



The Sedona Conference Commentary on Patent Litigation Best Practices: Streamlining Lower-Value Patent Cases Chapter (July 2023)

The Sedona Conference is pleased to announce publication of the final version of its *Commentary on Patent Litigation Best Practices: Streamlining Lower-Value Patent Cases Chapter*, a project of Working Group 10 on Patent Litigation Best Practices (WG10).

In preparing its *Commentary on Patent Litigation Best Practices: Streamlining Lower-Value Patent Cases Chapter (Commentary)*, WG10 ascertained that in the patent cases that went to trial between 2019 and 2021 where the patentee was successful in showing that at least one claim was infringed and not invalid, the amount of damages awarded was under \$15 million 74 percent of the time. The rules and procedures that govern patent cases in the U.S. district courts, however, generally do not distinguish between patent cases where hundreds of millions of dollars are at stake and those where the amount at issue is a fraction of that amount.

As a result, parties to a “lower value” patent case often expend disproportionate amounts of time and money litigating the case. The consensus of WG10 is that patent litigants and courts would benefit from a formalized, streamlined program for resolving lower-value patent cases. It is contemplated that the program, when used, will significantly reduce both the time and cost associated with resolving patent cases where the amount at issue is in the range of \$10 million or less. Thousands of patent cases every year could be eligible for and benefit from the program.

The *Commentary* describes the program’s features, including required bench trials, optional participation by the parties, significant reductions in discovery, asserted claims, prior art, and defenses, and an early claim construction hearing.

The full text of *The Sedona Conference Commentary on Patent Litigation Best Practices: Streamlining Lower-Value Patent Cases Chapter* (July 2023) is available free for individual download from The Sedona Conference website at:
https://thesedonaconference.org/publication/Streamlining_Lower-Value_Patent_Cases.

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