Patent Litigation Waves: 1923-2002

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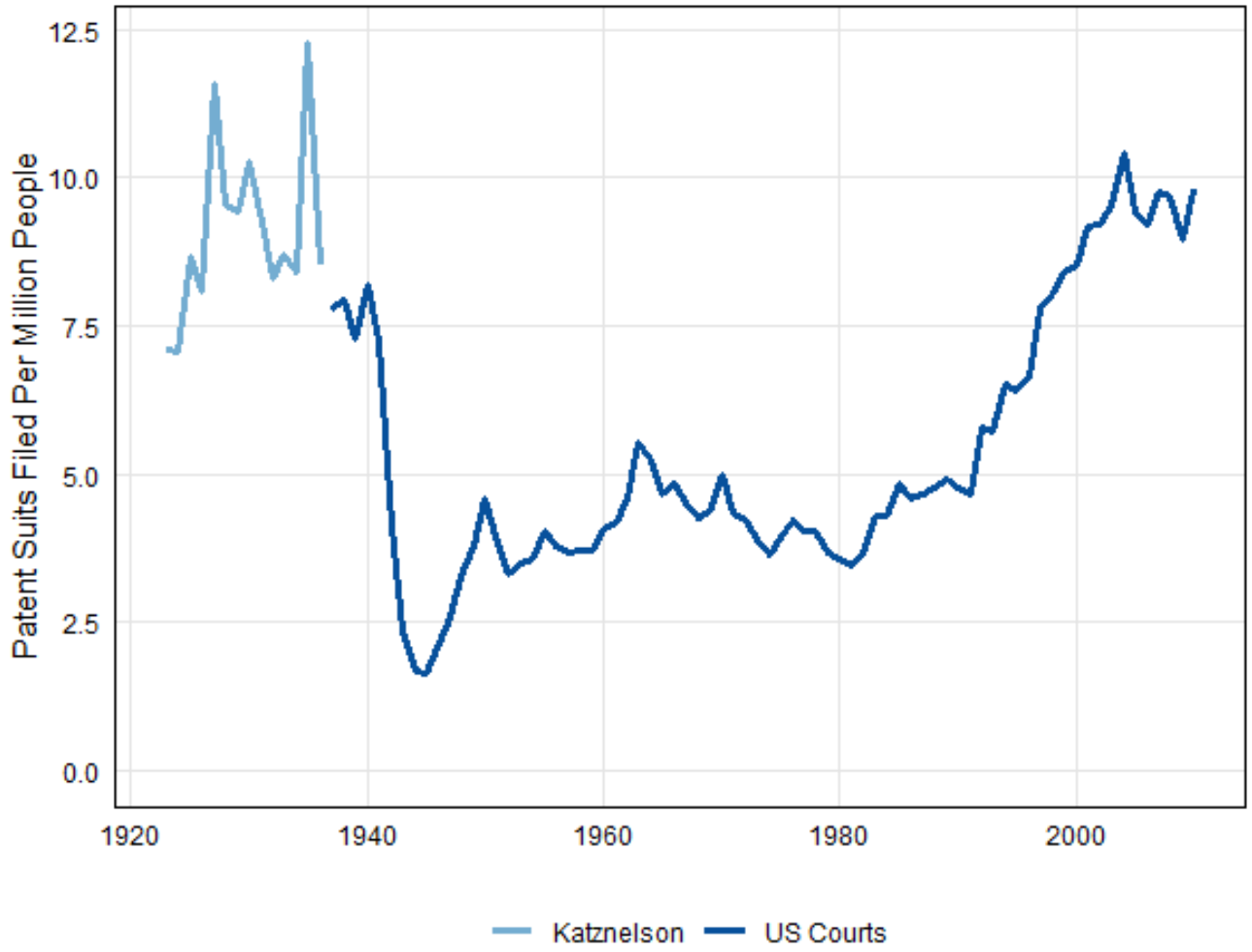
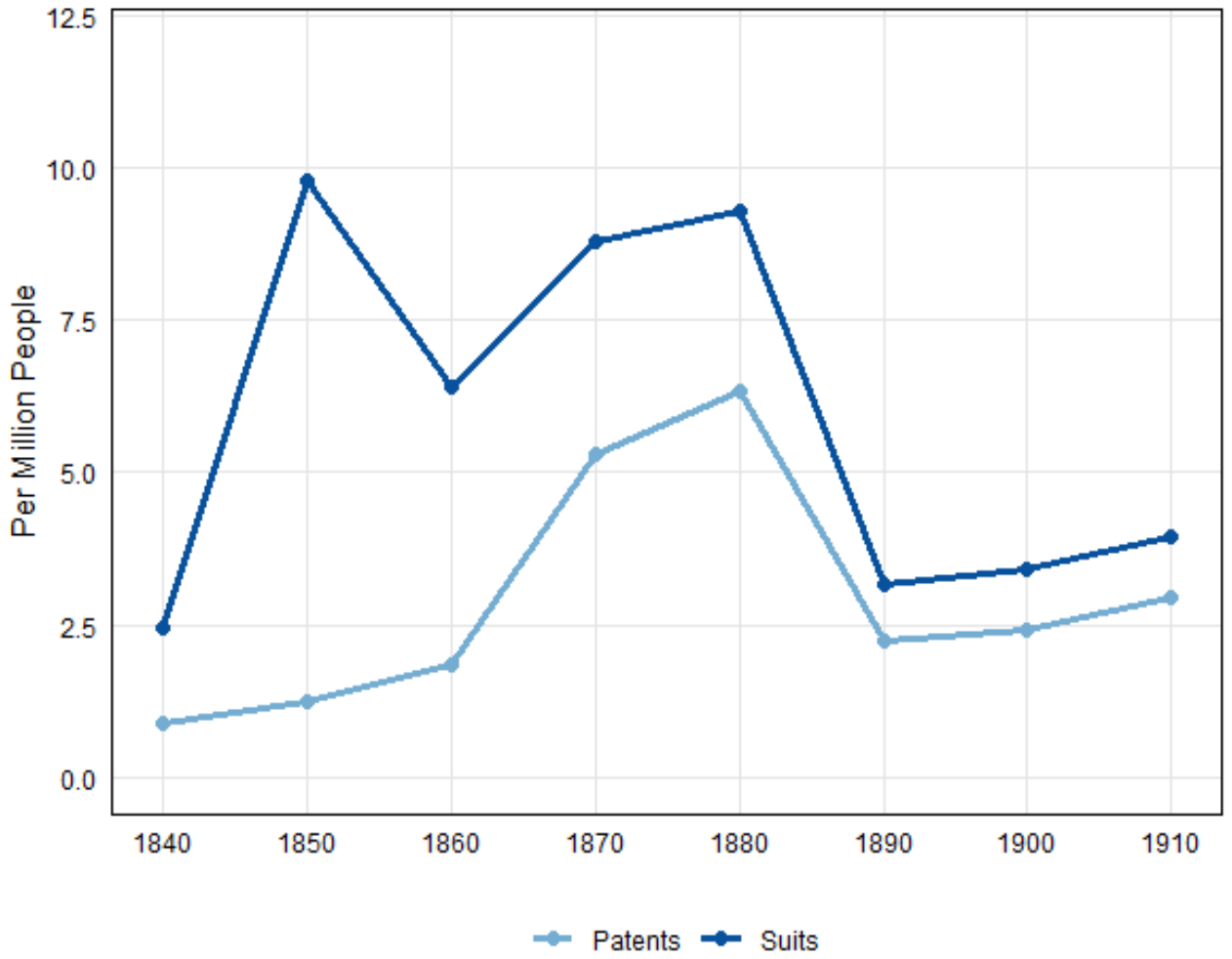
Patent Litigation: 1923-2010

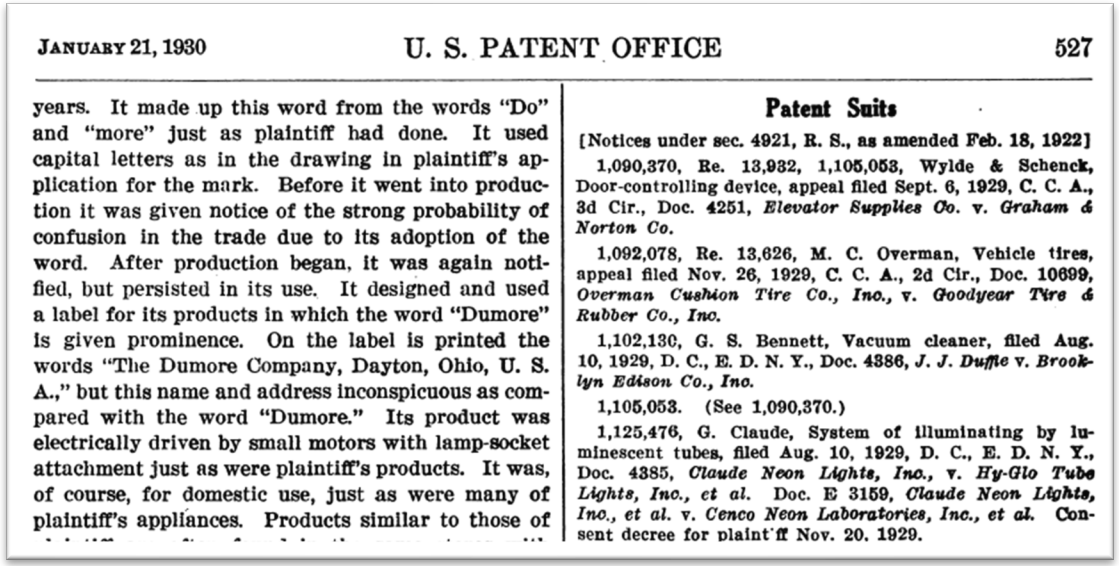


Patent Litigation: 1840-1910 (SDNY / ED Pa)



Patent Litigation Database

- 1922 reporting requirement
  - Notices to PTO with key details—like patent numbers
  - Published in Official Gazette, July 1922 - December 1984
- Digitize with LLM
- Database
  - Combine w/ LitAlert post-1984
  - Shows litigated patents in cases filed back to 1923



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years. It made up this word from the words "Do" and "more" just as plaintiff had done. It used capital letters as in the drawing in plaintiff's application for the mark. Before it went into production it was given notice of the strong probability of confusion in the trade due to its adoption of the word. After production began, it was again notified, but persisted in its use. It designed and used a label for its products in which the word "Dumore" is given prominence. On the label is printed the words "The Dumore Company, Dayton, Ohio, U. S. A.," but this name and address inconspicuous as compared with the word "Dumore." Its product was electrically driven by small motors with lamp-socket attachment just as were plaintiff's products. It was, of course, for domestic use, just as were many of plaintiff's appliances. Products similar to those of

Patent Suits

[Notices under sec. 4921, R. S., as amended Feb. 18, 1922]

1,090,370, Re. 13,932, 1,105,053, Wylde & Schenck, Door-controlling device, appeal filed Sept. 6, 1929, C. C. A., 3d Cir., Doc. 4251, *Elevator Supplies Co.* v. *Graham & Norton Co.*

1,092,078, Re. 13,626, M. C. Overman, Vehicle tires, appeal filed Nov. 26, 1929, C. C. A., 2d Cir., Doc. 10699, *Overman Cushion Tire Co., Inc.*, v. *Goodyear Tire & Rubber Co., Inc.*

1,102,130, G. S. Bennett, Vacuum cleaner, filed Aug. 10, 1929, D. C., E. D. N. Y., Doc. 4386, *J. J. Duffie* v. *Brooklyn Edison Co., Inc.*

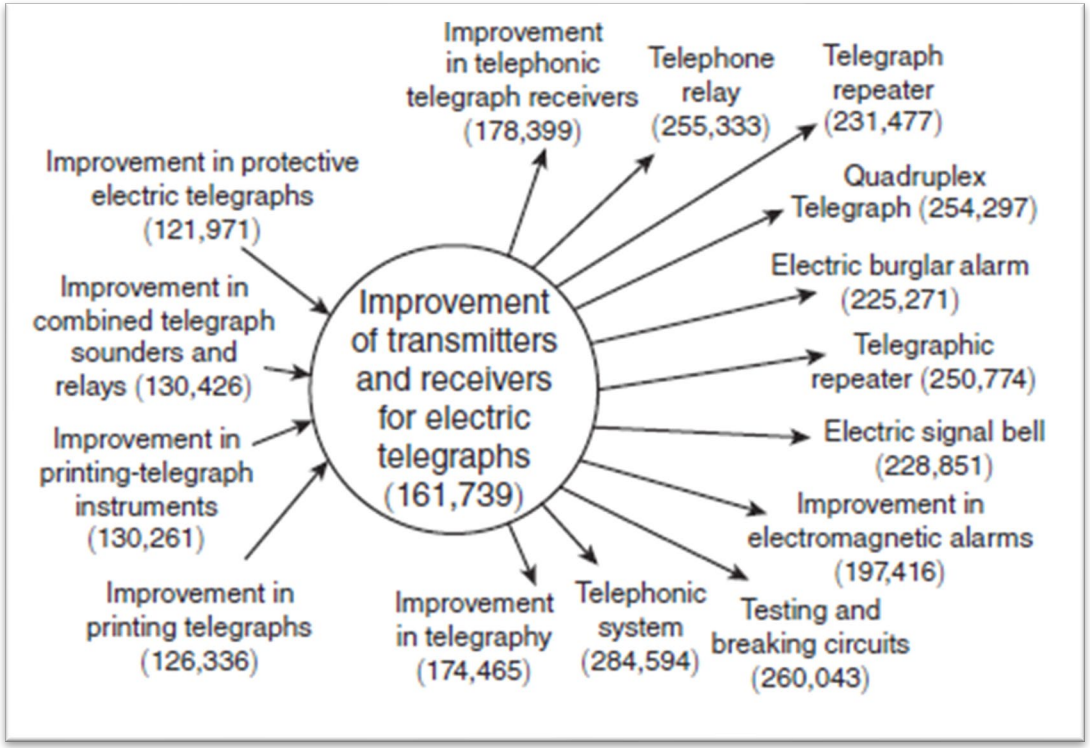
1,105,053. (See 1,090,370.)

1,125,476, G. Claude, System of illuminating by luminescent tubes, filed Aug. 10, 1929, D. C., E. D. N. Y., Doc. 4385, *Claude Neon Lights, Inc.*, v. *Hy-Glo Tube Lights, Inc., et al.* Doc. E 3159, *Claude Neon Lights, Inc., et al.* v. *Cenco Neon Laboratories, Inc., et al.* Consent decree for plaintiff Nov. 20, 1929.

Claude

Kelly et al (2021) Innovation Metric

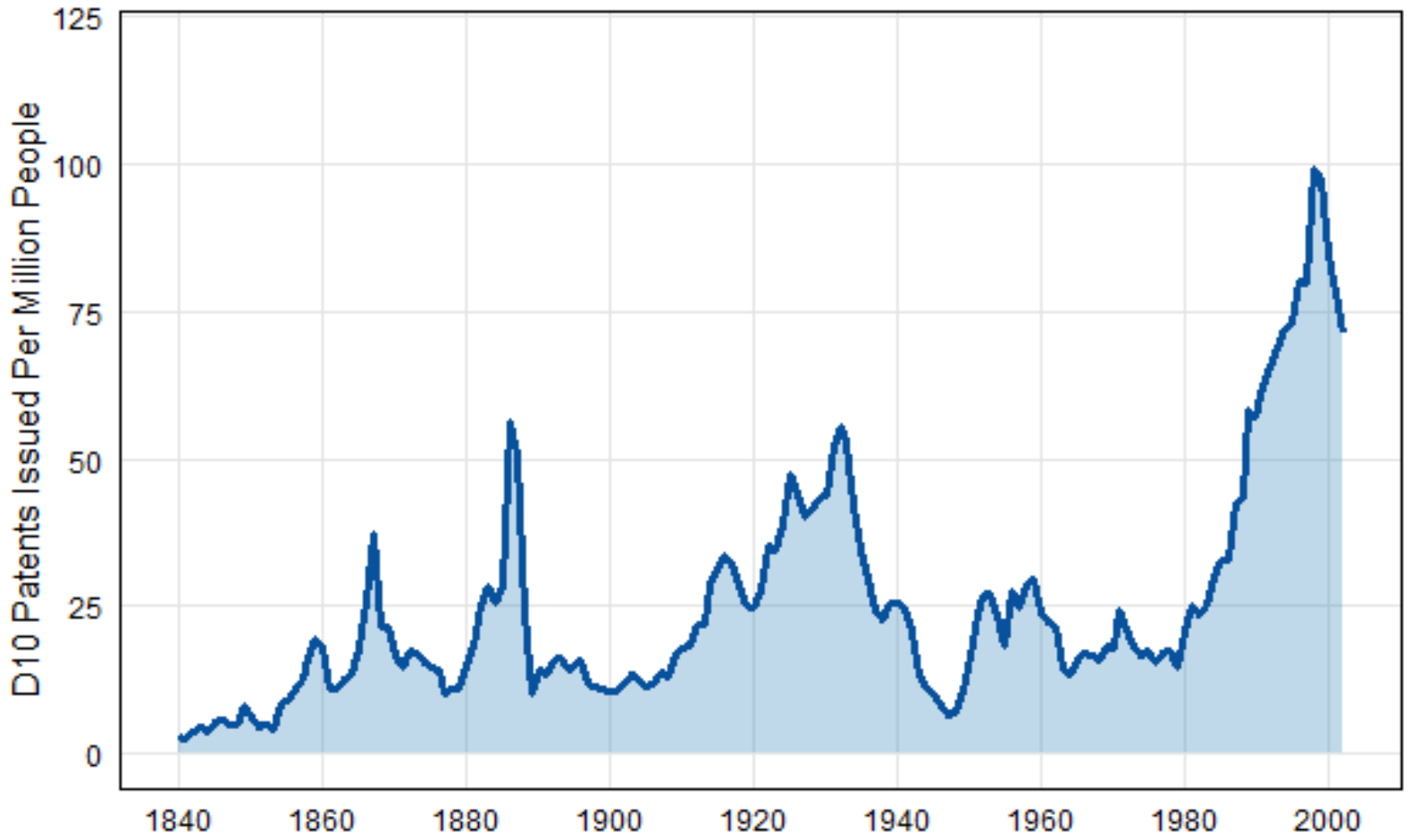
- Examine full text of issued patents, score on two criteria:
  - Novelty (over past patents)
  - Influence (on future patents)
- Validation:
  - Citations
  - Historical patents
  - Productivity
- Long coverage: 1840-2002
- Identify deciles (top 10%, etc.)



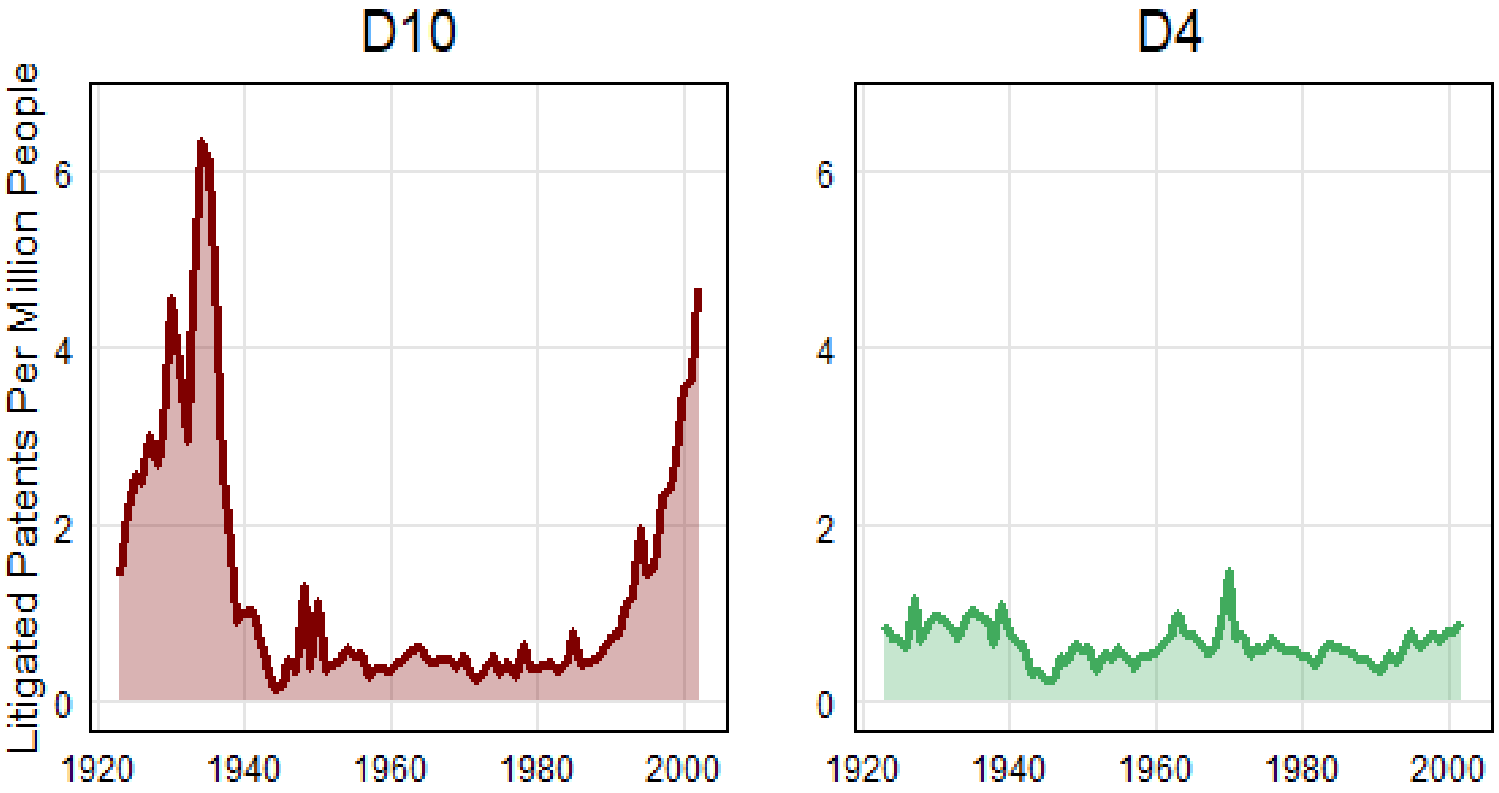
Results

1. Technological revolutions play a large role in explaining waves of patent litigation

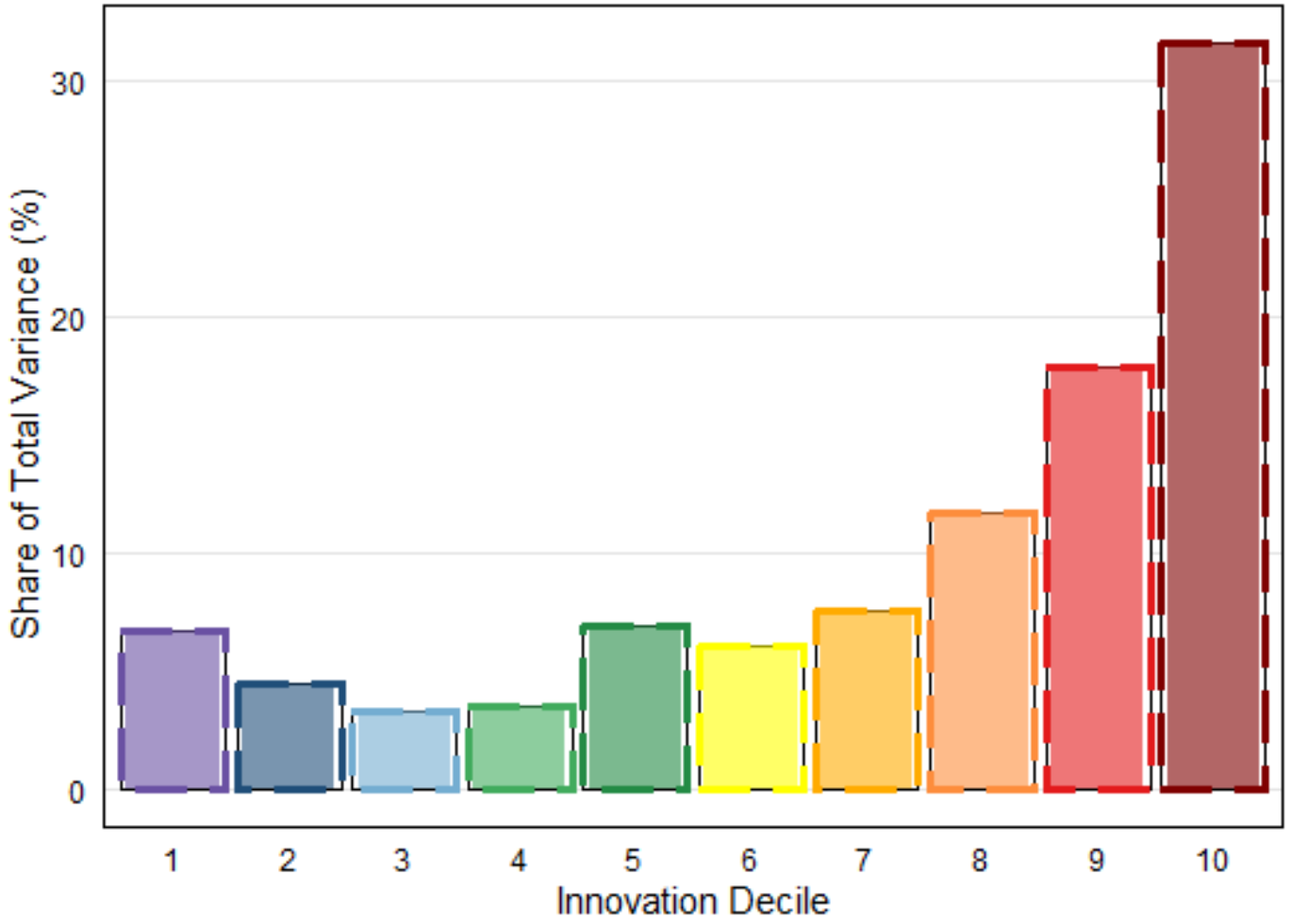
Waves of Basic Innovation, 1840-2002



Example: D10 vs. D4



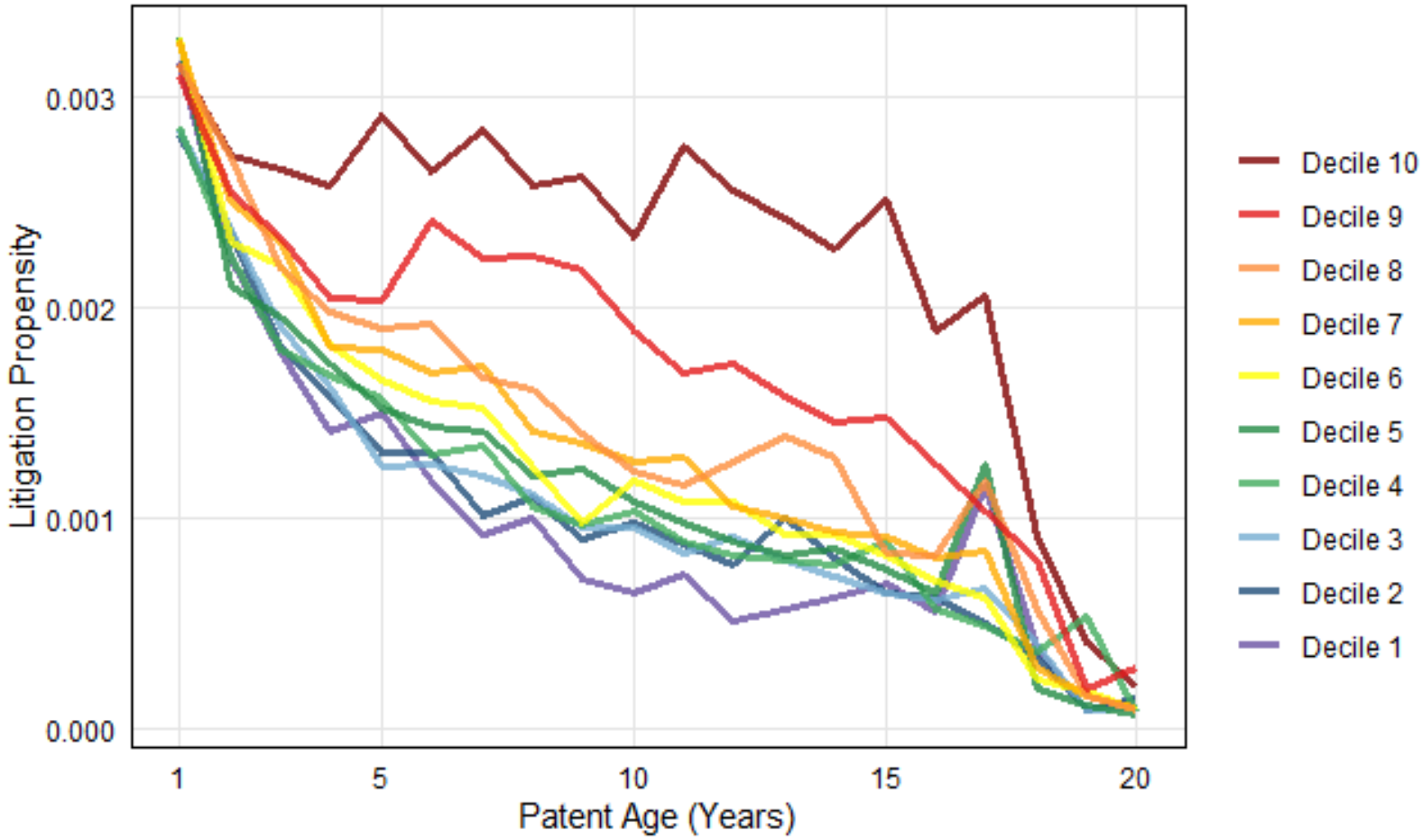
Variance Decomposition, D1-D10



Results

1. Technological revolutions play a large role in explaining waves of patent litigation
2. Litigation of top-scoring, revolutionary patents is driven by their unusual longevity

Age/Litigation Curves, D1-D10



D10 Litigation Premium