



October 2025

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Cooley Rx:

Life Sciences Litigation: From the General
Counsel Perspective

Patent Litigation Through the Years

District Court Patent Cases by Year

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	YTD	2025 est
U.S. District Courts	2600	2553	2780	3631	5454	6095	5011	5765	4473	3982	3568	3556	3968	4004	3820	3119	3801	3276	4576
Cases with Determined Winner	32	56	98	146	423	544	575	621	574	487	583	426	410	365	322	272	238	50	70
Cases Settled	868	779	843	1264	2624	3018	3187	4522	3472	3007	2611	2768	3065	3125	2877	2096	2104	911	1273

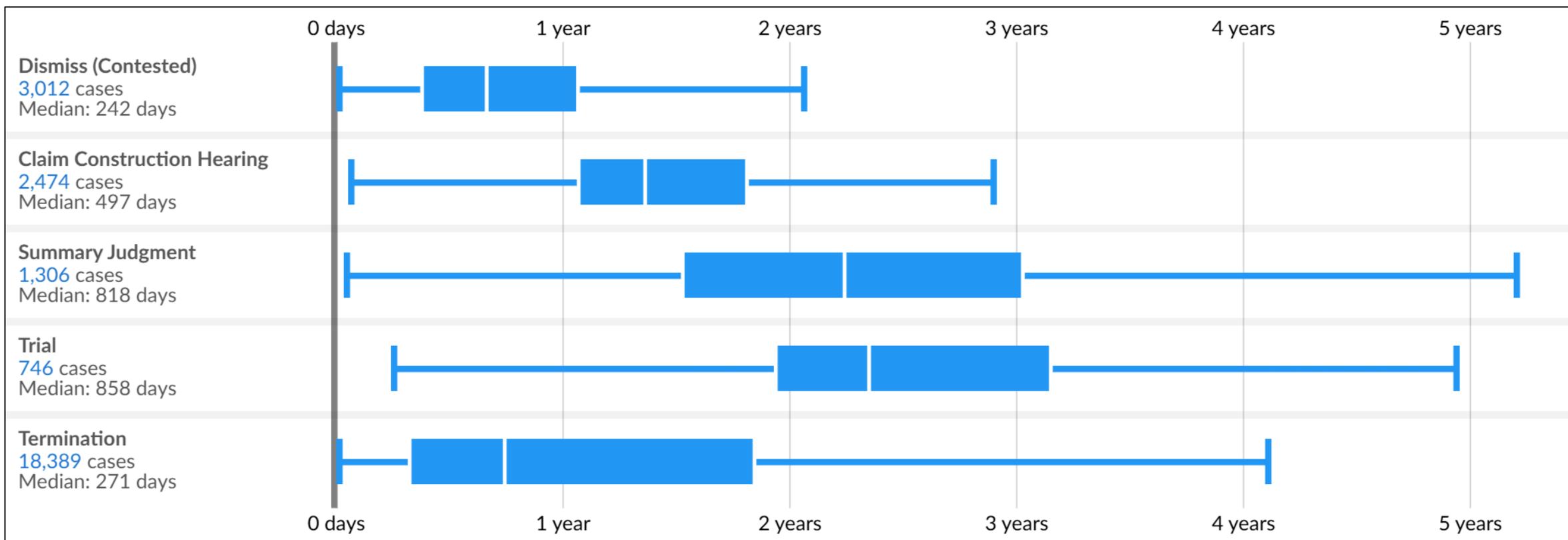
ANDA Cases by Year

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	YTD	2025 est
U.S. District Courts	223	258	295	296	242	273	448	479	322	415	371	324	265	235	251	255	312	214	299
Cases with Determined Winner	3	5	12	15	31	44	96	90	49	56	46	32	44	24	20	6	1	1	1
Cases Settled	55	76	100	106	81	141	265	346	241	324	303	268	207	182	200	178	123	40	56

PTAB Cases by Year

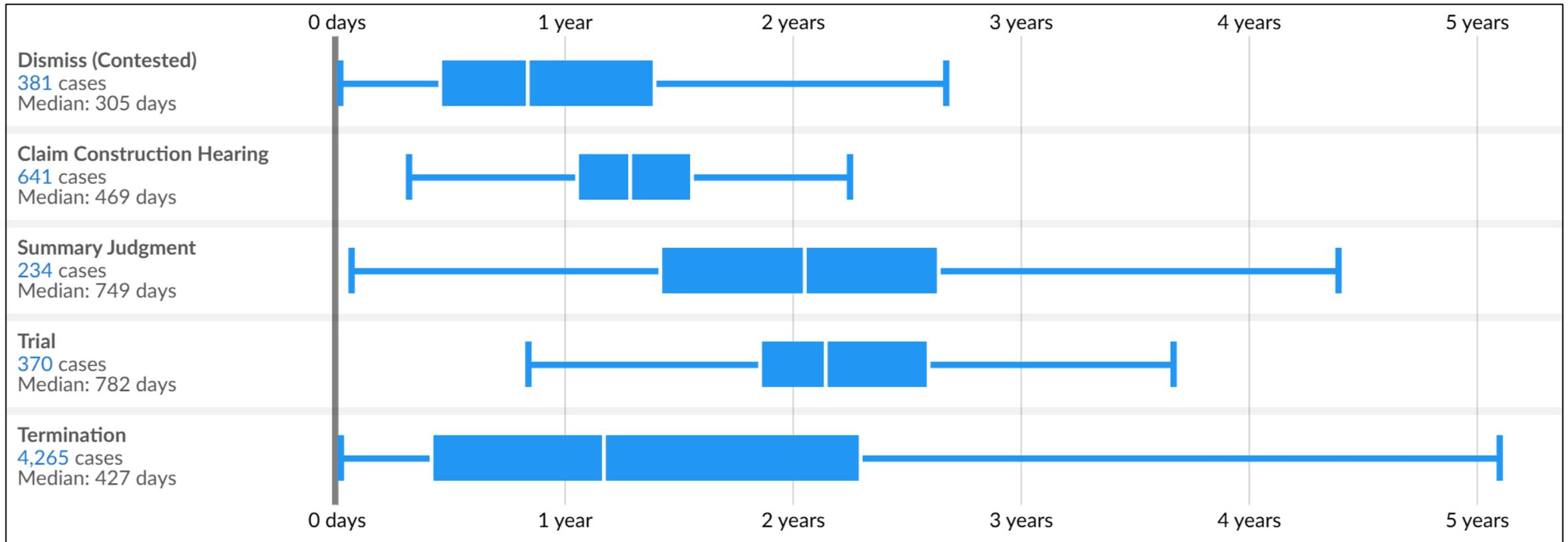
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	YTD	2025 est
PTAB Petitions	111	792	1677	1797	1758	1796	1718	1322	1538	1386	1358	1188	1361	1049	1465
Cases with Determined Winner	79	570	1112	1179	1186	1191	1100	922	1003	974	829	690	604	228	319
Cases Settled	31	212	475	524	477	476	538	348	486	351	453	403	265	101	141

Patent Litigation Timeline



Data sourced from federal dockets in D.N.J.; D. Del.; N.D. Cal.; and D. Mass.

Patent Litigation Timeline - ANDA



Data sourced from federal dockets in D.N.J.; D. Del.; N.D. Cal.; and D. Mass.

Cost of Patent Litigation

Cost of Patent Litigation, all varieties, per AIPLA Survey:

Cost of ANDA Litigation, per AIPLA Survey:

MEDIAN LITIGATION COSTS	\$000s				
	2014	2016	2018	2020	2022
PATENT INFRINGEMENT, ALL VARIETIES					
LESS THAN \$1 MILLION AT RISK					
Initial case management	N/A	\$25	\$50	\$50	\$28
Inclusive of discovery, motions, and claim construction	\$400	\$250	\$250	\$300	\$300
Inclusive of pre and post-trial, and appeal when applicable	\$600	\$500	\$700	\$675	\$600
Cost if dispute was resolved through mediation	\$100	\$25	\$40	\$35	\$175
\$1-\$10 MILLION AT RISK					
Initial case management	N/A	\$60	\$80	\$75	\$100
Inclusive of discovery, motions, and claim construction	\$950	\$550	\$600	\$650	\$600
Inclusive of pre and post-trial, and appeal when applicable	\$2,000	\$1,000	\$1,500	\$1,000	\$1,000
Cost if dispute was resolved through mediation	\$200	\$50	\$50	\$75	\$300
\$10-\$25 MILLION AT RISK					
Initial case management	N/A	\$100	\$150	\$113	\$150
Inclusive of discovery, motions, and claim construction	\$1,900	\$1,000	\$1,225	\$1,000	\$1,500
Inclusive of pre and post-trial, and appeal when applicable	\$3,100	\$2,000	\$2,700	\$3,000	\$3,000
Cost if dispute was resolved through mediation	\$250	\$75	\$80	\$80	\$400
MORE THAN \$25 MILLION AT RISK					
Initial case management	N/A	\$138	\$250	\$250	\$200
Inclusive of discovery, motions, and claim construction	\$3,000	\$1,700	\$2,375	\$2,125	\$1,500
Inclusive of pre and post-trial, and appeal when applicable	\$5,000	\$3,000	\$4,000	\$4,000	\$3,625
Cost if dispute was resolved through mediation	\$300	\$100	\$100	\$150	\$450

MEDIAN LITIGATION COSTS (CONTINUED)	\$000s				
	2014	2016	2018	2020	2022
PATENT INFRINGEMENT PURSUANT TO THE HATCH-WAXMAN ACT (I.E., "ANDA LITIGATION")					
LESS THAN \$1 MILLION AT RISK					
Initial case management	N/A	\$25	\$150	\$150	\$114
Inclusive of discovery, motions, and claim construction	\$350	\$163	\$400	\$400	\$400
Inclusive of pre and post-trial, and appeal when applicable	\$650	\$250	\$900	\$900	\$900
Cost if dispute was resolved through mediation	\$75	\$40	\$100	\$100	\$100
\$1-\$10 MILLION AT RISK					
Initial case management	N/A	\$50	\$250	\$200	\$206
Inclusive of discovery, motions, and claim construction	\$1,000	\$300	\$1,000	\$1,000	\$1,625
Inclusive of pre and post-trial, and appeal when applicable	\$1,500	\$288	\$2,500	\$2,500	\$5,000
Cost if dispute was resolved through mediation	\$200	\$68	\$100	\$100	\$108
\$10-\$25 MILLION AT RISK					
Initial case management	N/A	\$80	\$250	\$250	\$293
Inclusive of discovery, motions, and claim construction	\$1,500	\$400	\$2,000	\$2,000	\$2,625
Inclusive of pre and post-trial, and appeal when applicable	\$3,000	\$750	\$3,500	\$3,500	\$5,250
Cost if dispute was resolved through mediation	\$200	\$65	\$150	\$150	\$135
MORE THAN \$25 MILLION AT RISK					
Initial case management	N/A	\$100	\$400	\$400	\$275
Inclusive of discovery, motions, and claim construction	\$3,000	\$500	\$3,000	\$3,000	\$2,500
Inclusive of pre and post-trial, and appeal when applicable	\$5,000	\$1,100	\$5,000	\$5,000	\$3,000
Cost if dispute was resolved through mediation	\$175	\$125	\$150	\$150	\$188

Contact Information



Ramsey Alloush
Chief Operating Officer
Journey Medical
ralloush@jmcderm.com



Rusty Schundler
General Counsel
Liquidia Technologies
russell.schundler@liquidia.com



Sanya Sukduang
Partner
Cooley LLP
ssukduang@cooley.com

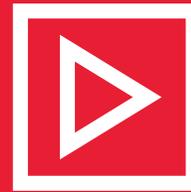
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