

## These Firms Are Landing The Most PTAB Work

By Theresa Schliep

*Law360 (June 12, 2025, 6:49 PM EDT)* -- Intellectual property powerhouse Fish & Richardson again secured the top spot on a list of firms appearing in the most trials over the past three years in front of the Patent Trial and Appeal Board.

### The Most Active Firms at the PTAB

Fish & Richardson again came out on top on the list of firms handling the most PTAB trials from 2022 to 2024.

| Firm              | Case filings<br>from 2022 to<br>2024 | Total trials | For petitioner | Patents |
|-------------------|--------------------------------------|--------------|----------------|---------|
| Fish & Richardson | 144 → 183                            | 473          | 81.4%          | 386     |
| Finnegan          | 130 → 97                             | 315          | 69.2%          | 276     |
| Baker Botts       | 94 → 48                              | 211          | 64.5%          | 173     |
| Russ August       | 90 → 70                              | 201          | 0.5%           | 120     |
| McKool Smith      | 61 → 67                              | 196          | 16.3%          | 117     |
| Perkins Coie      | 60 → 71                              | 190          | 77.4%          | 159     |
| Sterne Kessler    | 70 → 65                              | 166          | 45.2%          | 135     |
| Haynes Boone      | 77 → 52                              | 161          | 87%            | 144     |
| Fabricant         | 57 → 18                              | 154          | 0.6%           | 74      |
| Quinn Emanuel     | 42 → 57                              | 149          | 71.8%          | 141     |

Fish & Richardson PC's attorneys worked on 473 total PTAB trials from 2022 through 2024, with the number of trials in that three-year period increasing from 144 in 2022 to 183 in 2024, according to a new report from Lex Machina.

It has put some distance between itself and the next two most active firms at the board. Finnegan Henderson Farabow Garrett & Dunner LLP came in second with 315 total trials in that period, and Baker Botts came in third with 211 trials.

It's the seventh year in a row that Fish & Richardson ranked first on the list. W. Karl Renner, chair of the firm's post-grant practice group, told Law360 that its PTAB work is the result of a successful combination of the firm's litigation and prosecution practices.

"[The PTAB] is a natural place for us, and it felt that way from the beginning," he said. "And now I think we've got an established track record of understanding the forum and understanding what it means to be there, helping folks know whether it's the right place for them in a given case, and counseling accordingly."

A significant portion of its clients are patent challengers, with the firm representing petitioners 81.4% of the time from 2022 through 2024. That figure tracks with its work advising defendants accused of infringement in district court cases, as the firm also represented the most defendants in the same time frame, according to the Lex Machina report. The firm represents some of the biggest companies in tech, such as Samsung and Apple.

The next two firms on the list also do a lot of work for petitioners. Finnegan represents patent challengers at the PTAB roughly 69% of the time, while Baker Botts does so 64.5% of the time, according to the data.

Chad C. Walters, co-chair of Baker Botts' PTAB trials practice group, said the firm's attorneys benefit from handling a split of cases that's closer to 50-50. Lawyers who defend a patent owner from a validity challenge can take lessons from that experience and apply them to their next board matter representing a petitioner, for instance.

"Not only do we have a very high volume on the petitioners' side, but our volume on the patent owners' side is high as well," Walters said, adding that "I think the patent owner experience makes us better on the petitioner side, and vice versa."

Meanwhile, No. 4 on the list, Russ August & Kabat, represented almost entirely patent owners. It worked on behalf of petitioners just 0.5% of the time in 201 PTAB cases over the three-year period, according to the data.

Most of Russ August & Kabat's PTAB work flows from its district court litigation, according to James A. Milkey, a partner with the firm. Winning at district court is a priority for the firm, and its attorneys work to make sure they aren't taking shortcuts at the PTAB that might succeed at the board but that can undermine related district court litigation, according to Milkey.

"The district court success has fueled our PTAB practice, because our clients trust us to handle the district court cases, and they also want us handling the IPRs in light of all the experience we have," Milkey said.

McKool Smith was the fifth most active firm at the PTAB, handling 196 PTAB trials from 2022 through 2024 and also representing mostly patent owners. It worked with petitioners 16.3% of the time, according to the report.

Most firms handled more cases in 2024 than they did in 2023, when many of them had a slight decline in

PTAB business. Just three firms saw a dip from 2023 to the next year, although one of those firms was McKool Smith, which handled just one fewer case last year than it did the previous year. Fabricant LLP saw the biggest drop, working on 18 cases at the PTAB in 2024 after handling 79 in 2023. The firm's PTAB cases involved mostly representing patent owners, working with petitioners just 0.6% of the time.

Both Fabricant and McKool Smith made the top 10 list for most active firms representing plaintiffs filing infringement lawsuits, according to Lex Machina's report.

The slight uptick in cases handled by the 10 most active law firms at the PTAB in 2024 follows general trends at the board, which saw increases in 2024 from 2023 of inter partes review petitions and post-grant review petitions. After a dip in 2023, when there were 1,154 IPR petitions filed, there were 1,317 IPR petitions filed the following year. PGR petitions likewise went up from 34 in 2023 to 42 in 2024, according to Lex Machina's data.

And the increase in matters in front of the PTAB generally aligns with the increase in district court litigation. After decreasing from 3,830 cases filed in 2022 to 3,115 cases filed in 2023, that figure went back up in 2024, to 3,806 cases. For firms representing clients in district court, like Fish & Richardson, that also often means that their PTAB volume will go up, since clients will pursue patent validity challenges as a defense to infringement.

"The volume ... speaks to the trust that clients place in our team, and our ability to scale and our ability to be there for them," Fish & Richardson's Renner told Law360.

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