

Comcast tops petitioner ranking, Rovi most targeted patent owner

Comcast taking its dispute with Rovi to the PTAB made them the top petitioner and patent owner at the PTAB in the first half of 2017. Apple and Samsung have fallen down the petitioner rankings while Fish & Richardson, Sterne Kessler and Finnegan dropped in the law firm rankings, with **Banner & Witcoff**, Baker Botts and Ropes & Gray making strides

UPDATED AUGUST 1: The original version of this article omitted some data for top petitioner attorneys and top patent owner attorneys. The tables have now been updated with the correct figures.

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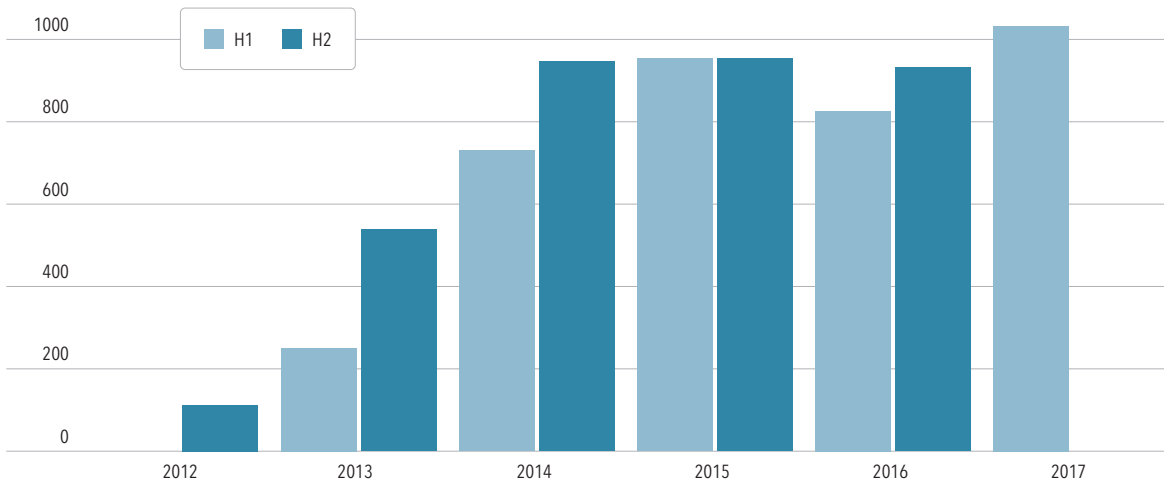
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The first half of 2017 was a record for Patent Trial and Appeal Board (PTAB) petition filing. The 1,033 petitions in the half beat the previous record of 954 petitions in the second half of 2015.

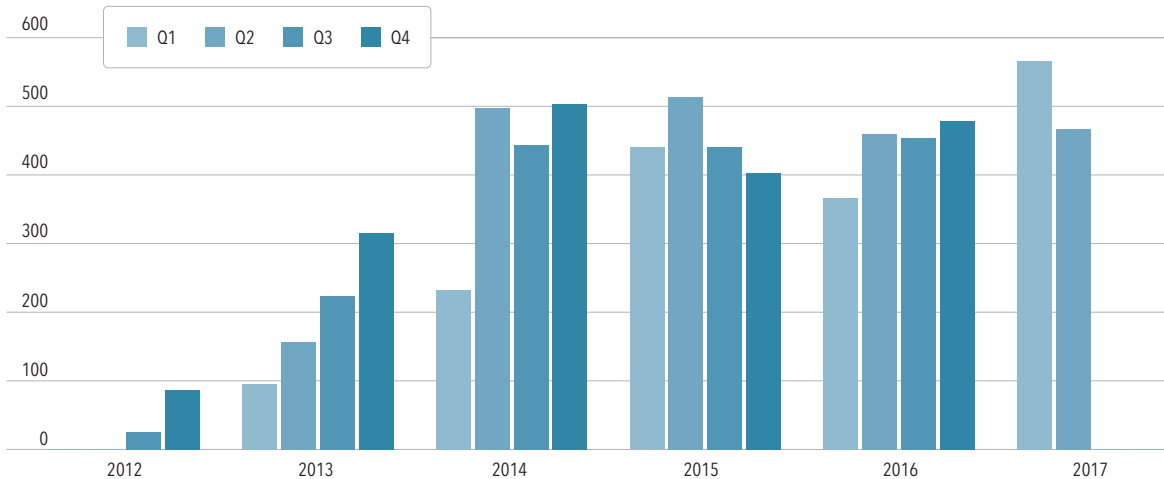
This year's figures were helped by the first quarter's 566 petitions, which was the largest quarter for PTAB filing on record. The second quarter's 467 petitions placed it as the 6th-busiest quarter for filing on record.

Managing IP analysed data taken from the Docket Navigator database to determine the top petitioners, patent owners and law firms at the PTAB in the first half of the year.

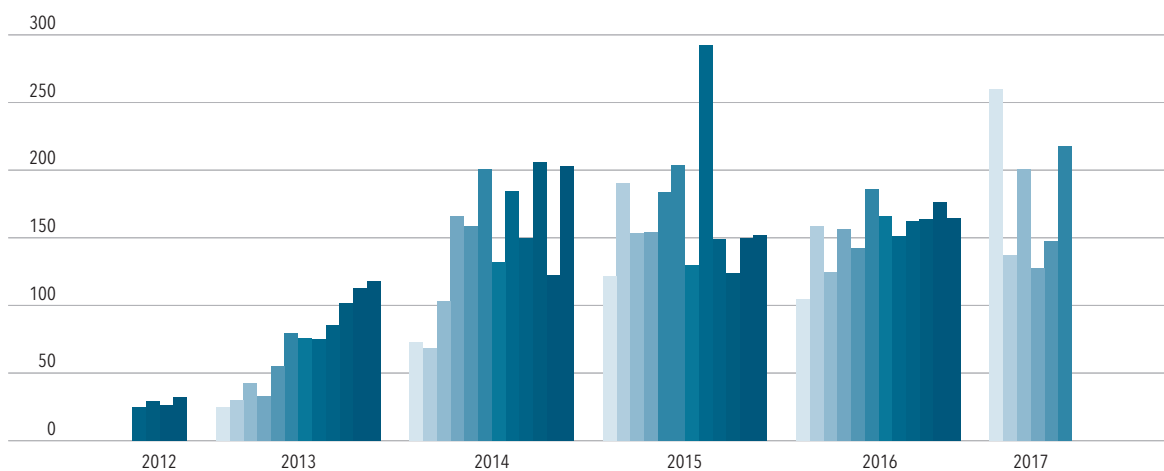
PTAB filing by half year



PTAB filing by quarter



PTAB filing by month



Source: Docket Navigator Top patent owners

PTAB FIRST-HALF DATA

First-half 2017 top petitioners

Petitioner	Petitions
Comcast	45
Facebook	33
Samsung Electronics	30
Apple	28
HTC	23
Google	20
Microsoft	20
T-Mobile	20
Intel	18
Nokia Solutions and Networks	18

First-half 2017 top petitioner law firms

Law firm	Petitions
Banner & Witcoff	47
Baker Botts	46
Cooley	41
Fish & Richardson	40
Wilmer Cutler Pickering Hale & Dorr	40
Finnegan Henderson Farabow Garrett & Dunner	38
White & Case	31
Weil Gotshal & Manges	30
Alston & Bird	28
Quinn Emanuel Urquhart & Sullivan	28

First-half 2017 top petitioner attorneys

Law firm	Petitions
Bradley C Wright, Banner & Witcoff	44
Frederic M Meeker, Banner & Witcoff	44
Scott M Kelly, Banner & Witcoff	44
Heidi L Keefe, Cooley	35
Eliot D Williams, Baker Botts	28
Naveen Modi, Paul Hastings	27
Jeremy Jason Lang, Weil Gotshal & Manges	25
Joseph E Palys, Paul Hastings	24
Phillip E Morton, Cooley	24
Andrew C Mace, Cooley	23

Top PTAB petitioners

Comcast filed the most PTAB petitions in the first half of 2017. Its 45 petitions put it far ahead of second-placed Facebook, with 33.

The year so far has marked a slowdown in filing activity from Apple and Samsung, which have been the top petitioners since AIA trials became available in 2012. Samsung's 30 petitions in the first half of 2017 and Apple's 28 petitions placed them third and fourth, respectively.

First-half 2017 top patent owners

Patent owner	Petitions
Rovi	44
Huawei Technologies	26
Godo Kaisha IP Bridge 1	24
Uniloc	23
Genentech	22
Allergan	18
Alacritech	16
Intellectual Ventures II	16
Realtime Data d/b/a IXO	15
Schlumberger Technology	15

First-half 2017 top patent owner law firms

Law firm	Petitions
Ropes & Gray	56
Fish & Richardson	55
Quinn Emanuel Urquhart & Sullivan	37
Fitch Even Tabin & Flannery	31
Oblon McClelland Maier & Neustadt	29
Alston & Bird	26
Finnegan Henderson Farabow Garrett & Dunner	25
Irell & Manella	25
Etheridge Law Group	21
Intellectual Ventures	21

First-half 2017 top patent owner attorneys

Law firm	Petitions
Gabrielle E Higgins, Ropes & Gray	44
Mark D Rowland, Ropes & Gray	44
W Karl Renner, Fish & Richardson	30
Christopher T L Douglas, Alston & Bird	25
Nicholas T Peters, Fitch Even Tabin & Flannery	24
Michael J Kane, Fish & Richardson	23
Timothy P Maloney, Fitch Even Tabin & Flannery	22
Jeremy J Monaldo, Fish & Richardson	21
S Benjamin Pleune, Alston & Bird	20
Tim R Seeley, Intellectual Ventures	20

In contrast, for the whole of 2016 Apple was the top filer with 86 petitions and Samsung was second with 85. That was also a slowdown in activity from 2015, when Apple filed 120 petitions and Samsung 78.

HTC, Google, Microsoft and T-Mobile also all filed at least 20 petitions in the first half of 2017.

Top patent owners

The most-targeted patent owner in the first half of 2017 was Rovi. Fourteen of its patents were challenged in 44 inter partes review petitions, all of which were brought by Comcast (whose only other petition in the first half challenged a patent owned by Kudelski, Nagra USA and OpenTV).

The petitions are a response to Rovi suing Comcast in the Eastern District of Texas in April last year, alleging infringement of 14 patents. Tom Carson, president and CEO of Rovi, commented at the time: "For over a decade, Comcast built its business using Rovi's patented technology, which it licensed for a fixed term. Comcast's decision to continue using Rovi's pioneering technology as an unlicensed infringer is simply intolerable. After numerous attempts at negotiations, Rovi was left with no choice but to defend its intellectual property from unlicensed use."

Rovi also filed a complaint at the International Trade Commission alleging Comcast infringed six of its patents relating to interactive programme guide technology.

Other entities with patents challenged in at least 20 petitions filed in the first half were Huawei, Godo Kaisha IP Bridge 1, Uniloc and Genentech.

Top PTAB law firms

There has also been some movement among PTAB law firms. **Banner & Witcoff** filed the most petitions on behalf of challengers in the first half, with 47. This was the result of it representing Comcast at the PTAB. It was closely followed by Baker

Botts, with 46. In third place was Cooley, with 41 and joint fourth was Fish & Richardson and WilmerHale, both with 40.

This means Fish & Richardson has been less dominant for petition filing this year. Last year, it was the top filer for the whole year – its 125 petitions was far ahead of Sterne Kessler's 68 petitions. For the whole of 2016, WilmerHale was in third place, with 67, and Weil Gotshal was in fourth place, with 66.

Sterne Kessler's petition filing has also dropped since being the second-ranked law firm for petitioners in 2016. Its 17 petitions in the first half of 2017 was only enough to place it joint 18th.

Ropes & Gray represented patent owners in the most petitions filed in the first half, with 56. This was largely the result of it representing Rovi and Godo Kaisha IP Bridge 1.

Fish & Richardson was in second place, with 55. These two were a long way ahead of third-placed Quinn Emanuel (37) and fourth placed Fitch Even Tabin & Flannery (31).

By contrast for the whole of 2016, Sterne Kessler represented the most patent owners, on 105 of the petitions filed that year. It was followed by Fish & Richardson, with 83 and Finnegan, with 77.

For the first half of 2017, Finnegan was only in seventh place for patent owners, with 25.

It should be noted that there can be a lag before a patent owner appoints a law firm to represent it in the process, so not every law firm for patent holders may be present in the data, especially for more recent petitions filed.

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