

Patent Law Differences Among the Federal District Courts

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The patent system is somewhat unique in American law because a specialized appellate court - the Federal Circuit - exclusively reviews patent cases coming from the district courts. In recent years, there have been many procedural and administrative changes in the way that patent law cases are litigated. In addition, certain unique features of patent litigation color the way courts decide patent cases. For instance, district courts in certain regions hear a disproportionate number of patent law cases compared to other regions. While scholars have studied how the Federal Circuit analyzes patent cases, there has been scant study concerning how district courts decide patent cases, what precedent they rely on and in turn whether certain precedent is more persuasive than others. In this empirical project, I code federal patent cases and then use statistical analysis in order to provide a more comprehensive vision of how district courts differ in how they decide patent cases and in turn how the Federal Circuit reviews them. This paper provides insight into whether it is desirable to reform the district courts to provide for specialized judicial venues to decide complex and technical patent cases. It also raises questions about the administrative machinery of patent law and queries whether courts as opposed to administrative agencies are the best proper vehicle to resolve certain patent disputes.