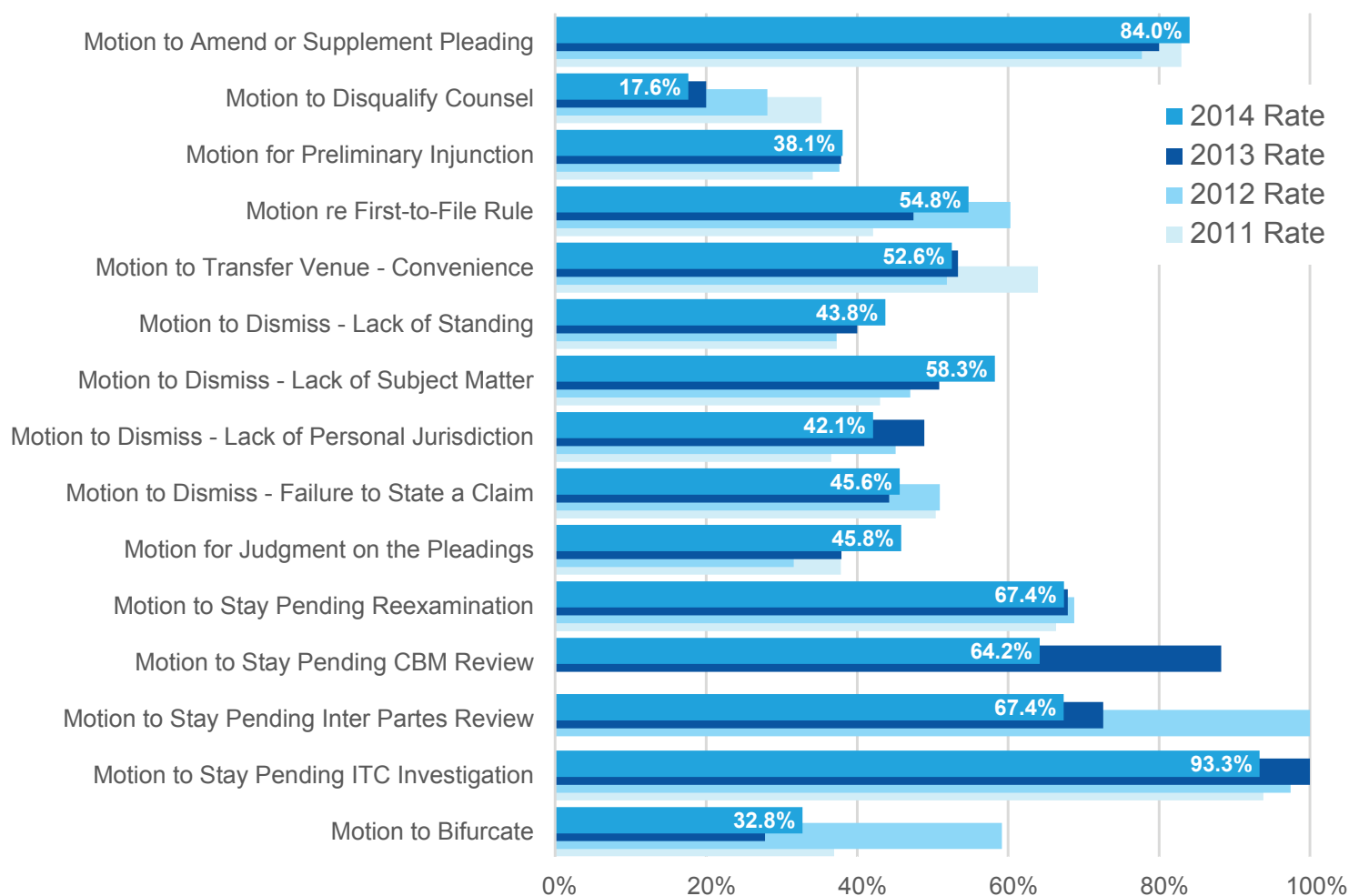
This chart shows the success rates of more than 40 types of motions from 2011 to 2014. Excluding single-year variances, the national success rate for most types of motions remained relatively stable over the four year period. This might suggest that, despite significant changes in the legal landscape, the daily administration of patent disputes in U.S. district courts remains relatively unchanged. A few notable exceptions include:

**Motions for summary judgment of no willful infringement:** Success rates skyrocketed from less than 10% in 2011 to more than 70% in 2014, likely due to the heightened standard under *Bard Peripheral Vascular, Inc. v. W.L. Gore & Assocs., Inc.*, 682 F.3d 1003 (Fed. Cir. 2012) (en banc) and 35 U.S.C. § 298.

**Motions for summary judgment of patent unenforceability:** Success rates increased from about 15% in 2011 to about 40% in 2014.

**Motions to disqualify counsel:** Success rates consistently decreased over the four year period from about 35% in 2011 to less than 20% in 2014.

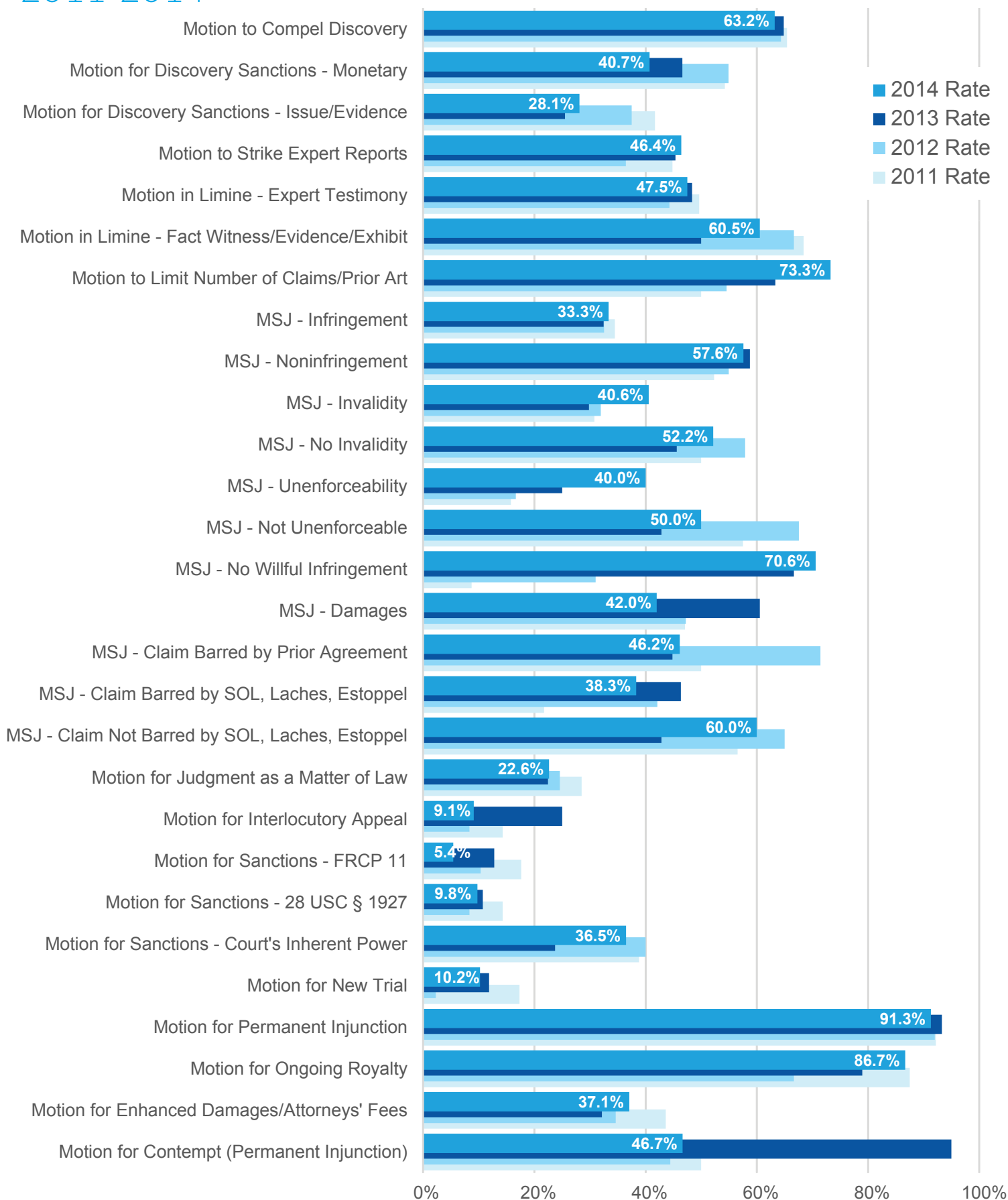
**Motions to limit the number of claims or prior art:** Success rates increased from about 50% in 2011 to more than 70% in 2014.





# MOTION SUCCESS RATES CONTINUED

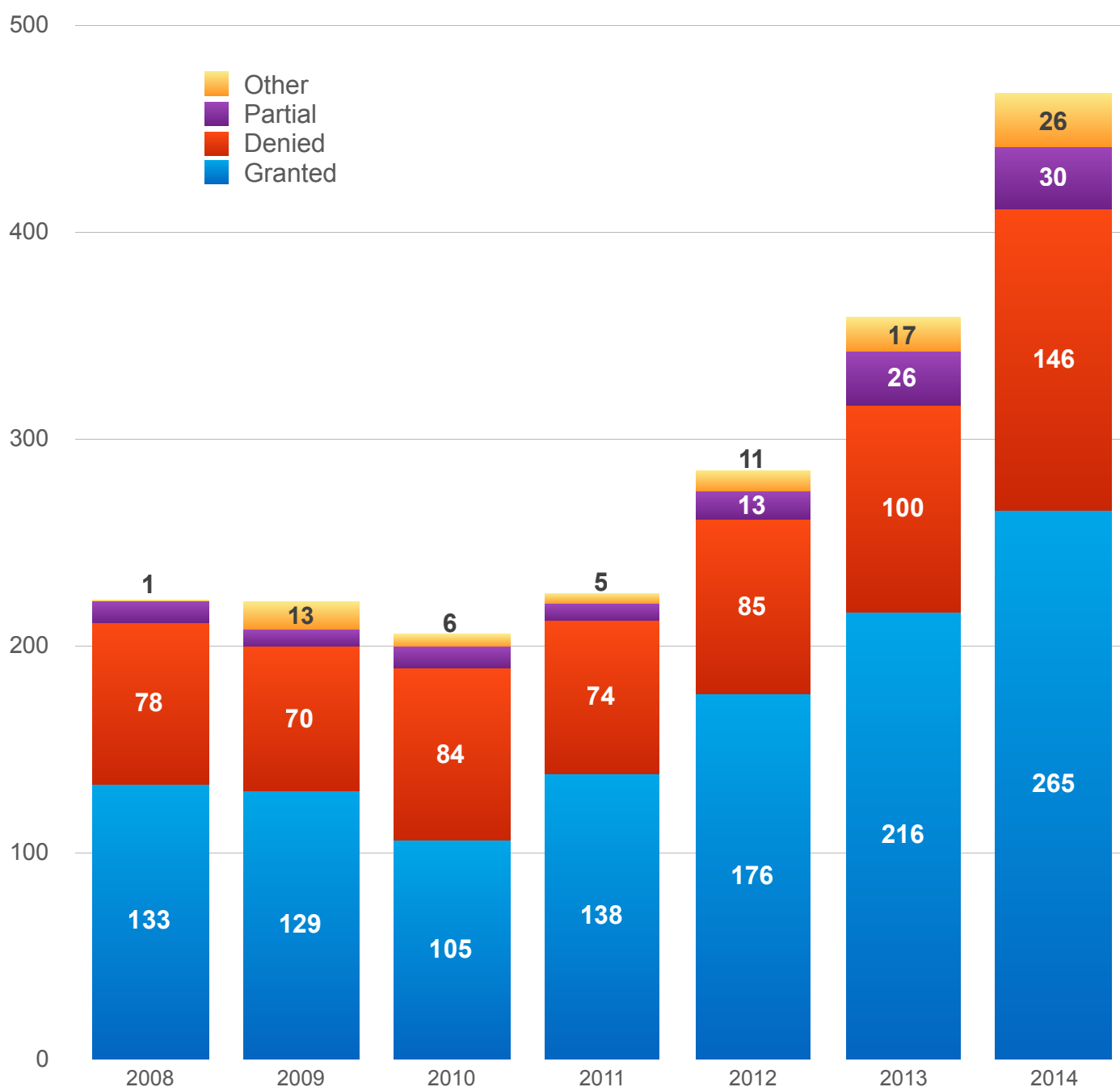
## 2011-2014



# STAYS PENDING REEXAM, IPR AND CBM

## 2008-2014

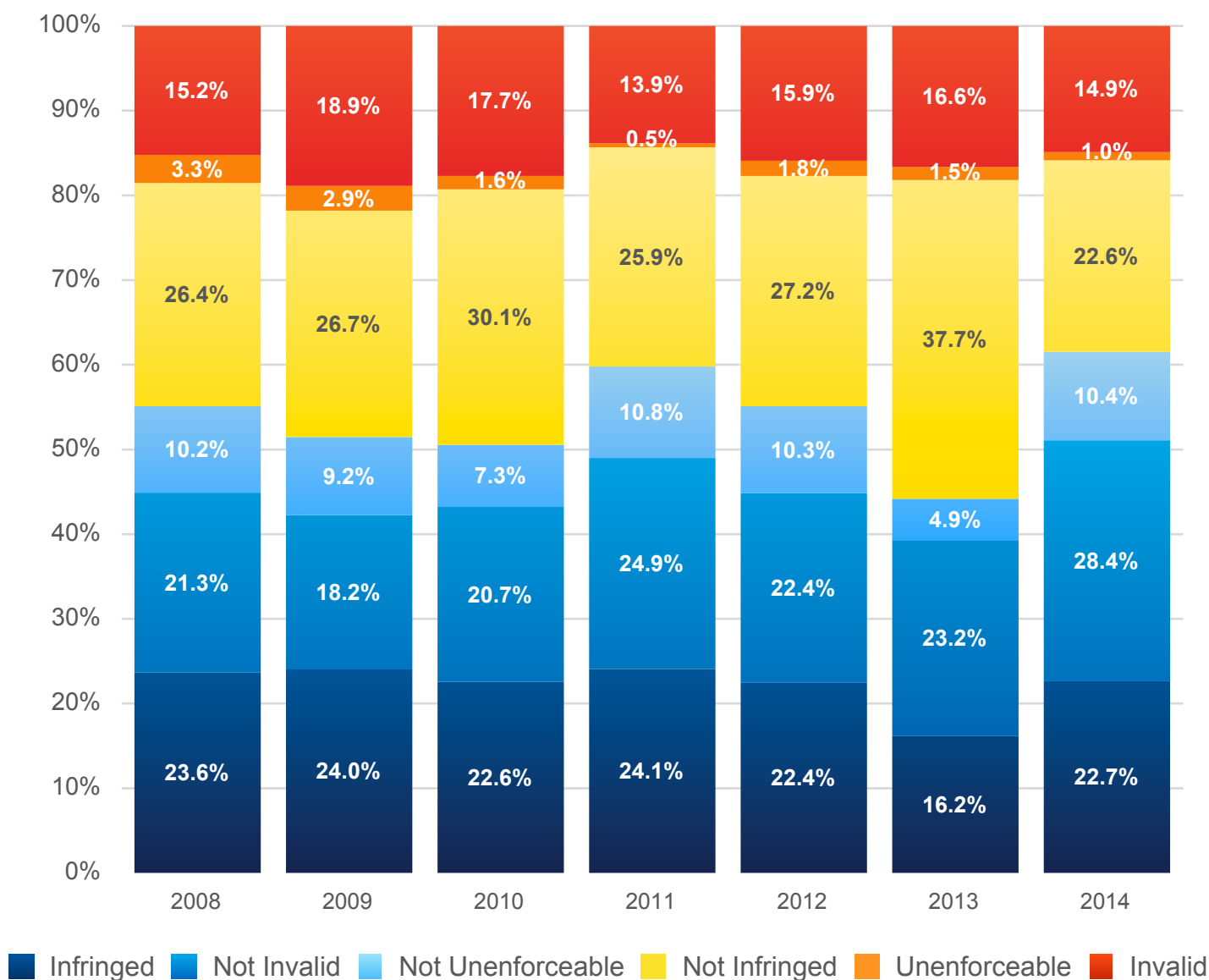
With the increase in the number of PTAB proceedings in 2013 and 2014, U.S. district courts have faced a growing number of motions to stay litigation. Many courts were reluctant to grant stays under the reexamination rules due to uncertainty as to when a reexamination decision would be issued, and what effect that decision would have on the district court case. The new post-grant proceedings, primarily IPR and CBM petitions, attempt to address those concerns by reducing the time to decision and expanding estoppel on petitioners. The chart below shows the number of motions to stay pending post-grant proceedings (reexamination, IPR and CBM) filed in district courts from 2008 to 2014. While the number of motions has increased from 2010 to 2014, the percentage of successful motions has remained relatively constant over the four year period.



# DISTRICT COURT PATENT DETERMINATIONS

## 2008-2014 (PERCENTAGE)

This chart shows the percentage of each type of patent determination based on the total number of determinations of all types for that year. It is interesting to note that, despite significant changes in the legal landscape, the percentage of each type of determination has remained fairly stable from 2008 to 2014.



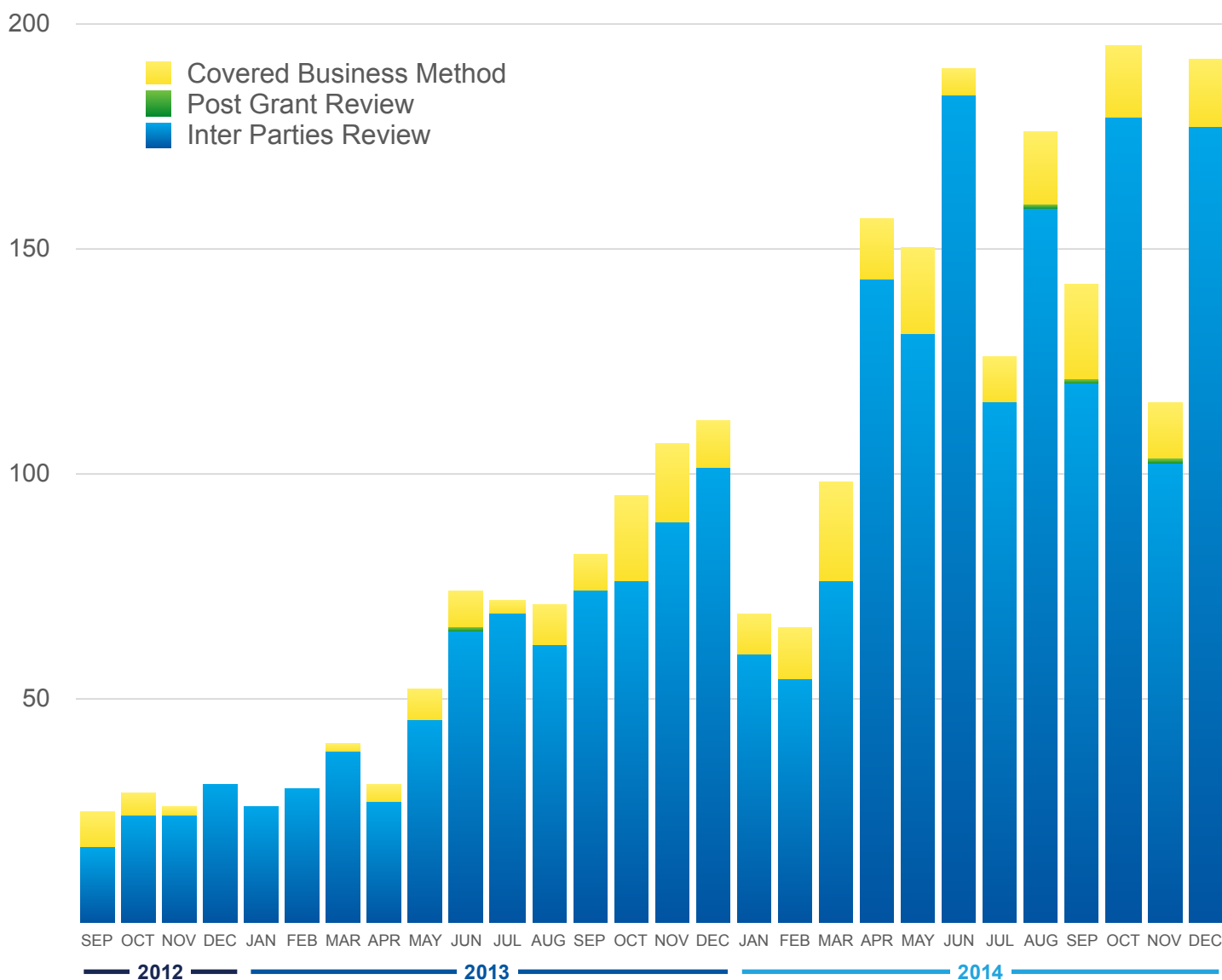
## WHAT IS A PATENT DETERMINATION?

A patent determination occurs when a court or administrative agency issues a decision that determines the infringement, validity, or enforceability of one or more claims of a patent. There may be more than one determination per patent and determinations may be overturned or reversed in later proceedings. For purposes of this chart, determinations based on stipulated requests have been excluded.

# NEW PTAB PETITIONS

## 2012-2014

The chart below shows the number of new IPR, CBM and PGR petitions filed in the Patent & Trademark Appeals Board (PTAB) by month.

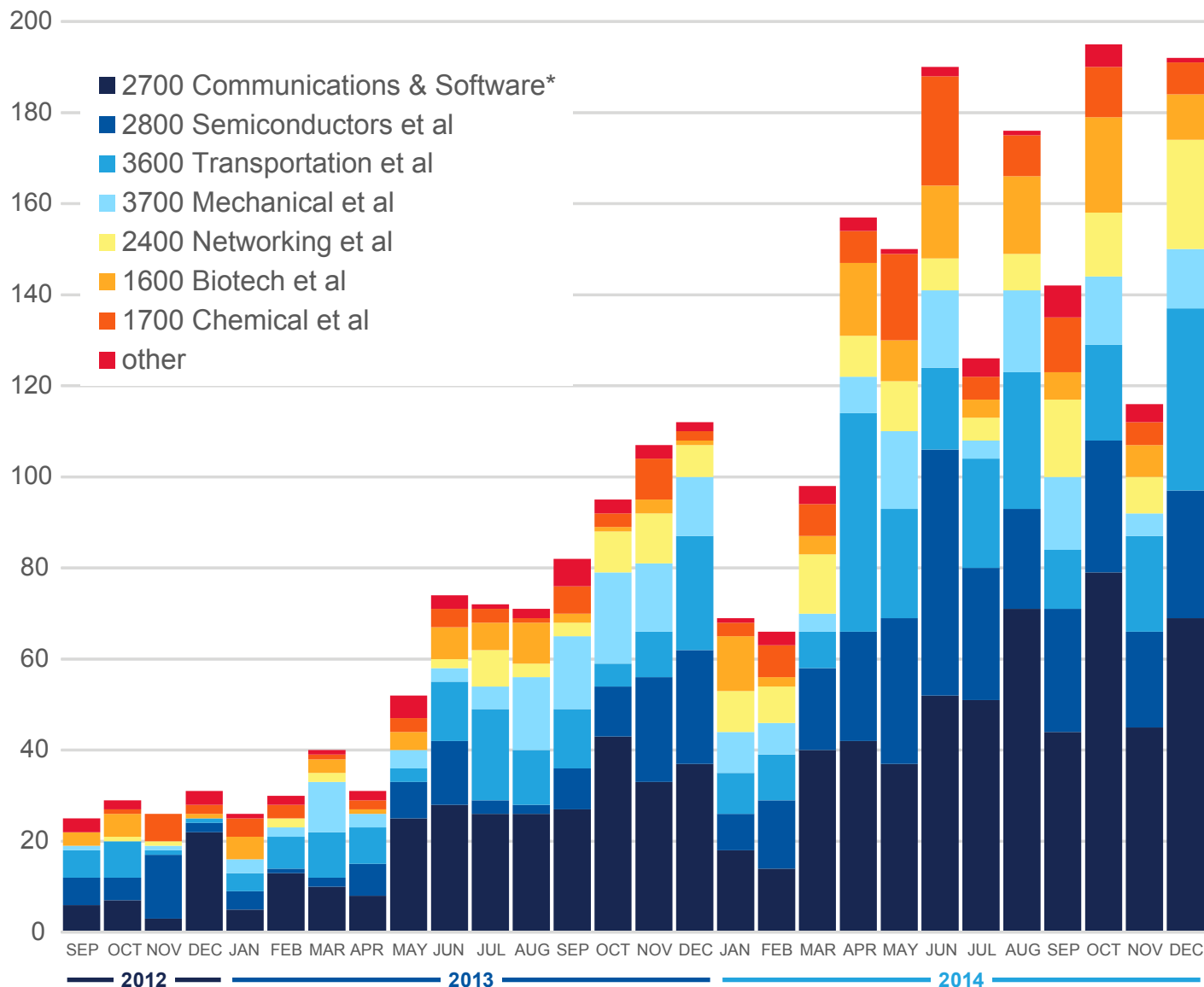


Want to be notified whenever a new petition is filed for IPR or CBMR?  
Just click "Create Alert" at the bottom of this [PAGE OF PTAB CASES](#).

# NEW PTAB PETITIONS BY TECH CODE

## 2012-2014

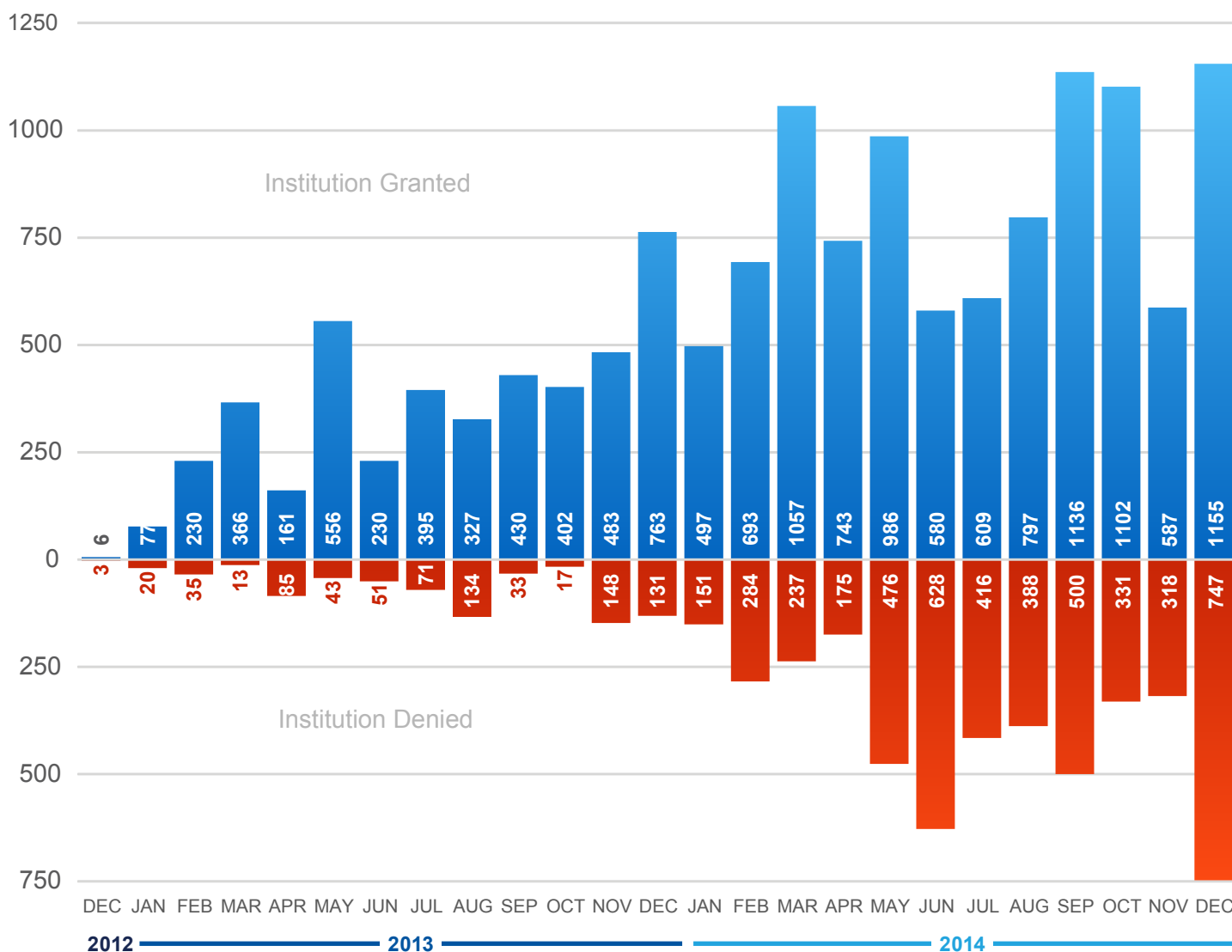
This chart shows the number of IPR and CBM petitions by Tech Code that were filed in the PTAB each month. Each Tech Code is represented by a different colored band.



\* Tech Code 2700 (Communications and information systems) has been split into Tech Codes: 2100 (Computer Architecture and Software) and 2600 (Communications). For purposes of this chart, Tech Code 2700 includes all three.

# PTAB INSTITUTION DECISION OUTCOMES

This chart shows the outcomes of institution decisions for individual patent claims challenged in an IPR or CBM petition. Bars above the midline show the number of claims in which review was granted on at least one ground, bars below the midline show the number of claims in which review was denied on all grounds. Through the end of 2014, review was granted on at least one ground for 72.6% of all challenged claims.

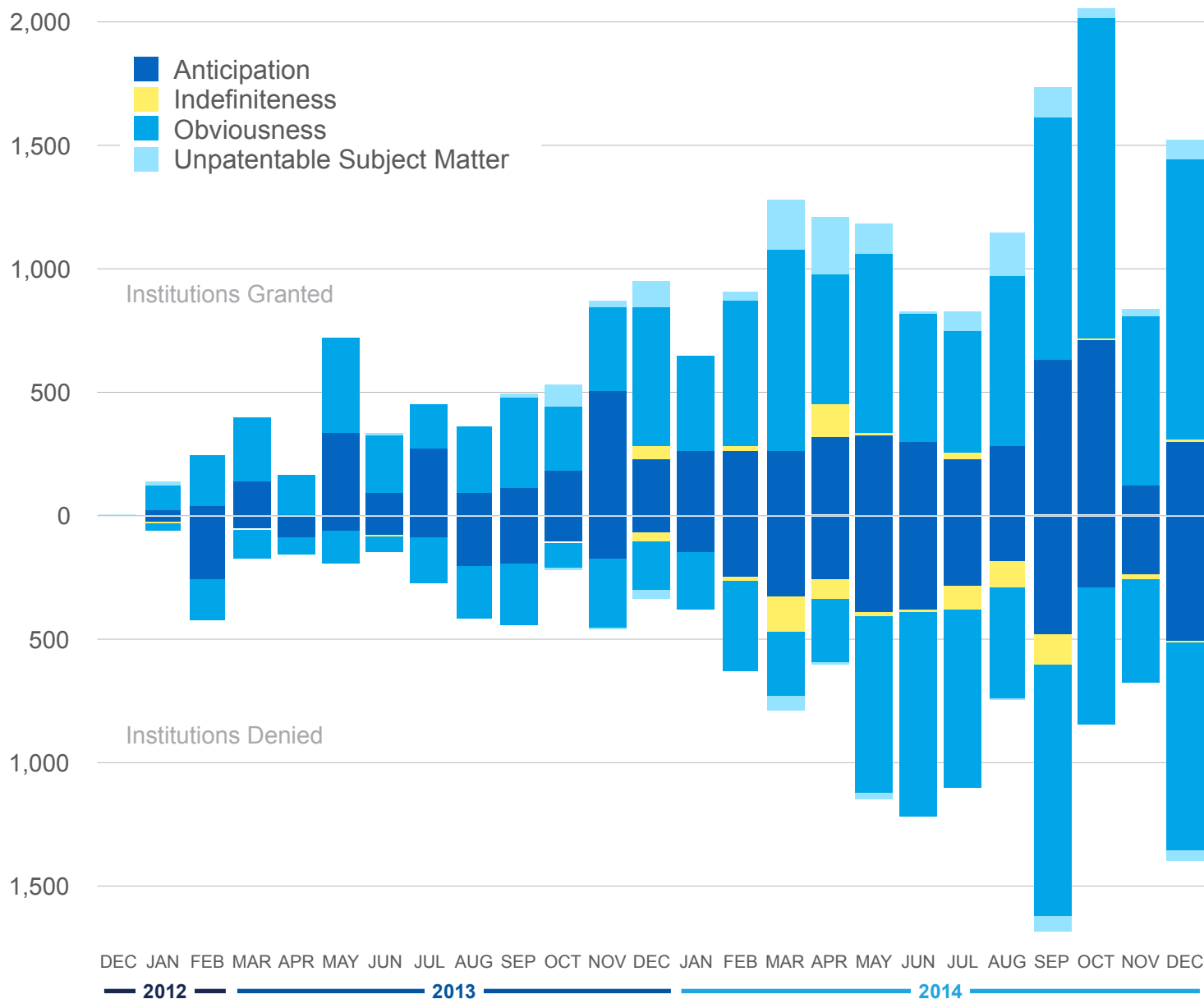


You can find the litigation history of any patent by looking at the **PATENT SUMMARY PAGE** in Docket Navigator. Just click Patents on our search page, then enter your patent number in the first blank field. Make sure you click on the different tabs across the top of the page to reveal more information. Each one of those tabs is “alertable”, so click “Create Alert” at the bottom of tabs that are **OF INTEREST TO YOU**.

# PTAB INSTITUTION DECISION OUTCOMES

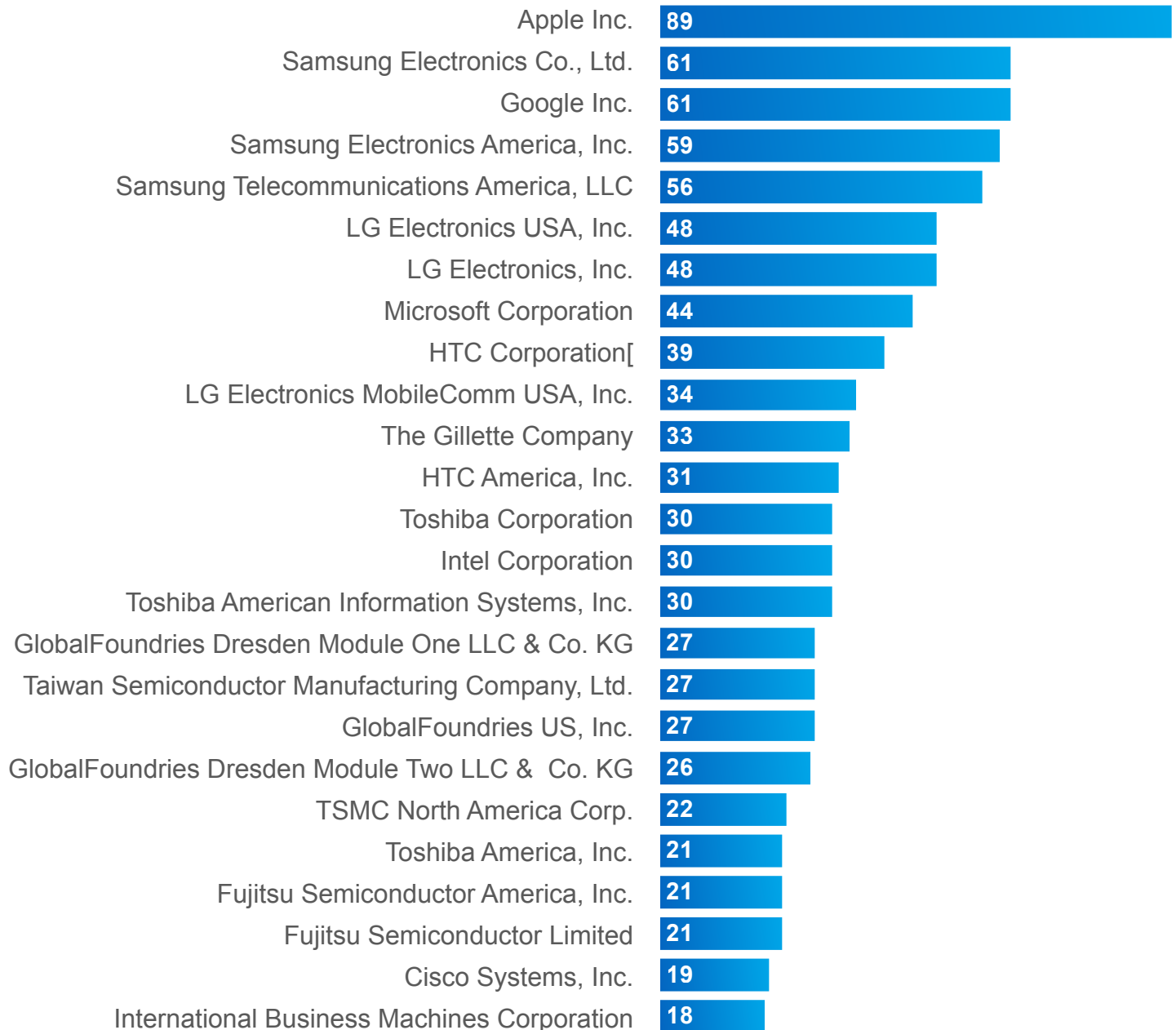
## BY ASSERTED UNPATENTABILITY GROUND

This chart shows institution outcomes for each ground of unpatentability asserted against a patent claim. Patent claims challenged on multiple grounds will produce multiple outcomes (e.g., granted on §103 and denied on §102), each of which would be counted separately for purposes of this chart.



## TOP PTAB PETITIONERS

The following is a list of parties that filed petitions for Inter Partes Review or Covered Business Method Review in 2014. Apple Inc. tops the list at 89 petitions, or about 5% of all PTAB proceedings. However, Samsung companies collectively filed 176 petitions representing more than 10% of all petitions. Closely followed by LG Electronics companies with 130 petitions, almost 8%.



You can set up an alert on all new PTAB IPR's or CBM's by clicking "Create Alert" at the bottom of a [CASES SEARCH RESULTS PAGE](#), filtered by PTAB as the court/agency.

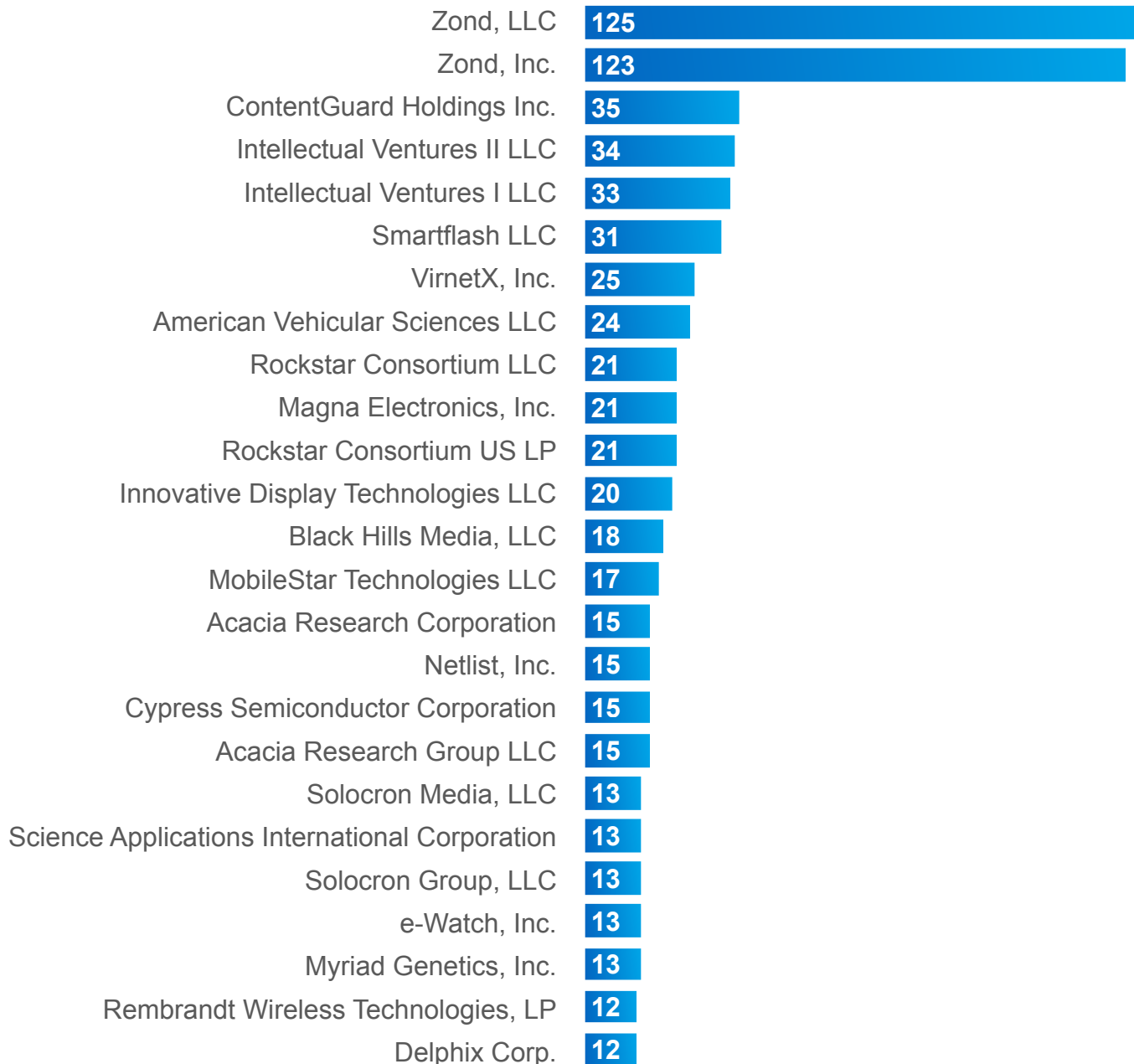


# TOP PTAB PETITIONERS CONTINUED

Toshiba America Electronic Components, Inc.	18	Marvell Semiconductor, Inc.	9
Amazon.com, Inc.	18	EMC Corporation	9
Ford Motor Company	17	TD Ameritrade Holding Corporation	9
Renesas Electronics Corporation	17	TD Ameritrade, Inc.	9
Advanced Micro Devices, Inc.	17	Kia Motors America, Inc.	9
Renesas Electronics America, Inc.	17	Kia Motors Corporation	9
Samsung Austin Semiconductor, LLC	16	Connaught Electronics Ltd.	8
Mercedes-Benz USA, LLC	15	Mylan Laboratories Limited	8
Mylan Pharmaceuticals Inc.	14	YouTube, LLC	8
American Honda Motor Co., Inc.	14	Valeo SA	8
Ericsson Inc.	14	Valeo GmbH	8
ZTE USA, Inc.	13	Petroleum Geo-Services, Inc.	8
TRW Automotive US LLC	13	Pantech Wireless, Inc.	8
BioReference Laboratories, Inc.	13	Pantech Co., Ltd.	8
Cellco Partnership d/b/a Verizon Wireless	13	DealerSocket, Inc.	8
Mercedes-Benz US International, Inc.	13	NEC Corporation of America	7
Telefonaktiebolaget LM Ericsson	13	Mylan Institutional Inc.	7
AT&T Mobility LLC	13	NEC Mobile Communications, Ltd. NEC	7
GeneDx, Inc.	13	Casio Mobile Communications, Ltd.	7
BlackBerry Limited	12	SMART Modular Technologies, Inc.	7
VMware, Inc.	12	Agila Specialties Private Ltd.	7
BlackBerry Corporation	12	Sony Computer Entertainment America LLC	7
Actifio, Inc.	12	BioDelivery Sciences International, Inc.	7
eBay Inc.	12	Canon Inc.	7
Mylan Inc.	11	Sony Mobile Communications AB	7
Unified Patents, Inc.	11	Sony Mobile Communications (USA) Inc.	7
Medtronic, Inc.	11	NHK Seating of America, Inc.	7
Nissan North America, Inc.	11	Dell Inc.	7
Global Tel*Link Corporation	11	Amazon Web Services, LLC	7
Universal Remote Control, Inc.	10	NHK Spring Co., Ltd.	7
LG Display America, Inc.	10	Commerce Bancshares, Inc.	7
LG Display Co., Ltd.	10	NHK International Corporation	7
Symantec Corporation	10	Sony Corporation	7
Askeladden, LLC	9	Hyundai Motor Manufacturing Alabama, LLC	6
Hyundai Motor Company	9	Sharp Corporation	6
Motorola Mobility LLC	9	FLIR Systems, Inc.	6
Hyundai Motor America	9	IGB Automotive Ltd.	6
Honda of America Mfg., Inc.	9	Sharp Electronics Corporation	6

## TOP PATENT OWNERS IN PTAB PROCEEDINGS

The following is a list of parties that had their patents challenged in petitions for Inter Partes Review or Covered Business Method Review in 2014. Collectively, Zond companies were the most-targeted with 148 petitions, or just less than 15% of all PTAB actions. Trailing much further behind, the combined Intellectual Ventures companies represented less than 5% of all targets with 67 petitions.

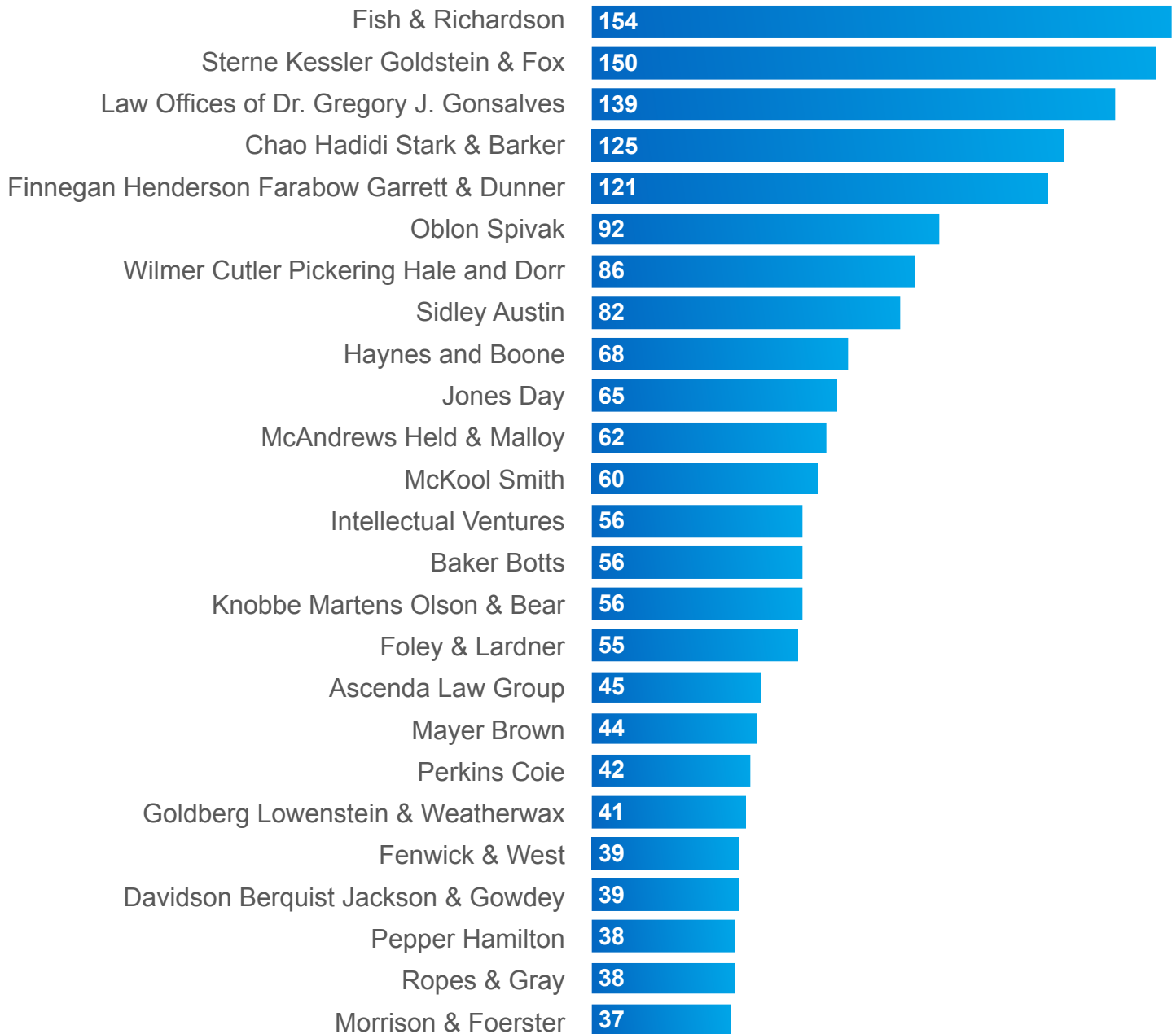


# TOP PATENT OWNERS IN PTAB PROCEEDINGS CONTINUED

Straight Path IP Group, Inc.	11	WET Automotive Systems AG	6
Paice LLC	10	Novartis AG	6
Smartflash Technologies Limited	10	Wireless Mobile Devices LLC	6
Securus Technologies, Inc.	10	ATI Technologies ULC	6
Optical Devices, LLC	9	iLife Technologies, Inc.	6
Universal Electronics, Inc.	9	Monsanto Technology, LLC	5
Cubist Pharmaceuticals, Inc.	9	Murata Machinery, Ltd.	5
Depomed, Inc.	9	Murata Machinery USA, Inc.	5
Personalized Media Communications LLC	9	iLife Solutions, Inc.	5
The Abell Foundation, Inc.	9	Vantage Point Technology, Inc.	5
AutoAlert, LLC	9	UUSI, LLC	5
Thomas Swan & Co. Ltd.	8	Uniloc Luxembourg SA	5
Mobile Telecommunications Technologies, LLC	8	Trading Technologies International, Inc.	5
Crossroads Systems, Inc.	8	Memory Integrity, LLC	5
Cellular Communications Equipment LLC	8	CertainTeed Corporation	5
Sean McGhie	8	BE Technology, LLC	5
Protegrity Corporation	8	SimpleAir, Inc.	5
Loyalty Conversion Systems Corporation	8	Steuben Foods, Inc.	5
California Institute of Technology	8	Reckitt Benckiser Pharmaceuticals Inc.	5
WesternGeco LLC	8	FlashPoint Technology, Inc.	5
DataTreasury Corporation	7	RealID Inc.	5
The Trustees of Columbia University in the City of New York	7	e-Watch Corporation	5
Constellation Technologies LLC	7	Lakshmi Arunachalam	5
Clouding IP, LLC	7	Leak Surveys, Inc.	5
MonoSol Rx, LLC	7	Promethean Insulation Technology LLC	5
Roman Chistyakov	7	EmeraChem Holdings, LLC	5
Lear Corporation	7	Secure Axxess, LLC	5
Clouding Corp.	7	PGS Geophysical AS	5
TeleCommunication Systems, Inc.	6	Affinity Labs of Texas, LLC	5
The Procter & Gamble Company	6	PersonalWeb Technologies, LLC	5
Diamond Coating Technologies, LLC	6	Pi-Net International, Inc.	5
TQ Delta LLC	6	Boundary Solutions Inc.	5
Arendi SARL	6	Electronics & Telecommunications Research Institute	5
Adaptix, Inc.	6	Brian Buchheit	5
Gentherm GmbH	6	NFC Technology, LLC	5
Jazz Pharmaceuticals, Inc.	6	Advanced Audio Devices, LLC	5
Orthophoenix LLC	6	Maxim Integrated Products, Inc.	5
Power Survey, LLC	6		

## TOP LAW FIRMS IN THE PTAB

The following is a list of the top law firms or corporate legal departments measured by the number of Inter Partes Reviews and Covered Business Method Review proceedings in 2014 in which the law firm represented one of the litigants. Leading the way is Fish & Richardson with 154 proceedings, about 9% of all proceedings, followed closely by Sterne Kessler with 150 proceedings.



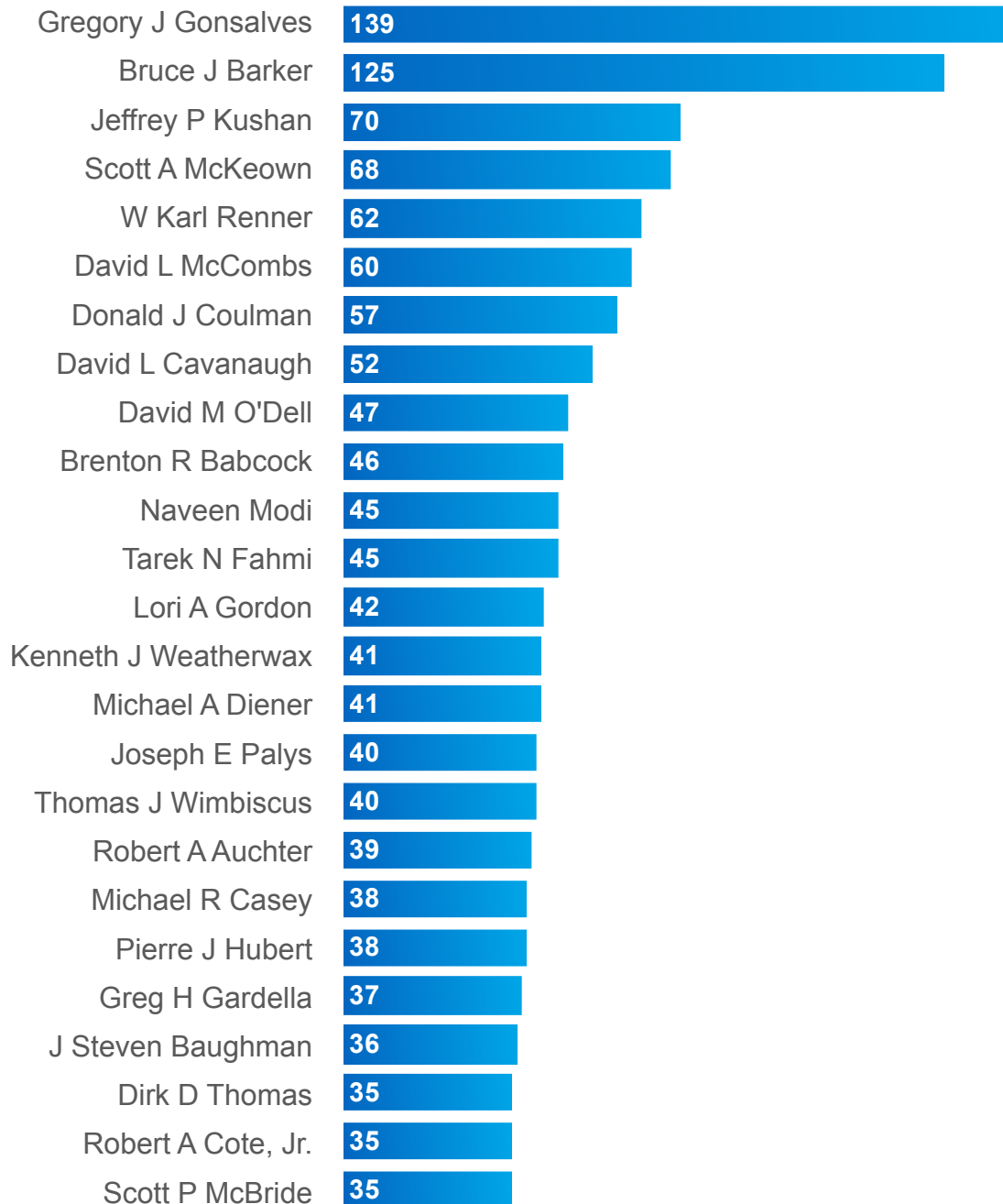
You can view a **LIST OF PTAB PROCEEDINGS** with specific law firms representing the parties using a Cases search, filtered by a law firm name.

# TOP LAW FIRMS IN THE PTAB CONTINUED

Wilson Sonsini Goodrich & Rosati	37	Robins Kaplan Miller & Ciresi	16
Duane Morris	36	Nixon & Vanderhye	16
Paul Hastings	35	Dentons	15
DLA Piper	35	Wiley Rein	15
Kilpatrick Townsend & Stockton	33	Amster Rothstein & Ebenstein	15
White & Case	32	Kaye Scholer	15
Irell & Manella	31	Barnes & Thornburg	14
Fitzpatrick Cella Harper & Scinto	29	Norton Rose Fulbright	14
Radulescu LLP	29	Goodwin Procter	14
Kirkland & Ellis	29	McDermott Will & Emery	14
Pillsbury Winthrop Shaw Pittman	28	Martin & Ferraro	14
Dickstein Shapiro	27	Steptoe & Johnson	14
Bragalone Conroy	26	Alston & Bird	14
Covington & Burling	26	Osha Liang	13
Quinn Emanuel Urquhart & Sullivan	25	King & Spalding	13
Morgan Lewis & Bockius	24	Mintz Levin Cohn Ferris Glovsky & Popeo	12
Cooley	24	Maschoff Brennan	12
Latham & Watkins	23	McCarter & English	12
Erise IP	23	Arnold & Porter	12
Greenberg Traurig	22	Law Offices of Robert C. Curfiss	12
Gardner Linn Burkhart & Flory	21	Ostrolenk Faber	11
O'Melveny & Myers	20	Jenner & Block	11
Kenyon & Kenyon	20	Wolf Greenfield & Sacks	11
Harness Dickey & Pierce	19	Brinks Gilson & Lione	11
Williams & Connolly	19	Rothwell Figg Ernst & Manbeck	11
Baker & McKenzie	19	Locke Lord	10
Lathrop & Gage	19	Hogan Lovells	10
Kasha Law	19	Troutman Sanders	10
Brooks Kushman	19	Hershkovitz & Associates	9
Faegre Baker Daniels	18	Neifeld IP Law	9
Concert Technology Corporation	18	Sughrue Mion	9
Baker & Hostetler	17	Patterson Thunete Pedersen	9
Orrick Herrington & Sutcliffe	17	Andrews Kurth	9
IVC Patent Agency	17	Optical Devices	9
Winston & Strawn	17	Thomas Horstemeyer	9
Novak Druce Connolly Bove + Quigg	17	Cubist Pharmaceuticals	9
Rauschenbach Patent Law Group	16		
Buchanan Ingersoll & Rooney	16		

# TOP ATTORNEYS IN THE PTAB

The following is a list of the top attorneys measured by the number of Inter Partes Reviews and Covered Business Method Review proceedings in 2014 in which the attorney represented one of the litigants.



You can view a **LIST OF PTAB PROCEEDINGS WITH A SPECIFIC ATTORNEY REPRESENTING THE PARTIES** using a Cases search, filtered by an attorney name.

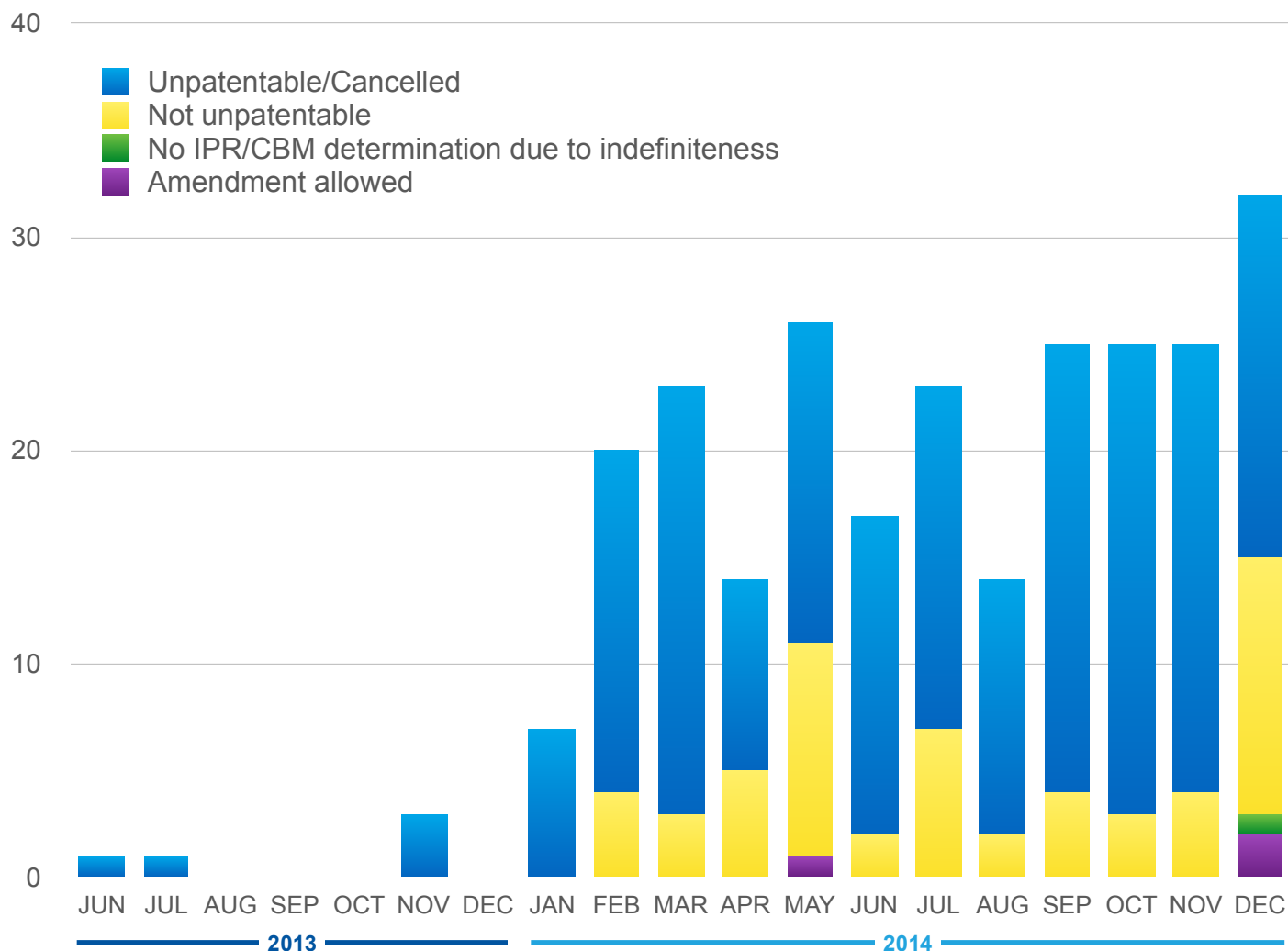
# TOP ATTORNEYS IN THE PTAB CONTINUED

Thomas J Engellenner	34	Richard A Goldenberg	20
Robert G Pluta	34	Megan M Gallant	20
Dorothy P Whelan	32	David B Cochran	19
Michael R Franzinger	32	John R Kasha	19
J Scott Davidson	31	Christopher M Scharff	19
Larissa B Park	31	Christopher J Horgan	18
Jason E Stach	29	A Justin Poplin	18
Michael D Specht	29	John J Feldhaus	18
Reza Mollaaghababa	29	Eliot D Williams	18
Joseph A Micallef	28	Kenneth Robert Adamo	18
Parham Hendifar	28	J David Hadden	17
David M Tennant	28	Saina S Shamilov	17
Michael B Ray	27	Christopher A Bullard	17
Amanda K Streff	27	Jon E Wright	17
Ted M Cannon	27	Robinson Vu	17
David K S Cornwell	26	Ryan K Yagura	17
Justin B Kimble	26	Xin-Yi Zhou	17
Andrea G Reister	26	Frank A Angileri	17
Jeffrey R Bragalone	26	Herbert D Hart, III	17
Kevin E Greene	25	Deborah A Sterling	17
Bing Ai	25	Anita Y Lam	17
Mehran Arjomand	25	Joshua L Goldberg	17
Gregory S Discher	25	Lana A Gladstein	17
Michael R Houston	24	Brian M Berliner	17
Michael T Rosato	24	David O Simmons	17
Baldine B Paul	24	Robert C Mattson	16
Richard C Kim	24	Thomas A Rozyłowicz	16
Eldora L Ellison	24	David C Radulescu	16
Ching-Lee Fukuda	22	J Patrick Finn, III	16
Timothy W Riffe	22	Joseph M Sauer	16
Michael L Kiklis	21	Kurt Rauschenbach	16
Pavan K Agarwal	21	Jeffrey A Miller	15
Eric A Buresh	21	Scott A Felder	15
Timothy A Flory	21	Robert R Laurenzi	15
Terence J Linn	21	Floyd B Chapman	15
Robert G Sterne	20	John C Alemanni	15
Jamie B Beaber	20	Amedeo F Ferraro	15
Robert Steinberg	20		

# PTAB PATENT DETERMINATIONS

## 2012-2014

This chart shows the number of patent determinations each month by the PTAB in IPR and CBM proceedings. Each color represents a different type of determination.



### WHAT IS A PATENT DETERMINATION?

A patent determination occurs when a court or administrative agency issues a decision that determines the infringement, validity, or enforceability of one or more claims of a patent. There may be more than one determination per patent (for example, a court may find a patent valid and not infringed or a court may find certain claims invalid and others not invalid) and determinations may be overturned or reversed in later proceedings. This chart reflects determinations made by the PTAB in Final Written Decisions.



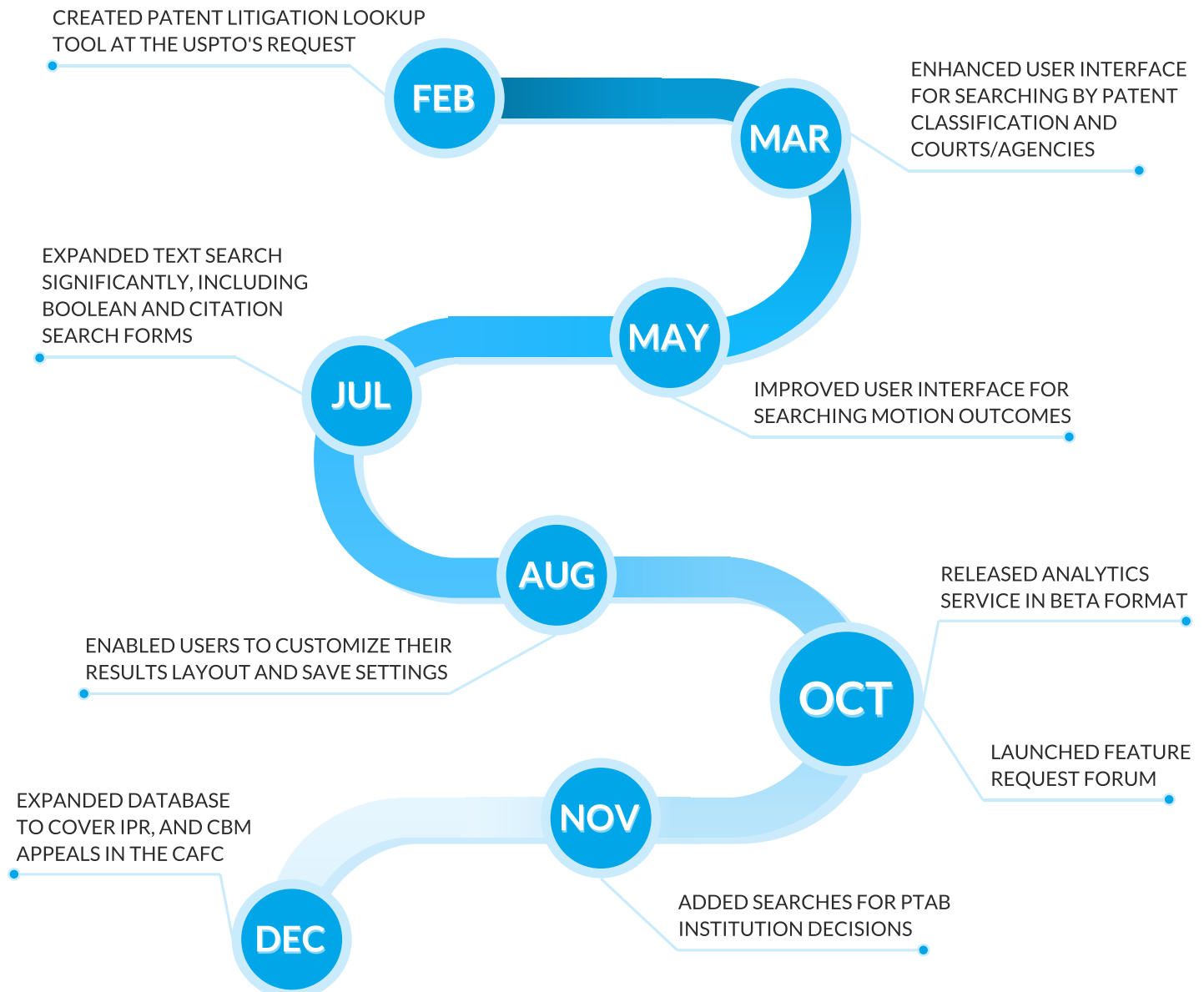
You can view all patent determinations in IPR and CBM proceedings with a **DETERMINATIONS SEARCH**.



# OUR YEAR IN REVIEW

## WE'VE MADE A FEW IMPROVEMENTS

This was an exciting year for the Docket Navigator team. In 2014, we expanded the scope of our database, improved the user experience, enabled new search capabilities and rolled out the first of many new Analytics tools. As we continue to expand and improve Docket Navigator services in 2015, we're guided by feedback from our subscribers. Here are a few of the suggestions we put into action in 2014. If you have an idea for how we can better serve your needs, we'd love to hear from you!



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