

# **AIPLA**

## **Report of the Economic Survey**

# **2003**

**PREPARED UNDER DIRECTION OF  
LAW PRACTICE MANAGEMENT COMMITTEE**

**American Intellectual Property Law Association**

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**Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A PATENT INFRINGEMENT SUIT</b> <i>More than \$25 million at risk</i>														
<u>End of discovery</u> Number Reporting % of total	253	10 4%	17 7%	14 6%	33 13%	16 6%	9 4%	7 3%	23 9%	9 4%	34 13%	19 8%	42 17%	19 8%
75th percentile (\$000's)	\$4,000	\$3,000	\$3,000	\$4,000	\$5,000	\$3,000	\$3,000	\$2,000	\$3,500	\$2,000	\$3,000	\$6,000	\$4,000	\$2,000
Median (\$000's)	\$2,500	\$2,500	\$2,000	\$4,000	\$3,000	\$1,000	\$2,000	\$1,000	\$2,500	\$1,500	\$1,350	\$4,000	\$3,000	\$1,500
25th percentile (\$000's)	\$1,000	\$1,500	\$1,000	\$2,500	\$2,000	\$500	\$1,000	\$500	\$1,500	\$1,000	\$750	\$2,000	\$2,000	\$1,000
<b>Inclusive, all costs</b> Number Reporting % of total	258	11 4%	17 7%	15 6%	34 13%	17 7%	9 3%	7 3%	23 9%	9 3%	33 13%	21 8%	42 16%	19 7%
75th percentile (\$000's)	\$5,996	\$5,494	\$5,009	\$5,007	\$7,990	\$4,010	\$5,006	\$7,994	\$5,494	\$3,506	\$6,506	\$7,997	\$6,006	\$3,508
Median (\$000's)	\$3,995	\$4,500	\$3,750	\$4,995	\$5,000	\$3,000	\$3,500	\$1,300	\$3,506	\$2,500	\$2,250	\$5,009	\$4,997	\$3,010
25th percentile (\$000's)	\$2,306	\$2,506	\$2,244	\$2,506	\$3,010	\$1,991	\$2,494	\$806	\$2,306	\$1,994	\$1,495	\$4,003	\$3,508	\$2,206
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT</b> <i>Less than \$1 million at risk</i>														
<u>End of discovery</u> Number Reporting % of total	170	5 3%	10 6%	3 2%	17 10%	13 8%	3 2%	8 5%	19 11%	5 3%	35 21%	15 9%	16 9%	20 12%
75th percentile (\$000's)	\$248	\$251	\$251	\$250	\$301	\$201	\$120	\$138	\$250	\$251	\$151	\$251	\$375	\$175
Median (\$000's)	\$150	\$200	\$200	\$250	\$152	\$101	\$120	\$88	\$199	\$201	\$100	\$200	\$200	\$149
25th percentile (\$000's)	\$98	\$99	\$90	\$148	\$148	\$49	\$51	\$51	\$102	\$198	\$59	\$149	\$100	\$99
<b>Inclusive, all costs</b> Number Reporting % of total	166	5 3%	9 5%	3 2%	18 11%	13 8%	3 2%	8 5%	17 10%	5 3%	35 21%	15 9%	14 8%	20 12%
75th percentile (\$000's)	\$401	\$801	\$451	\$750	\$500	\$302	\$200	\$205	\$451	\$451	\$274	\$401	\$751	\$349
Median (\$000's)	\$298	\$400	\$350	\$750	\$401	\$298	\$200	\$138	\$302	\$350	\$225	\$302	\$450	\$251
25th percentile (\$000's)	\$198	\$159	\$174	\$226	\$226	\$119	\$78	\$78	\$269	\$299	\$102	\$298	\$300	\$201

**Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT</b>														
<b>\$1-\$25 million at risk</b>														
<u>End of discovery</u>														
Number Reporting	142	5	8	3	14	9	3	8	14	5	13	15	14	
% of total		4%	6%	2%	10%	6%	2%	6%	10%	4%	9%	11%	10%	
75th percentile (\$000's)	\$501	\$402	\$501		\$999	\$401		\$250	\$502	\$451	\$901	\$751	\$401	
Median (\$000's)	\$365	\$399	\$425	\$350	\$550	\$151	\$300	\$150	\$401	\$400	\$450	\$502	\$300	
25th percentile (\$000's)	\$199	\$251	\$225		\$251	\$124		\$100	\$250	\$251	\$398	\$401	\$199	
<u>Inclusive, all costs</u>														
Number Reporting	144	5	9	3	14	10	3	8	15	5	13	14	14	
% of total		3%	6%	2%	10%	7%	2%	6%	10%	3%	9%	10%	10%	
75th percentile (\$000's)	\$999	\$801	\$999		\$1,998	\$749		\$325	\$1,001	\$801	\$1,301	\$1,750	\$601	
Median (\$000's)	\$602	\$600	\$750	\$1,400	\$950	\$500	\$500	\$225	\$751	\$750	\$800	\$1,000	\$501	
25th percentile (\$000's)	\$398	\$399	\$499		\$700	\$250		\$145	\$500	\$401	\$649	\$702	\$399	
<b>More than \$25 million at risk</b>														
<u>End of discovery</u>														
Number Reporting	107	3	4	2	11	8	2	4	13	5	11	15	10	
% of total		3%	4%	2%	10%	7%	2%	4%	12%	5%	10%	14%	9%	
75th percentile (\$000's)	\$1,002	\$598	\$300		\$1,999	\$750		\$252	\$1,004	\$803	\$1,999	\$1,503	\$503	
Median (\$000's)	\$599				\$1,250	\$275			\$800	\$500	\$800	\$1,001	\$450	
25th percentile (\$000's)	\$305				\$749	\$148			\$501	\$351	\$603	\$503	\$250	
<u>Inclusive, all costs</u>														
Number Reporting	107	3	4	2	11	9	2	4	13	5	11	14	10	
% of total		3%	4%	2%	10%	8%	2%	4%	12%	5%	10%	13%	9%	
75th percentile (\$000's)	\$1,989	\$1,000	\$650		\$3,990	\$1,006		\$450	\$2,997	\$1,306	\$3,003	\$2,992	\$1,000	
Median (\$000's)	\$1,036				\$1,600	\$600			\$1,400	\$1,000	\$2,000	\$1,875	\$675	
25th percentile (\$000's)	\$606				\$1,009	\$491			\$944	\$503	\$856	\$1,244	\$500	

**Table 1 Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

**LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK**

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK OPPOSITION/CANCELLATION</b>														
<b>End of discovery</b>														
Number Reporting	153	5	9	2	14	15	5	9	12	2	12	19	20	
% of total		3%	6%	1%	9%	10%	3%	6%	8%	1%	8%	12%	13%	
75th percentile (\$000's)	\$75	\$70	\$50	\$75	\$90	\$50	\$250	\$40	\$60	\$50	\$150	\$100	\$75	
Median (\$000's)	\$50	\$50	\$45	\$50	\$60	\$25	\$100	\$15	\$45	\$35	\$65	\$75	\$25	
25th percentile (\$000's)	\$20	\$25	\$20	\$25	\$25	\$5	\$30	\$7	\$23	\$20	\$38	\$30	\$20	
<b>Inclusive, all costs</b>														
Number Reporting	164	5	8	2	15	16	5	9	13	2	12	18	21	
% of total		3%	5%	1%	10%	10%	3%	6%	8%	1%	8%	12%	14%	
75th percentile (\$000's)	\$150	\$150	\$100	\$200	\$200	\$100	\$400	\$70	\$100	\$100	\$300	\$200	\$100	
Median (\$000's)	\$78	\$100	\$63	\$90	\$90	\$68	\$200	\$20	\$100	\$75	\$125	\$150	\$45	
25th percentile (\$000's)	\$34	\$40	\$38	\$25	\$25	\$18	\$55	\$15	\$50	\$35	\$58	\$95	\$35	
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A COPYRIGHT INFRINGEMENT SUIT</b>														
<b>Less than \$1 million at risk</b>														
<b>End of discovery</b>														
Number Reporting	100	2	7	2	9	3	3	8	9	2	6	14	12	
% of total		2%	7%	2%	9%	3%	3%	8%	9%	2%	6%	14%	12%	
75th percentile (\$000's)	\$199	\$248	\$248	\$399	\$399	\$40	\$150	\$63	\$152	\$149	\$200	\$298	\$145	
Median (\$000's)	\$101	\$50	\$50	\$250	\$250	\$40	\$150	\$51	\$102	\$99	\$75	\$175	\$85	
25th percentile (\$000's)	\$51	\$39	\$39	\$148	\$148	\$100	\$251	\$49	\$98	\$51	\$49	\$125	\$51	
<b>Inclusive, all costs</b>														
Number Reporting	97	2	7	2	9	3	3	8	9	2	6	12	11	
% of total		2%	7%	2%	9%	3%	3%	8%	9%	2%	6%	12%	11%	
75th percentile (\$000's)	\$302	\$401	\$401	\$501	\$501	\$100	\$251	\$108	\$252	\$252	\$251	\$398	\$252	
Median (\$000's)	\$249	\$101	\$101	\$498	\$498	\$100	\$251	\$80	\$202	\$248	\$225	\$350	\$248	
25th percentile (\$000's)	\$101	\$77	\$77	\$249	\$249	\$100	\$251	\$75	\$198	\$124	\$90	\$250	\$126	

**Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
<b>ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A COPYRIGHT INFRINGEMENT SUIT</b>														
<b>\$1-\$25 million at risk</b>														
<u>End of discovery</u>														
Number Reporting	81	1	6	2	5	2	2	7	2	18	5	15	7	
% of total		1%	7%	2%	6%	2%	2%	9%	2%	22%	6%	19%	9%	
75th percentile (\$000's)	\$500		\$399		\$601			\$374		\$349	\$701	\$999	\$251	
Median (\$000's)	\$298		\$200		\$500			\$299		\$201	\$200	\$600	\$100	
25th percentile (\$000's)	\$101		\$75		\$399			\$126		\$99	\$149	\$500	\$71	
<u>Inclusive, all costs</u>														
Number Reporting	81	1	6	2	5	2	2	8	2	18	5	14	7	
% of total		1%	7%	2%	6%	2%	2%	10%	2%	22%	6%	17%	9%	
75th percentile (\$000's)	\$998		\$650		\$1,001			\$1,000		\$502	\$801	\$2,000	\$351	
Median (\$000's)	\$499		\$400		\$750			\$525		\$399	\$300	\$1,375	\$300	
25th percentile (\$000's)	\$200		\$150		\$699			\$300		\$200	\$199	\$999	\$199	
<b>More than \$25 million at risk</b>														
<u>End of discovery</u>														
Number Reporting	65	1	4	1	5	2	2	7	2	13	5	12	5	
% of total		2%	6%	2%	8%	3%	3%	11%	3%	20%	8%	18%	8%	
75th percentile (\$000's)	\$999		\$350		\$1,002			\$999		\$551	\$1,501	\$1,750	\$502	
Median (\$000's)	\$501				\$999			\$500		\$450	\$1,000	\$1,350	\$499	
25th percentile (\$000's)	\$249				\$751			\$201		\$252	\$299	\$750	\$124	
<u>Inclusive, all costs</u>														
Number Reporting	64	1	4	1	5	2	2	7	2	13	5	11	5	
% of total		2%	6%	2%	8%	3%	3%	11%	3%	20%	8%	17%	8%	
75th percentile (\$000's)	\$1,650		\$650		\$1,503			\$1,998		\$1,203	\$2,003	\$3,998	\$753	
Median (\$000's)	\$950				\$1,250			\$750		\$800	\$1,700	\$2,200	\$700	
25th percentile (\$000's)	\$499				\$1,001			\$403		\$503	\$898	\$1,303	\$498	