

Patent Pilot Program Kicks Off in the Northern District of Texas

By [Sara Hollan](#)

Through at least August, 2012, all patent litigation cases filed in or transferred to the Northern District of Texas Dallas Division will be assigned to Judge Lynn, Judge Godbey or Judge Kinkeade. This change is the result of the Northern District of Texas' implementation of the Patent Pilot Program, a ten-year program designed to enhance expertise in patent cases among U.S. district judges. *See* Pub. L. 111-349 (Jan. 4, 2011).

Under [Special Order No. 3-287](#), a patent case filed in or transferred to the Northern District of Texas on or after September 1, 2011 will be randomly assigned to a district judge, who then has seven days to decline to accept the case. If the assignment is declined, the case will be reassigned to one of the designated patent judges, identified in the Special Order as Judge Lynn, Judge Godbey, and Judge Kinkeade. Notably, however, except for the designated patent judges, all of the district judges in the Dallas Division have advised that they intend to decline to accept cases subject to the Patent Pilot Program for at least one year.

The Northern District of Texas and the Eastern District of Texas are two of the fourteen district courts that have been selected to participate in the Patent Pilot Program.¹ The Federal Judicial Center will evaluate the program by comparing the reversal rate of judges who participate.

There are at least two practical implications of the Patent Pilot Program. It is expected that practices and procedures applied in patent cases will be more uniform and predictable.. A court's participation in the Patent Pilot Program also may be taken into consideration in deciding motions to transfer. Because the program is designed "to encourage enhancement of expertise in patent cases among district judges," a district court's participation in the Patent Pilot Program may be a public interest factor relevant to the transfer analysis.

¹ The non-Texas courts participating in the Patent Pilot Program are the Eastern District of New York, Southern District of New York, Western District of Pennsylvania, District of New Jersey, District of Maryland, Northern District of Illinois, Southern District of Florida, District of Nevada, Western District of Tennessee, Central District of California, Northern District of California, and the Southern District of California.