

*Reconceiving the Patent Rocket Docket:
An Empirical Study of Infringement Litigation 1985–2010*

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This Article presents the first survival model for systematically identifying and comparing United States district courts as patent rocket docket, and for examining related trends in patent litigation. The conventional wisdom of rocket docket status in a judicial district tends to rely on average case disposition times and the availability of court rules for patent cases, as well as anecdotal information about well-known jurists with experience in patent adjudication.

By comparison, this Article approaches rocket dockets through a quantitative investigation of recent historical trends in patent case filings as well as through market concentration analysis at the district court and circuit court levels of patent case filings. Most significantly, the Article provides an indexed ranking of district courts derived from survival analysis of case dispositions, marginal pendency, and court capacity based on data from over 44,000 patent infringement cases litigated during the 1985–2010 period.

The results confirm that the currently prominent rocket dockets are, indeed, the Eastern District of Texas, the Eastern District of Virginia, and—most recently—the Western District of Wisconsin. The results also suggest, *inter alia*, that the Middle District of Florida and the Western District of Washington are emerging patent rocket dockets. The Article concludes with an outlook for future study on the differential effect of technology classes on case disposition speed within this framework.

*The arguments in this writing are the author's and should not be imputed to the USPTO.