

# ***Gaming the Patent System: How Venue Choice Shapes Litigation Outcomes***

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This study investigates the impact of venue choice in patent litigation on case outcomes, including patent validity, infringement rulings, damages awarded, and settlement probabilities. Leveraging an originally-constructed dataset of patent cases filed in the federal district court over two decades, the Article examines how venue influences the likelihood of patent validity, the magnitude of damages awarded, and the resolution process, including settlement rates and time to resolution. It has long been suspected that certain venues are more favorable to patent holders, leading to higher rates of patent validity and larger damages, while others may result in faster resolutions or higher settlement probabilities. Using econometric models, including logit and linear regressions, the analysis controls for patent type, industry sector, and other relevant factors to isolate the effect of venue choice. The findings reveal significant differences in outcomes based on venue, with certain jurisdictions favoring patent holders and others providing more neutral or defendant-friendly rulings. The study contributes to the literature on patent litigation strategy, offering insights into how venue selection can shape litigation outcomes and potentially inform policy debates surrounding patent law and jurisdictional fairness.