

Validity of Software Patents Adjudicated in a Set of High Profile Smart Phone Litigations
Data set used for Stuart Graham & Saurabh Vishnubhakat, Of Smart Phone Wars and Software Patents, 27 J. Econ. Persp. 67 (2013).

Motorola and Microsoft

- Case No. 337-TA-752 (ITC)¹
 - Patent No. 6,069,896 Pertinent Claims Found Valid (remanded)
 - Patent No. 7,162,094 Pertinent Claims Found Valid (remanded)
 - Patent No. 6,980,596 Pertinent Claims Found Valid (remanded)
 - Patent No. 5,357,571 Pertinent Claims Found Valid (remanded)
 - Patent No. 5,319,712 Pertinent Claims Found Valid (remanded)
- Case No. 337-TA-744 (ITC)²
 - Patent No. 6,370,566 Pertinent Claims Found Valid
 - Patent No. 6,578,054 Pertinent Claims Found Valid
 - Patent No. 5,664,133 Pertinent Claims Found Valid
 - Patent No. 6,826,762 Pertinent Claims Found Valid
 - Patent No. 7,644,376 Pertinent Claims Found Valid
 - Patent No. 5,758,352 Pertinent Claims Found Not Valid
 - Patent No. 6,909,910 Pertinent Claims Found Not Valid

Apple and Motorola

- Case No. 337-TA-745 (ITC)³
 - Patent No. 5,636,223 Pertinent Claims Found Not Valid
 - Patent No. 6,272,333 Pertinent Claims Found Valid
- Case No. 337-TA-750 (ITC)⁴
 - Patent No. 7,812,828 Pertinent Claims Found Valid
 - Patent No. 5,379,430 Pertinent Claims Found Not Valid

Samsung and Apple

- Case No. 11-cv-1846 (N.D. Cal.)⁵
 - Patent No. 7,469,381 Pertinent Claims Found Likely Valid
- Case No. 12-cv-630 (N.D. Cal.)⁶
 - Patent No. 8,086,604 Pertinent Claims Found Likely Valid
 - Patent No. 5,946,647 Pertinent Claims Found Likely Valid

¹ See Administrative Law Judge Order, 2012 WL 1704137 (U.S. Int'l Trade Comm'n, Apr. 23, 2012). The Commission remanded the case to the ALJ, but the remand focuses on indirect infringement.

² See Administrative Law Judge Order, 2011 WL 6916539 (U.S. Int'l Trade Comm'n, Dec. 20, 2011).

³ See Administrative Law Judge Notice, 2012 WL 1439180 (U.S. Int'l Trade Comm'n, Apr. 24, 2012).

⁴ See Administrative Law Judge Order, 2012 WL 250320 (U.S. Int'l Trade Comm'n, Jan. 13, 2012).

⁵ The District Court found with respect to the '381 Patent that Apple was likely to succeed on the merits at trial on its infringement claim and that it was likely to withstand a challenge to the validity of the patent. See Order Denying Motion for Preliminary Injunction, No. 11-cv-1846 (N.D. Cal. Dec. 2, 2011), available at <http://cand.uscourts.gov/applevsamsung/casedocs>.

⁶ The District Court found with respect to the '604, '647, '721, and '172 Patents that Apple was likely to succeed on the merits at trial on its infringement claims and that it was likely to withstand a challenge to the validity of the patents. See Order Granting Motion for Preliminary Injunction, No. 12-cv-630 (N.D. Cal. June 29, 2012), available at <http://cand.uscourts.gov/pages/940>.

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- Patent No. 8,046,721 Pertinent Claims Found Likely Valid
- Patent No. 8,074,172 Pertinent Claims Found Likely Valid