

AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION

AIPLA 2023 ECONOMIC SURVEY — INDIVIDUALS

Association Research, Inc. (ARI), an independent survey research organization, is conducting this confidential survey for AIPLA.

All responses will be kept completely confidential.

All questions and concerns about the survey or online content should be directed to ARI.

Please e-mail ARI at info@associationresearch.com or call Megan Kirkegaard at 240-268-1262, ext. 100.

Please complete your questionnaire no later than **June 9, 2023**, either online or by email to info@associationresearch.com.

PART I. GENERAL QUESTIONS FOR ALL RESPONDENTS

1. What is the zip code of your office location or primary work site? (zip code) _____
2. What is your primary practice? (CHECK THE ONE CATEGORY THAT BEST DESCRIBES YOUR PRACTICE.)

PRIVATE FIRM <input type="checkbox"/> Solo Practitioner <input type="checkbox"/> Equity Partner, Shareholder (or equivalent) <input type="checkbox"/> Partner-track attorney <input type="checkbox"/> Non-partner track attorney <input type="checkbox"/> Patent Agent <input type="checkbox"/> Of Counsel (or equivalent) CORPORATE IP DEPARTMENT <input type="checkbox"/> Head of IP Department (for entire corporation or a division) <input type="checkbox"/> Attorney <input type="checkbox"/> Patent Agent	CORPORATE LEGAL DEPARTMENT <input type="checkbox"/> Head of Legal Department (for entire corporation or a division) <input type="checkbox"/> Attorney <input type="checkbox"/> Patent Agent GOVERNMENT <input type="checkbox"/> PTO Examiner (up to and including SPE) <input type="checkbox"/> PTO Administration, Management, Solicitor's Office <input type="checkbox"/> Government IP Office, other than PTO OTHER <input type="checkbox"/> Other; please describe (e.g., University) _____ _____
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3. a. Did you work remotely in 2022? Yes No
b. If yes, what percent of your time? _____%
c. If yes, how many miles away is your remote work location from your office location? _____ Miles
4. a. Do you plan to work or continue working remotely in 2023? Yes No
b. If yes, what percent of your time? _____%
5. Do you work full-time as defined by your firm/company? Yes No
6. Are you admitted to the Patent Bar? Yes No
7. In what year were you born? _____
8. What is your gender? Male Female Other Prefer not to respond
9. How would you describe your ethnicity?

<input type="checkbox"/> White/Caucasian	<input type="checkbox"/> North American Indian/ Native Canadian	<input type="checkbox"/> Other (SPECIFY) _____
<input type="checkbox"/> Black/African American	<input type="checkbox"/> Mixed Race	_____
<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Prefer not to respond	
<input type="checkbox"/> Asian/Pacific Islander		
10. How many full years of IP law experience do you have?
_____ years of experience as a non-attorney
_____ years of experience as an attorney

11. What field best represents the majority of your academic study?

- | | |
|--|--|
| <input type="checkbox"/> Biology/Biotechnology | <input type="checkbox"/> Electrical Engineering |
| <input type="checkbox"/> Biomedical Engineering | <input type="checkbox"/> Mechanical/Aerospace Engineering |
| <input type="checkbox"/> Chemical Engineering | <input type="checkbox"/> Physics |
| <input type="checkbox"/> Chemistry | <input type="checkbox"/> Social Science (e.g., economics, sociology, psychology) |
| <input type="checkbox"/> Civil/Environmental Engineering | <input type="checkbox"/> Other science/engineering (SPECIFY) _____ |
| <input type="checkbox"/> Computer Engineering | <input type="checkbox"/> Other non-technical (SPECIFY) _____ |
| <input type="checkbox"/> Computer Science/Software Engineering | |

12. Not including a law degree, what is your highest degree?

- | | | |
|--|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Master's Degree | <input type="checkbox"/> Other (SPECIFY) _____ |
| <input type="checkbox"/> Bachelor's Degree | <input type="checkbox"/> Doctorate Degree | |

13. a. What was your total gross income in calendar year 2022 from your primary practice? (Include any partnership income, cash bonus, share of profits, and similar income you received, and any deferred compensation in which you vested in 2022.) \$ _____

b. What was the amount of your year-end cash bonus, if any? \$ _____

14. What was your employer's 2022 contribution on your behalf to all 401(k)/403(b) retirement and savings plans? \$ _____

15. What is your expected total cash income for 2023? (As in Q. 13a above, includes expected cash income, including bonus and profit-sharing.) \$ _____

16. What percent of your time is devoted to each of the following practice areas? Response may total less than 100%.

- ____ % Business Law
- ____ % Copyrights
- ____ % Foreign (Non-US) IP Law
- ____ % General IP
- ____ % Patents
- ____ % Trade Secrets
- ____ % Trademarks
- ____ % Privacy/Cybersecurity
- ____ % Other areas (SPECIFY) _____
- ____ % **TOTAL (may total less than 100%)**

17. If you are admitted to the Patent Bar, what percent of your time is spent in each of the following areas of technical specialization? Response may total less than 100%.

- ____ % Biotechnology
- ____ % Chemical
- ____ % Computer Hardware
- ____ % Computer Software
- ____ % Design
- ____ % Electrical
- ____ % Mechanical
- ____ % Medical/Health Care
- ____ % Pharmaceutical
- ____ % Other areas (SPECIFY) _____
- ____ % **TOTAL (may total less than 100%)**

- 18. What percent of your time is devoted to each of the following types of work? Responses should total 100%.**
- ____% IP prosecution work (all patents, trade secrets, trademarks, copyrights) including selection, evaluation, application preparation and prosecution, including related counseling and *ex parte* appeals (not including supervision or management thereof)
 - ____% Opinions or counseling prior to litigation or formal ADR (not including actual litigation, ADR, negotiation or licensing)
 - ____% IP licensing
 - ____% Non-licensing transactional work (e.g., mergers, acquisitions, joint ventures, obtaining financing and due diligence associated with such matters)
 - ____% IP litigation (not including post-grant proceedings before the USPTO)
 - ____% Post-grant proceedings (e.g., *inter partes* review, post grant review, derivation proceedings, etc.)
 - ____% Other dispute resolution (e.g., mediation, arbitration, or other alternative dispute resolution proceedings)
 - ____% Supervision and training of other attorneys or agents within your organization
 - ____% Office management and administration
 - ____% Marketing/Business Development
 - ____% Participation in bar association or professional association activities
 - ____% Non-IP legal
 - ____% Managing outside counsel for IP prosecution work
 - ____% Managing outside counsel for IP litigation work
 - ____% *Pro bono* work
 - ____% Other (SPECIFY) _____
- 100% TOTAL** _____

19. In all locations, how many full-time IP lawyers and patent agents are employed by your firm or corporation?

20. How many new priority (i.e., not continuation, CIP, or Divisional, but including provisional) US and PCT Patent applications were prepared and filed by you personally in 2022? Include PCT only if not based on a prior application. (Do not include applications prepared by another person which you reviewed, revised and filed.)

PART II. CORPORATE PRACTITIONERS

THESE QUESTIONS SHOULD BE ANSWERED BY CORPORATE PRACTITIONERS ONLY. PLEASE SKIP THIS SECTION IF YOU ARE NOT A CORPORATE PRACTITIONER.

21. How many IP lawyers and patent agents report to you, directly or indirectly?

- 0
- 1 – 5
- 6 – 10
- 11 – 15
- 16 or more

22. Other than as a liaison with outside counsel, what percent of the following activities is handled by in-house counsel?

	% by In-house Counsel
a. Litigation	_____ %
b. Licensing	_____ %
c. Patent Preparation and Prosecution	_____ %
d. Trademark Registration, Prosecution and Enforcement	_____ %
e. Copyright Registration and Enforcement	_____ %

23. What was the annual gross revenue of your organization in 2022 (provide the gross revenue for your business unit if your company tracks gross revenue by business unit) in USD? \$_____

24. What was the annual corporate IP budget of your organization (excluding litigation) in 2022 (provide the IP budget for your business unit if your company allocates IP budget by business unit) in USD? \$_____

25. What percentage of your IP budget is used for:

- a. US prosecution (Patent, Trademark, Copyright Registration) _____%
- b. Non-US prosecution (prosecution in foreign countries) _____%

26. How much did the annual corporate IP budget of your organization (excluding litigation) change from 2021 to 2022?

- Increase _____%
- No change
- Decrease _____%

27. If there was a change in your corporate budget, what are the reasons for the change? Please select all that apply.

- Economic growth
- Company leadership change
- Unexpected litigation
- Change in company revenue
- Change in perceived value of IP within organization
- Political climate change
- Merger or acquisition
- COVID-19
- Other (SPECIFY) _____

28. Which type of technology best describes your corporation? Other includes corporate having multiple technology types. Please specify types:

- Biotech
- Chemical
- Electrical
- Computer Software
- Computer Hardware
- Mechanical
- Medical/Health Care
- Pharmaceutical
- Other (SPECIFY) _____

29. What is your estimate of the percentage of the annual corporate IP budget devoted to each of the following types of work? Responses should total 100%.

- ____% In house staff to perform and/or manage IP prosecution work (all patents, trade secrets, trademarks, copyrights) including selection, evaluation, application preparation and prosecution, including related counseling and *ex parte* appeals
- ____% In house staff to provide opinions or counseling prior to litigation or formal ADR (not including actual litigation, ADR, negotiation or licensing)
- ____% In house staff to perform IP licensing
- ____% In house staff to perform non-licensing transactional work (e.g., mergers, acquisitions, joint ventures, obtaining financing and due diligence associated with such matters)
- ____% In house staff to perform IP litigation (not including post-grant proceedings before the USPTO)
- ____% In house staff to perform post-grant proceedings (e.g., *inter partes* review, post grant review, derivation proceedings, etc.)
- ____% In house staff to perform other dispute resolution (e.g., mediation, arbitration, or other alternative dispute resolution proceedings)
- ____% Fees paid to outside counsel to perform IP prosecution work (all patents, trade secrets, trademarks, copyrights) including selection, evaluation, application preparation and prosecution, including related counseling and *ex parte* appeals (including supervision or management thereof)
- ____% Fees paid to outside counsel to perform opinions or counseling prior to litigation or formal ADR (not including actual litigation, ADR, negotiation or licensing)
- ____% Fees paid to outside counsel to perform IP licensing
- ____% Fees paid to outside counsel to perform non-licensing transactional work (e.g., mergers, acquisitions, joint ventures, obtaining financing and due diligence associated with such matters)
- ____% Fees paid to outside counsel to perform IP litigation (not including post-grant proceedings before the USPTO)
- ____% Fees paid to outside counsel to perform post-grant proceedings (e.g., *inter partes* review, post grant review, derivation proceedings, etc.)
- ____% Fees paid to outside counsel to perform other dispute resolution (e.g., mediation, arbitration, or other alternative dispute resolution proceedings)
- ____% Supervision and training of attorneys or agents within your organization
- ____% Office management and administration
- ____% Participation in bar association or professional association activities
- ____% *Pro bono* work
- ____% Other (SPECIFY) _____
- 100% TOTAL**

PART III. PRIVATE PRACTITIONERS

THESE QUESTIONS SHOULD BE ANSWERED BY PRIVATE PRACTITIONERS ONLY. PLEASE SKIP THIS SECTION IF YOU ARE NOT A PRIVATE PRACTITIONER.

30. What dollar amount was billed for the legal services you performed in 2022? \$ _____

31. What percent of your services in 2022 were billed (or will be billed) on the following basis?

Hourly	_____ %
Predetermined Fee	_____ %
Contingent	_____ %
Other	_____ %
TOTAL	100%

32. If you use billable hours, how many billable hours did you record in 2022? _____ hours

33. What was your average hourly billing rate in 2022? \$ _____

34. Did your average hourly billing rate change in 2022? Yes No

35. If yes, did your average hourly billing rate: Increase Decrease

36. What percentage of your work is billed at a discounted hourly billing rate? _____ %

37. What percentage of your work is billed under an alternative fee arrangement?

_____ % Flat fee per project
_____ % Flat fee for portfolio over a set period of time
_____ % Capped fee per project

38. On average, how many hours per week do you spend on business development? _____

PART IV. TYPICAL CHARGES

PROSECUTION AND CLIENT COUNSELING

THESE QUESTIONS SHOULD BE ANSWERED BY BOTH CORPORATE AND PRIVATE PRACTITIONERS.

THE FOLLOWING QUESTIONS, COVERING TRADEMARKS, PATENTS, AND COPYRIGHTS, ASK FOR TYPICAL CHARGES. PLEASE RESPOND ONLY IF YOU HAVE BEEN PERSONALLY RESPONSIBLE FOR A REPRESENTATIVE SAMPLE OF THE TYPE OF WORK TO WHICH THE QUESTION PERTAINS, EITHER AS A SERVICE PROVIDER (I.E., AN ATTORNEY IN PRIVATE PRACTICE) OR AS A PURCHASER OF SUCH SERVICES (I.E., CORPORATE COUNSEL).

ASSUMING A TYPICAL CASE WITH NO UNUSUAL COMPLICATIONS, WHAT DID YOU CHARGE (OR WOULD HAVE CHARGED, E.G., BASED ON A FIXED FEE RATE SCHEDULE) OR WHAT WERE YOU CHARGED (OR WHAT YOU WOULD HAVE EXPECTED TO BE CHARGED, E.G., BASED ON A FIXED FEE RATE SCHEDULE), IN 2022, FOR LEGAL SERVICES ONLY (INCLUDING SEARCH FEES, BUT NOT INCLUDING COPY COSTS, DRAWING FEES OR GOVERNMENT FEES) IN EACH OF THE FOLLOWING TYPES OF US MATTERS? PLEASE ALSO INDICATE THE TYPE OF FEE PRIMARILY USED IN 2022.

39. TRADEMARKS (INCLUDING SERVICE MARKS)				
	Fixed Fee	Hourly	Other	Charges in 2022
a. Trademark Clearance Search, Analysis, and Opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b. Trademark Registration Application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
c. Trademark Prosecution (Total, including amendments and interviews but not appeals)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
d. Trademark Statement of Use (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
e. Trademark Appeal to the Board (Briefed and Argued)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
f. Trademark Section 8 and 15 Declaration (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
g. Trademark Renewal Application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
h. Filing of Foreign Origin Trademark Registration Application Received Ready for Filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
i. Filing for an international trademark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
j. Preparing a UDRP Petition (Uniform Domain-Name Dispute-Resolution)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
k. Responding to a UDRP Petition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
l. Preparing and filing assignments or other formal documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

40. US UTILITY PATENTS <i>including foreign-origin patents where no substantive direction is received from foreign attorneys.</i>					
		Fixed Fee	Hourly	Other	Charges in 2022
a.	Original (not divisional, continuation, or CIP) non-provisional utility patent application on invention of minimal complexity, e.g., 10 page specification, 10 claims (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b.	Provisional Patent Application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
c.	Original utility application, relatively complex biotechnology/chemical (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
d.	Original utility application, relatively complex electrical/computer (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
e.	Original utility application, relatively complex mechanical (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
f.	Patent application amendment/argument of minimal complexity (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
g.	Patent application amendment/argument, relatively complex, biotechnology/chemical (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
h.	Patent application amendment/argument, relatively complex, electrical/computer (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
i.	Patent application amendment/argument, relatively complex, mechanical (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
j.	Appeal to Board in utility patent application without oral argument.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
k.	Appeal to Board in utility patent application with oral argument.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
l.	Issuing an allowed application (All post-allowance activity, except PTA calculation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
m.	Ex parte re-exam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
n.	Paying a Maintenance Fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
o.	Utility Patent Novelty Search, Analysis, and Opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
p.	Validity/Invalidity Only Opinion, per patent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
q.	Infringement/Non-Infringement Only Opinion, per patent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
r.	Combination validity and Infringement, per patent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
s.	Preparing and filing Information Disclosure Statement (IDS), less than 50 references	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
t.	Preparing and filing Information Disclosure Statement (IDS), more than 50 references	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
u.	Reference management (typical portfolio size)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
v.	Patent Term Adjustment calculation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
w.	Formalities, including preparing and filing formal declarations, assignments, and powers of attorney, responding to pre-examination notices, and preparing papers to make corrections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
x.	Preparing and filing formal drawings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
y.	Preparing for and conducting examiner interview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
z.	Providing a continuation recommendation (including proposed claim strategy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

41. US UTILITY PATENTS OF FOREIGN ORIGIN <i>in which foreign attorneys provide substantive direction.</i> <i>Exclude government, foreign associate, drawing, and similar fees.</i>				
	Fixed Fee	Hourly	Other	Charges in 2022
a. Filing foreign origin utility patent application in USPTO, received ready for filing with formal papers, assignment, and priority documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b. Filing non-PCT patent application abroad (per country, not including associate or government fees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
c. Filing previously prepared US patent application as PCT application in US Receiving Office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
d. Entering National Stage in US Receiving Office from foreign origin PCT application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
e. Entering National Stage in each foreign Receiving Office from US origin PCT application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
f. Paying an annuity or maintenance fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
g. Patent application amendment/argument of minimal complexity, where foreign counsel or the client provides detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
h. Patent application amendment/argument, relatively complex, biotechnology/chemical, where foreign counsel or the client provides detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
i. Patent application amendment/argument, relatively complex, electrical computer, where foreign counsel or the client provides detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
j. Patent application amendment/argument, relatively complex, mechanical, where foreign counsel or the client provides detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

42. Please choose one foreign country and answer questions a-h for that one foreign country. (SPECIFY COUNTRY)

FILING US APPLICATIONS ABROAD				
	Fixed Fee	Hourly	Other	Charges in 2022
a. Filing US origin utility patent application in foreign office, received ready for filing with formal papers, assignment, and priority documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b. Entering National Stage in foreign Receiving Office from US origin PCT application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
c. Paying an annuity or maintenance fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
d. Patent application amendment/argument of minimal complexity, where US counsel or the client provides foreign counsel with detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
e. Patent application amendment/argument, relatively complex, biotechnology/chemical, where US counsel or the client provides foreign counsel with detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
f. Patent application amendment/argument, relatively complex, electrical computer, where US counsel or the client provides foreign counsel with detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
g. Patent application amendment/argument, relatively complex, mechanical, where US counsel or the client provides foreign counsel with detailed response instructions (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

H. Is there a surcharge to clients for handling invoices from foreign counsel?

Yes (Specify): \$ _____ or _____ % No

43. OTHER US PATENTS AND COPYRIGHTS				
	Fixed Fee	Hourly	Other	Charges in 2022
a. US design patent application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b. Formal drawings for design patent application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
c. Preparing and filing international design patent application under the Hague agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
d. Responding to Office action in design patent application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
e. US plant patent application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
f. Copyright registration application (Preparation and Filing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

44. TRANSACTIONAL WORK				
	Fixed Fee	Hourly	Other	Charges in 2022
a. Due diligence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
b. Preparing licenses, including negotiations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$

LITIGATION AND RELATED MATTERS

THESE QUESTIONS SHOULD BE ANSWERED BY BOTH CORPORATE AND PRIVATE PRACTITIONERS.

RESPOND TO EACH OF THE FOLLOWING QUESTIONS ONLY IF YOU HAVE PERSONAL KNOWLEDGE EITHER AS A SERVICE PROVIDER (ATTORNEY IN PRIVATE PRACTICE) OR AS A PURCHASER OF SUCH SERVICES (CORPORATE COUNSEL) OF THE COSTS INCURRED WITHIN THE RELATIVELY RECENT PAST, FOR THE TYPE OF WORK TO WHICH THE QUESTION PERTAINS. IN EACH OF THE QUESTIONS, "TOTAL COST" IS ALL COSTS, 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. PLEASE ESTIMATE THESE BASED ON A SINGLE IP ASSET (I.E., ONE PATENT AT ISSUE, ONE TRADEMARK, ETC.).

45. What is your estimate of the total cost of patent infringement action of the following varieties (i) through the initial case management, (ii) inclusive of discovery, motions, and claim construction, (iii) inclusive of pre-trial, trial, post-trial, and appeal (when applicable), and (iv) for actions in which the dispute was resolved through mediation, what was the cost of the action up through mediation? For purposes of this question, "at risk" refers to the financial impact of an adverse judgment. Q. 45D (referring to ITC litigation) refers to the financial impact of an adverse judgment from imported goods, etc.

A. LITIGATION–PATENT INFRINGEMENT, ALL VARIETIES	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

B. LITIGATION—PATENT INFRINGEMENT PURSUANT TO THE HATCH-WAXMAN ACT (i.e., "ANDA LITIGATION")	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

C. LITIGATION— DEFENDING CLAIMS OF PATENT INFRINGEMENT BY NON-PRACTICING ENTITY	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

D. LITIGATION– SECTION 337 PATENT INFRINGEMENT ACTION IN THE INTERNATIONAL TRADE COMMISSION	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

- E. In your experience is there a strong correlation between the amount at risk in a patent infringement action and the overall attorney hours required to litigate the action?** Yes No
- F. In your experience, how does the total cost of asserting a patent infringement action compare to the total cost of defending such an action?**
- About the same
- Cost of asserting is about _____% of the cost of defending

46. What is your estimate of the total cost of filing or defending a petition for a post-grant proceeding, e.g., *Inter Partes* Review (IPR) or Post Grant Review (PGR), filed in the United States Patent Trial Appeal Board (PTAB) (i) through filing the petition for review, including expert fees, but excluding PTAB filing fees and prior art searching, (ii) through the end of motion practice, including discovery, analyzing patent owner response(s), reply briefing, expert fees, and other motion practice such as discovery motions or motions to amend, (iii) through the PTAB hearing, and (iv) through appeal to the federal court(s)?

A. **BY TECHNOLOGY**

PGR/IPR – Life Sciences	
i. Through filing petition	\$
ii. Through end of motion practice	\$
iii. Through PTAB hearing	\$
iv. Through appeal	\$
PGR/IPR – Electrical/Computer	
i. Through filing petition	\$
ii. Through end of motion practice	\$
iii. Through PTAB hearing	\$
iv. Through appeal	\$
PGR/IPR – Mechanical	
i. Through filing petition	\$
ii. Through end of motion practice	\$
iii. Through PTAB hearing	\$
iv. Through appeal	\$

B. In your experience, how does the total cost of filing a petition for post-grant proceeding (IPR or PGR) compare to the total cost of defending such an action?

- About the same
- Cost of filing is about _____% of the cost of defending

47. What is your estimate of the total cost of a trademark infringement action (i) through the initial case management, (ii) inclusive of discovery, motions, and claim construction, (iii) inclusive of pre-trial, trial, post-trial, and appeal (when applicable), and (iv) for actions in which the dispute was resolved through mediation, what was the cost of the action up through mediation?

A. LITIGATION–TRADEMARK INFRINGEMENT	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

- B. In your experience is there a strong correlation between the amount at risk in a trademark infringement action and the overall attorney hours required to litigate the action? Yes No

- C. In your experience, how does the total cost of asserting a trademark infringement action compare to the total cost of defending such an action?

- About the same
 Cost of asserting is about _____% of the cost of defending

48. What is your estimate of the total cost of a trademark opposition/cancellation (i) through filing petition (ii) through end of discovery, and (iii) inclusive of discovery, motions, hearing, and post-hearing?

LITIGATION–TRADEMARK OPPOSITION/CANCELLATION	
i. Through filing petition	\$
ii. Through end of discovery	\$
iii. Inclusive, all costs	\$

49. What is your estimate of the total cost of a copyright infringement action (i) through the initial case management, (ii) inclusive of discovery, motions, and claim construction, (iii) inclusive of pre-trial, trial, post-trial, and appeal (when applicable), and (iv) for actions in which the dispute was resolved through mediation, what was the cost of the action up through mediation?

A. LITIGATION—COPYRIGHT INFRINGEMENT	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

B. In your experience is there a strong correlation between the amount at risk in a copyright infringement action and the overall attorney hours required to litigate the action? Yes No

C. In your experience, how does the total cost of asserting a copyright infringement action compare to the total cost of defending such an action?

- About the same
- Cost of asserting is about _____% of the cost of defending

50. What is your estimate of the total cost of a trade secret misappropriation action: (i) through the initial case management, (ii) inclusive of discovery, motions, and claim construction, (iii) inclusive of pre-trial, trial, post-trial, and appeal (when applicable), and (iv) for actions in which the dispute was resolved through mediation, what was the cost of the action up through mediation?

A. LITIGATION– TRADE SECRET MISAPPROPRIATION	
Less than \$1 million at risk	
a. Initial case management	\$
b. Inclusive of discovery, motions, and claim construction	\$
c. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
d. Cost if dispute was resolved through mediation	\$
\$1-\$10 million at risk	
e. Initial case management	\$
f. Inclusive of discovery, motions, and claim construction	\$
g. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
h. Cost if dispute was resolved through mediation	\$
\$10-\$25 million at risk	
i. Initial case management	\$
j. Inclusive of discovery, motions, and claim construction	\$
k. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
l. Cost if dispute was resolved through mediation	\$
More than \$25 million at risk	
m. Initial case management	\$
n. Inclusive of discovery, motions, and claim construction	\$
o. Inclusive of pre-trial, trial, post-trial, and appeal (when applicable)	\$
p. Cost if dispute was resolved through mediation	\$

B. In your experience is there a strong correlation between the amount at risk in a trade secret misappropriation action and the overall attorney hours required to litigate the action? Yes No

C. In your experience, how does the total cost of asserting a trade secret misappropriation action compare to the total cost of defending such an action?

- About the same
- Cost of asserting is about _____% of the cost of defending

51. In your experience, how does the total cost of resolving a dispute through arbitration compare to resolving a comparable dispute through litigation?

- About the same
- Cost of arbitration is about _____% of the cost of litigation

52. If you were involved in at least one dispute in which mediation or arbitration was employed in 2022, please indicate as a percentage how frequently the mediation/arbitration was initiated by each of the following means (answers should total 100%):

- ____ % Based on terms of a contract
- ____ % Mandated by court
- ____ % Voluntarily by parties
- ____ % Other (Specify) _____

100% TOTAL

USEFULNESS OF DATA AND REPORT TO YOU AS AN INDIVIDUAL

53. What data or types of data have you found most useful when using the *AIPLA Report of the Economic Survey* in the past? _____

54. What data or types of data would be useful to you if it could be collected in a future *AIPLA Economic Survey*?

OPTIONAL: TO RECEIVE THE BENCHMARK SPREADSHEET TOOL, PLEASE ENTER YOUR CONTACT INFORMATION BELOW.

THE DATA COLLECTED FOR THE PURPOSES OF PROVIDING THE BENCHMARK SPREADSHEET TOOL IS KEPT ENTIRELY SEPARATE FROM OTHER RESPONSE DATA.

NAME: _____

FIRM: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

TELEPHONE NUMBER: _____

E-MAIL ADDRESS: _____

THANK YOU VERY MUCH FOR COMPLETING THIS SURVEY.

YOU MAY EMAIL YOUR COMPLETED QUESTIONNAIRE TO ARI AT INFO@ASSOCIATIONRESEARCH.COM.