

PILOT PROGRAM ESTABLISHED TO DEVELOP “PATENT SPECIALIST” U.S. DISTRICT COURT JUDGES IN FOURTEEN DISTRICTS

By Joan T. Kluger

Fourteen district courts have been selected by the Director of the Administrative Office of the United States Courts to participate in a 10-year patent pilot program designed to enhance the expertise of district court judges in handling patent and plant variety cases. The pilot program, which is mandated by [Pub. L. No. 111-349](#), is scheduled to begin in most courts in July 2011.

Pursuant to the program, certain judges within each selected district court will be designated to hear patent cases. The designated judges are to be provided additional resources and training regarding patent cases. When a new patent case is filed, it will, as in the past, be assigned randomly to any judge in a district. If the randomly assigned judge is not a designated patent judge, he or she may decline to accept the case, and it will be reassigned to one of the designated judges.

Periodic reports will be generated by the Director, which will provide an analysis of (1) the degree of success attained by the judges in developing expertise in patent and plant variety protection cases, (2) the extent to which the program has improved the efficiency of the courts in patent cases, and (3) a comparison between the groups of designated judges and non-designated judges within each designated district court with respect

to (i) the rate of reversal by the U.S. Court of Appeals for the Federal Circuit of patent cases on issues of claim construction and substantive patent law; and (ii) the time period from the case filing date to the trial date or the date on which summary judgment is entered.

The courts selected to participate in the pilot program are:

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| Eastern District of New York | District of Nevada |
| Southern District of New York | Eastern District of Texas |
| Western District of Pennsylvania | Northern District of Texas |
| District of New Jersey | Western District of Tennessee |
| District of Maryland | Central District of California |
| Northern District of Illinois | Northern District of California |
| Southern District of Florida | Southern District of California |

Filings of patent cases in these jurisdictions can be expected to increase. Schnader Harrison Segal & Lewis LLP has significant experience handling

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patent matters in several of these districts including the Central, Northern and Southern Districts of California, Southern District of New York, District of New Jersey, and Eastern District of Texas. The expected enhanced expertise of the selected judges in these courts will make them desirable venues in which to bring patent suits. ♦

This document is a basic summary of legal issues. It should not be relied upon as an authoritative statement of the law. You should obtain detailed legal advice before taking legal action.

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