

EXHIBIT D

AIPLA

**Report of the
Economic Survey**

2011

**Prepared Under Direction of
Law Practice Management Committee**

**American Intellectual Property Law Association
241 18th Street South, Suite 700
Arlington, Virginia 22202
www.aipla.org**

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REPORT OF THE ECONOMIC SURVEY 2011

**PREPARED UNDER DIRECTION OF THE
AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION
LAW PRACTICE MANAGEMENT COMMITTEE**

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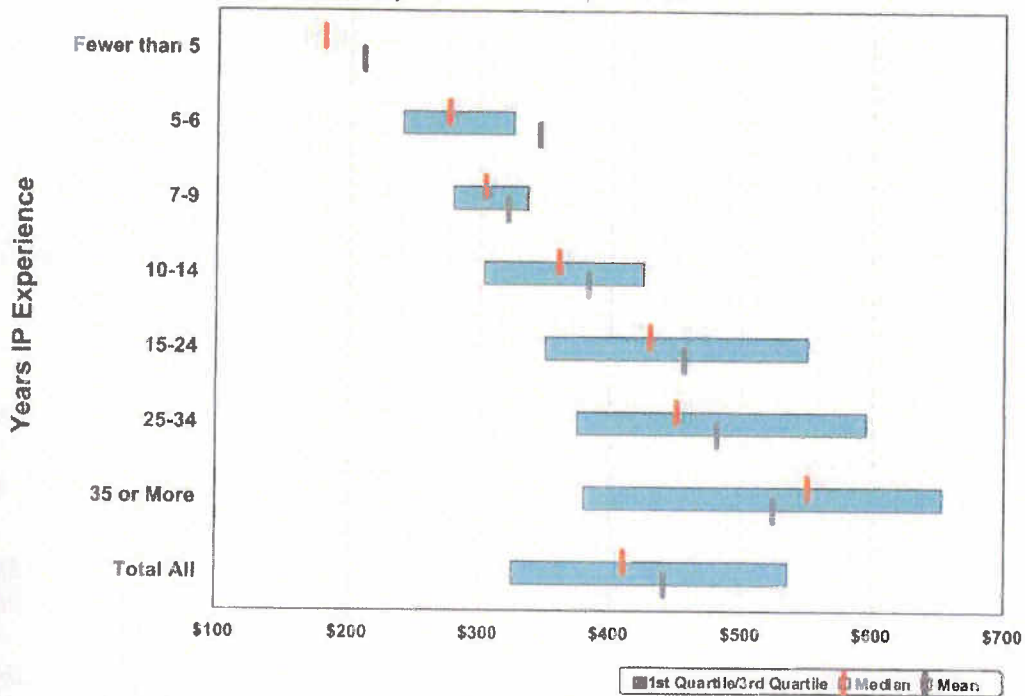
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ARI Association
Research, Inc.

15200 Shady Grove Road, Suite 306
Rockville, Maryland 20850
TEL: (240) 268-1262
ARI@associationresearch.com

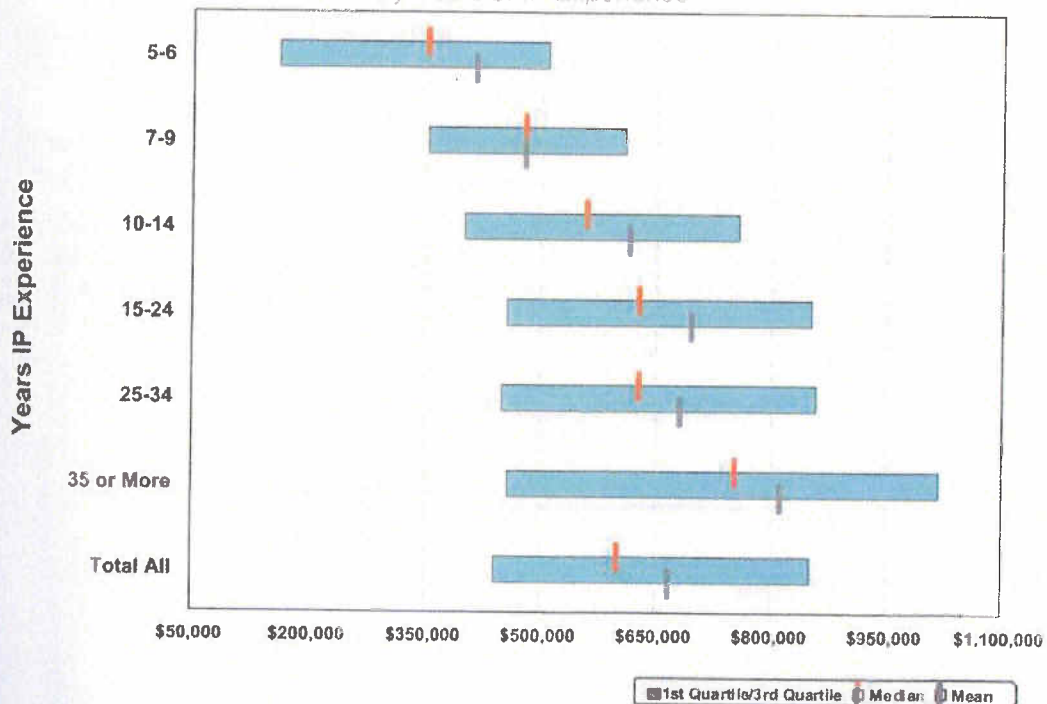
AVERAGE HOURLY BILLING RATE (P. I-34, Q34) PRIVATE FIRM, PARTNER

By Years of IP Experience



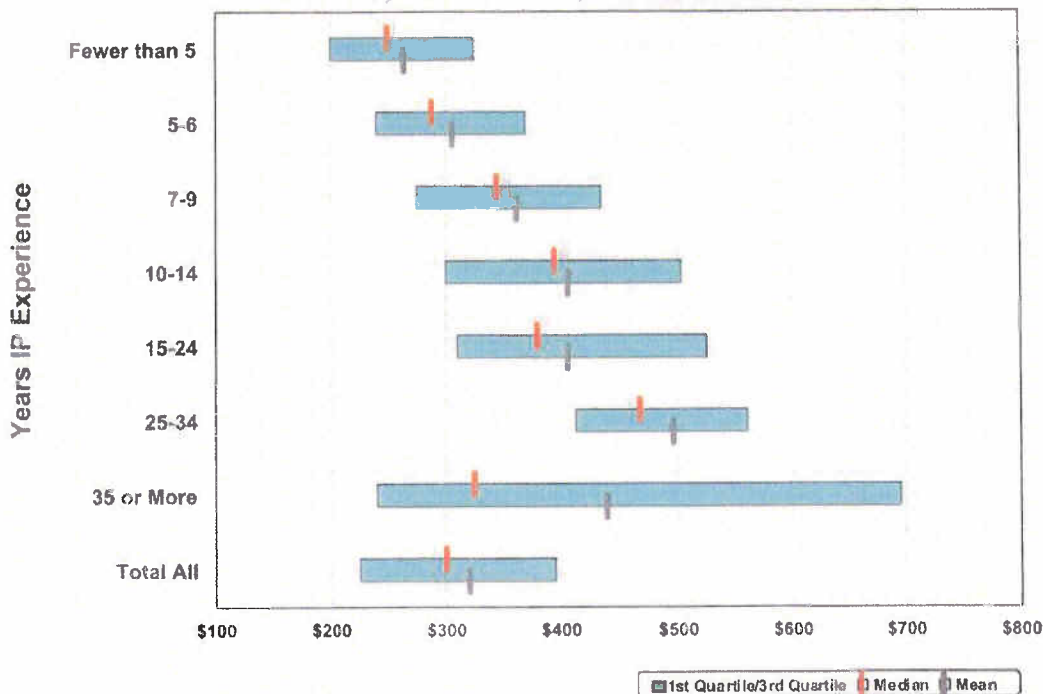
DOLLAR AMOUNT BILLED FOR LEGAL SERVICES PERFORMED IN 2010 (P. I-37, Q36) PRIVATE FIRM, PARTNER

By Years of IP Experience



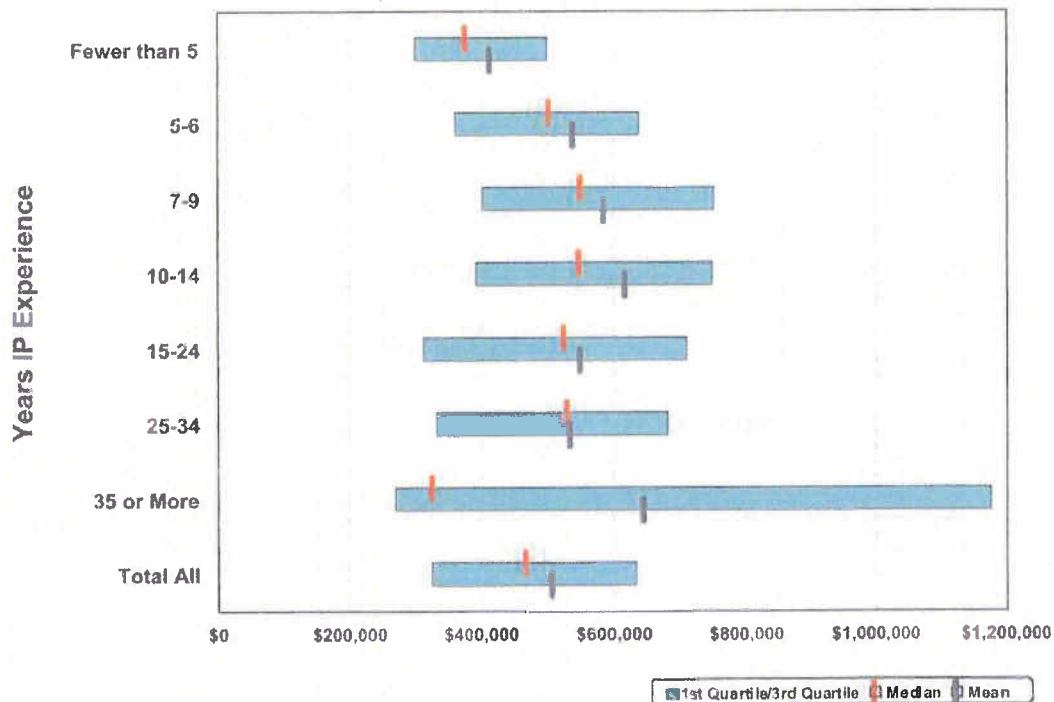
AVERAGE HOURLY BILLING RATE (P. I-52, Q34) PRIVATE FIRM, ASSOCIATE

By Years of IP Experience



DOLLAR AMOUNT BILLED FOR LEGAL SERVICES PERFORMED IN 2010 (P. I-55, Q36) PRIVATE FIRM, ASSOCIATE

By Years of IP Experience



TYPICAL COSTS OF LITIGATION

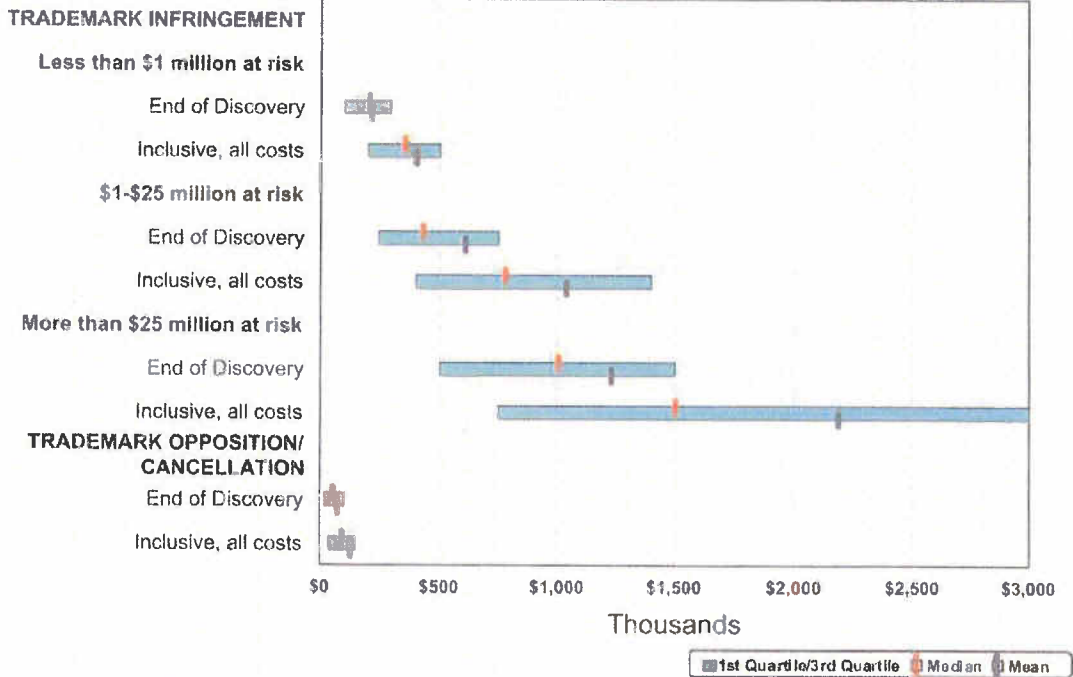
Survey participants were asked to provide cost estimates, *but only for the types of litigation they had personal knowledge of, either as a service provider (attorney in private practice) or as a purchaser (corporate counsel), and were engaged in recently.* "Total cost" was requested, including outside legal and paralegal services, local counsel, associates, paralegals, travel and living expenses, fees and costs for court reporters, photocopies, courier services, exhibit preparation, analytical testing, expert witnesses, translators, surveys, jury advisors, and similar expenses.

The following table reports median litigation costs for Patent Infringement, Trademark Infringement, Trademark Opposition/Cancellation, Copyright Infringement, Trade Secret Misappropriation, Two-Party Interference, and Inter Partes Reexamination.

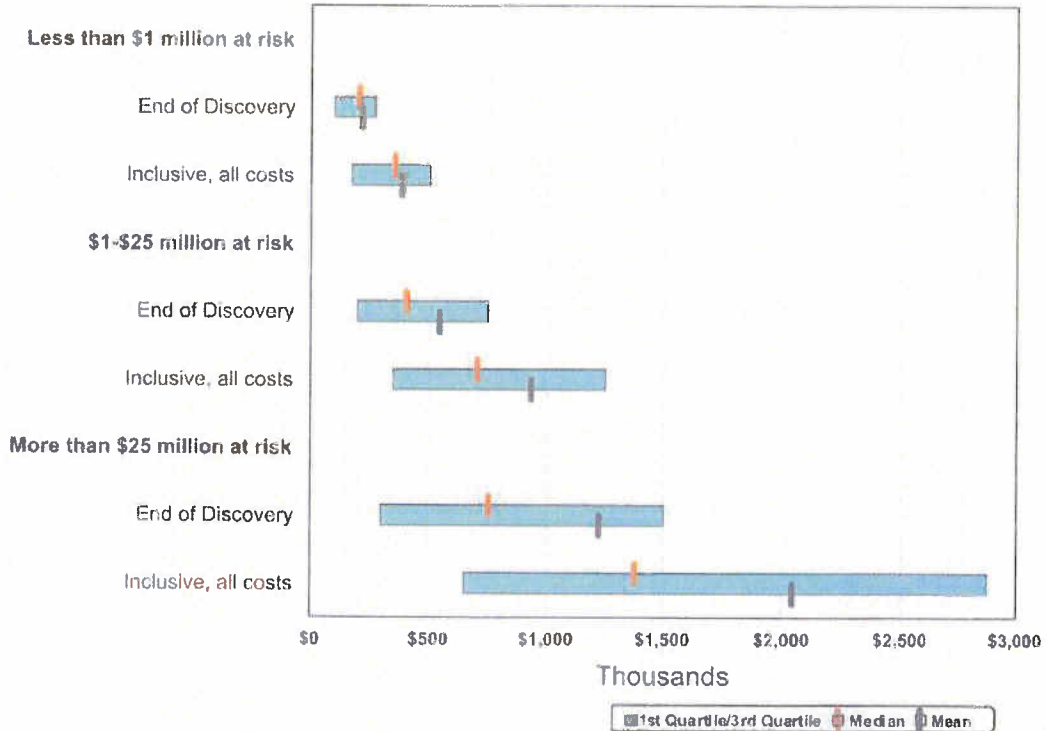
Median costs for Inter Partes Reexamination have experienced the most growth since 2009, while costs (median) for Two-Party Interference have actually decreased. Median litigation costs for patent infringement suits have not changed since 2009, all for the exception of cases with more than \$25 million at risk inclusive, all costs, which has actually declined 9% when compared to 2009.

MEDIAN LITIGATION COSTS	\$000s			
	2005	2007	2009	2011
PATENT INFRINGEMENT SUIT				
LESS THAN \$1 MILLION AT RISK				
End of discovery	\$350	\$350	\$350	\$350
Inclusive, all costs	650	600	650	650
\$1-\$25 MILLION AT RISK				
End of discovery	\$1,250	\$1,250	\$1,500	\$1,500
Inclusive, all costs	2,000	2,500	2,500	2,500
MORE THAN \$25 MILLION AT RISK				
End of discovery	\$3,000	\$3,000	\$3,000	\$3,000
Inclusive, all costs	4,500	5,000	5,500	5,000
TRADEMARK INFRINGEMENT SUIT				
LESS THAN \$1 MILLION AT RISK				
End of discovery	\$200	\$150	\$175	\$200
Inclusive, all costs	300	255	300	350
\$1-\$25 MILLION AT RISK				
End of discovery	\$400	\$350	\$400	\$425
Inclusive, all costs	700	650	700	775
MORE THAN \$25 MILLION AT RISK				
End of discovery	\$750	\$600	\$750	\$1,000
Inclusive, all costs	1,250	1,250	1,400	1,500
TRADEMARK OPPOSITION/CANCELLATION				
End of discovery	\$50	\$50	\$50	\$50
Inclusive, all costs	80	75	80	90
COPYRIGHT INFRINGEMENT SUIT				
LESS THAN \$1 MILLION AT RISK				
End of discovery	\$138	\$150	\$150	\$200
Inclusive, all costs	250	290	300	350
\$1-\$25 MILLION AT RISK				
End of discovery	\$250	\$350	\$350	\$400
Inclusive, all costs	440	500	600	700
MORE THAN \$25 MILLION AT RISK				
End of discovery	\$550	\$550	\$750	\$750
Inclusive, all costs	975	1,000	1,100	1,375

ESTIMATED TOTAL COST OF A TRADEMARK INFRINGEMENT SUIT AND TRADEMARK OPPOSITION/ CANCELLATION (P. I-157 to I-162, Q43a-Q43f & Q44a-Q44b)



ESTIMATED TOTAL COST OF A COPYRIGHT INFRINGEMENT SUIT (P. I-163 to I-166, Q45a-Q45f)



Total Costs: Litigation-Copyright Infringement by Location

Litigation-Copyright Infringement \$1-\$25M Inclusive, all costs (000s) by Location (Q45d)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South-east	Other South-east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	103	3	9	5	5	8	6	5	12	4	19	11	5	3	8
Mean (Average)	\$932	\$1,008	\$841	\$1,170	\$780	\$733	\$642	\$890	\$1,044	\$1,075	\$594	\$1,055	\$1,000	\$2,733	\$1,064
First Quartile 25%	\$350	ISD	\$300	\$400	\$400	\$109	\$98	\$700	\$325	ISD	\$250	\$300	\$500	ISD	\$275
Median (Midpoint)	\$700	\$500	\$600	\$850	\$800	\$525	\$400	\$800	\$1,200	\$900	\$500	\$700	\$1,000	\$2,200	\$388
Third Quartile 75%	\$1,250	ISD	\$1,500	\$2,100	\$1,150	\$788	\$1,125	\$1,125	\$1,575	ISD	\$1,000	\$1,500	\$1,500	ISD	\$2,025

Litigation-Copyright Infringement >\$25M End of Discovery (000s) by Location (Q45e)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South-east	Other South-east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	83	3	7	4	3	8	3	5	10	2	16	8	2	4	8
Mean (Average)	\$1,222	\$1,108	\$679	\$1,713	\$700	\$861	\$617	\$1,100	\$1,585	ISD	\$587	\$1,847	ISD	\$3,125	\$1,678
First Quartile 25%	\$300	ISD	\$100	ISD	ISD	\$100	ISD	\$875	\$500	ISD	\$188	\$275	ISD	ISD	\$388
Median (Midpoint)	\$750	\$300	\$250	\$925	\$800	\$575	\$400	\$1,000	\$1,250	ISD	\$550	\$1,200	ISD	\$2,750	\$875
Third Quartile 75%	\$1,500	ISD	\$750	ISD	ISD	\$1,000	ISD	\$1,375	\$2,400	ISD	\$875	\$3,125	ISD	ISD	\$3,600

Litigation-Copyright Infringement >\$25M Inclusive, all costs (000s) by Location (Q45f)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South-east	Other South-east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	84	3	7	4	3	8	3	5	11	2	16	8	2	4	8
Mean (Average)	\$2,041	\$1,583	\$1,375	\$2,713	\$1,350	\$1,489	\$342	\$1,600	\$2,836	ISD	\$1,034	\$2,813	ISD	\$4,925	\$2,833
First Quartile 25%	\$650	ISD	\$200	ISD	ISD	\$133	ISD	\$1,375	\$1,000	ISD	\$488	\$525	ISD	ISD	\$538
Median (Midpoint)	\$1,375	\$700	\$800	\$1,600	\$1,250	\$1,000	\$200	\$1,500	\$2,500	ISD	\$1,000	\$1,950	ISD	\$5,000	\$1,475
Third Quartile 75%	\$2,875	ISD	\$2,000	ISD	ISD	\$2,375	ISD	\$1,875	\$3,600	ISD	\$1,688	\$4,375	ISD	ISD	\$5,875

Total Costs: Litigation-Copyright Infringement by Firm Type

Litigation-Copyright Infringement \$1-\$25M Inclusive, all costs (000s) by Firm Type (Q45d)

	Total	1-3 Attorneys	4-15 Attorneys	16-59 Attorneys	60 or more Attorneys	All Corporate
Number of Respondents	103	23	15	33	21	7
Mean (Average)	\$932	\$508	\$458	\$1,109	\$1,276	\$1,286
First Quartile 25%	\$350	\$150	\$40	\$550	\$500	\$400
Median (Midpoint)	\$700	\$350	\$350	\$850	\$1,000	\$1,000
Third Quartile 75%	\$1,250	\$600	\$800	\$1,588	\$1,700	\$1,500

Litigation-Copyright Infringement >\$25M End of Discovery (000s) by Firm Type (Q45e)

	Total	1-3 Attorneys	4-15 Attorneys	16-59 Attorneys	60 or more Attorneys	All Corporate
Number of Respondents	83	17	13	27	18	5
Mean (Average)	\$1,222	\$1,187	\$333	\$1,476	\$1,337	\$1,670
First Quartile 25%	\$300	\$138	\$43	\$500	\$475	\$675
Median (Midpoint)	\$750	\$450	\$200	\$1,000	\$950	\$1,000
Third Quartile 75%	\$1,500	\$1,450	\$700	\$2,400	\$2,500	\$3,000

Litigation-Copyright Infringement >\$25M Inclusive, all costs (000s) by Firm Type (Q45f)

	Total	1-3 Attorneys	4-15 Attorneys	16-59 Attorneys	60 or more Attorneys	All Corporate
Number of Respondents	84	17	13	27	18	6
Mean (Average)	\$2,041	\$1,787	\$730	\$2,407	\$2,486	\$2,492
First Quartile 25%	\$650	\$225	\$88	\$1,000	\$956	\$1,238
Median (Midpoint)	\$1,375	\$600	\$500	\$1,500	\$1,935	\$2,250
Third Quartile 75%	\$2,875	\$2,000	\$1,125	\$4,000	\$4,050	\$3,625