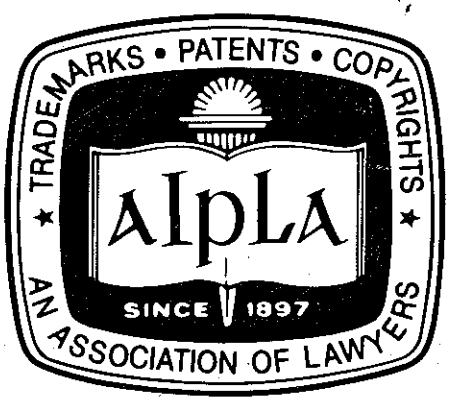


REPORT OF ECONOMIC SURVEY 1995

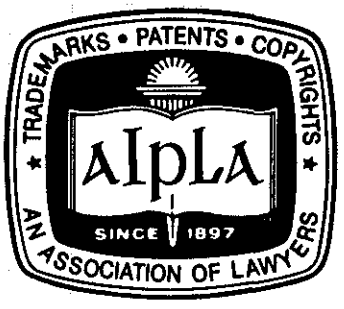
PREPARED UNDER DIRECTION OF
COMMITTEE ON ECONOMICS OF LEGAL PRACTICE

American Intellectual Property Law Association
2001 Jefferson Davis Highway, Suite 203
Arlington, Virginia 22202

REPORT OF ECONOMIC SURVEY 1995

PREPARED UNDER DIRECTION OF
AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION
COMMITTEE ON ECONOMICS OF LEGAL PRACTICE

PAUL F. PRESTIA, CHAIR



BY
FETZER-KRAUS, INC.
WASHINGTON, D.C. 20008

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I. Introduction

Under the direction of the Committee on Economics of Legal Practice, the American Intellectual Property Law Association conducts an economic survey of the association's membership each odd-numbered year. The survey addresses incomes and related characteristics of individual practitioners and other economic aspects of intellectual property law practice. The 1995 survey instrument, a six-page questionnaire designed to be completed by individual practitioners and a two-page questionnaire designed to be completed by law firms, expanded the number of topics covered by this survey and significantly revised many questions that addressed the survey's traditional topics, resulting in this enhanced and expanded report.

Many members of the Committee over the last two years, several other members of the Association, and Charles Fetzer of Fetzer-Kraus, Inc., contributed significantly to the preparation and selection of the survey questions. Their efforts are gratefully acknowledged. The quality of the survey is ultimately dependent, however, on the conscientious effort of each respondent to report appropriate and accurate information on the topics surveyed. The AIPLA expresses its deepest appreciation to the 1,545 individual practitioners and 283 law firms whose responses made this report possible.

Over the years, suggestions and inquiries from members of AIPLA have indicated that this survey plays an important role in establishing salaries and determining salary adjustments, both in corporate legal departments and in private law firms. Experience also suggests information in the report is helpful in determining reasonable attorney fees in intellectual property litigation. Given these uses of the information, feedback from members is highly valued by the Committee on Economics of Legal Practice. The last page of this report is a feedback form. Readers are invited to use this form to provide feedback which can be used to further improve future surveys and survey reports. Comments and suggestions from users of this report are invaluable in keeping the survey relevant to the interests of AIPLA members.

The AIPLA mailed survey questionnaires, reproduced as Appendix A of this report, to its 8,700 members in mid-February. Survey responses were returned directly, and anonymously, to Fetzer-Kraus, Inc., an independent research firm that tabulated the results and prepared this report. Fetzer-Kraus assures participants that the confidentiality of each response has been maintained at all times and that only grouped data have been reported.

Characteristics of the Survey Sample

Type of Practice—Of the 1,545 attorneys who responded to the survey, one-third are partners or shareholders in private law firms, another 20 percent are associates in private firms, and 2 percent (38 individuals) are Of Counsel. Eight percent of respondents are sole practitioners, in private practice. Approximately 35 percent of respondents are corporate lawyers, including 140 respondents who are heads of

employ 25 or fewer IP lawyers and patent agents. A significant minority of respondents, 42 percent, work in firms or corporations that employ 10 or fewer IP lawyers and patent agents. Only 18 percent of respondents work for organizations that employ more than 50 IP lawyers and patent agents.

Location of Primary Place of Work—All geographic regions of the United States are represented by the survey response. For the purpose of reporting income (Table 8), billable hours and billing rates (Table 16), typical charges (Table 21), and estimated costs of litigation (Table 22) by place of work, all survey respondents were categorized based on the reported zip code of their primary office location. Major metropolitan areas (Boston, NYC, Philadelphia-Wilmington, Washington DC, and Chicago) are self-explanatory and include all zip codes, central city and suburban, within these areas. Two states (Texas and California) had sufficiently large numbers of respondents to be reported separately. The category labeled "Metro Southeast" includes Raleigh-Durham and Charlotte in North Carolina; Atlanta, Georgia; and Miami-Ft. Lauderdale-West Palm Beach in Florida. All other categories are residual and contain the same states as in previous surveys: "Other East" includes Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia; "Other Southeast" includes North Carolina, South Carolina, Georgia, and Florida; "Other Central" includes Minnesota, North Dakota, South Dakota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Iowa, Nebraska, Kansas, Missouri, Kentucky, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, and Tennessee; and "Other West" includes Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon, Alaska, and Hawaii.

Not all differences that may appear to be associated with location can be accepted at face value. For example, approximately one-half of respondents in the New York City area, the Washington DC area, and the Chicago area are partners in private firms. In comparison, only 18 percent of respondents in the Philadelphia-Wilmington area are partners. Respondents in the New York City and Washington DC areas are most likely to be employed in larger organizations; these respondents reported respective averages of 46 and 47 intellectual property lawyers/patent agents in their organizations. These demographic differences between locations may influence income and pricing differences that appear to be regional.

Interpreting the Tables

Several formatting conventions are followed in all tables in this report:

> "0%" indicates the response was less than 0.5% of the category total,
> "-" (a dash) indicates there was no response to report, and
> " " (a blank) indicates there were too few values to calculate the requisite statistic (e.g., a median or a percentile)

The base row, the first row in a table, reports the total number of respondents in each of the column categories in that table. The number of responses reported by a table may be less than 1,545 attorneys (or 283 firms) when the table reports the

Income. This was defined as "total gross income in calendar year 1994 from [the respondent's] primary practice, including any cash bonus, partnership income, share of profits, and similar compensation."

Typical Charges. Instructions were "Assuming a typical case with no unusual complications, what would you have expected to charge or be charged, in 1994, for legal services only (including search fees, but not including copy costs, drawing fees or government fees) in each of the following types of matters?" Respondents were instructed to 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 or as a purchaser of such services."

Estimates of Litigation Costs. These costs were defined as "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." Respondents were instructed to respond "...only if you have personal knowledge, either as a service provider or as a purchaser of such services, of the costs incurred, within the relatively recent past, for the type of work to which the question pertains."

For additional definitions, see the Survey Questionnaire, Appendix A.

II. Summary of Results

Income. Median 1994 income of survey participants was $119,996, an increase of 8 percent from the median 1992 income of $111,000 reported in 1993. The median income of partners increased 12 percent, to $209,997, along with an increase in median years of experience among partners to 22 years in 1994 from 20 years in 1992. The median income of associates declined by 9 percent, to $77,006, although the median years of experience was unchanged at five years. Although the median income of heads of corporate IP or legal departments and the median income of other corporate lawyers increased 8 percent, to $139,996 and $104,001 respectively, median income among all corporate lawyers increased only 4 percent from 1992 to 1994, suggesting that many corporate lawyers (or positions) experienced relatively small salary increases during the period. Median income among sole practitioners and among government lawyers was almost unchanged during the two-year period, perhaps due in part to a significant decrease in median years of intellectual property law experience among both groups of respondents.

Table 1 compares 1992 income, age, and years of experience by type of practice with 1992 income, age, and years of experience. Table 1 also compares median income within each practice group from 1980 to 1984. These income trends are also illustrated by Chart 1. Table 2 reports the 1994 income, age, and years of experience of the 1,448 respondents who reported they devote five days a week, or 100% of their time, to their practice. Because it excludes practitioners—concentrated among sole practitioners and attorneys who are Of Counsel—who work less than full-time in their practices, Table 2 is not comparable with the income tables of previous

respondents filed a median of 15 or fewer patent applications. The 436 respondents reporting PCT application families reported a median of 4 applications filed in 1994. The 413 respondents reporting non-PCT foreign application families reported a median of 6 application families filed in 1994. Among heads of corporate IP or legal departments, the median was 9 non-PCT foreign applications.

Tables 14 and 15 report the percent of time devoted by partners and by associates to various types of work and to various IP areas, by level of income. Among partners generally, the higher the level of income, the more time is likely to be devoted to litigation and the less time is likely to be devoted to developing IP protection. The same pattern is true for associates, except that proportionately fewer associates devote any time to litigation.

Billing Characteristics. Partners billed a median of 1750 hours in 1994, associates a median of 1800 hours, and sole practitioners a median of 1001 hours. Among partners, those reporting from the Philadelphia-Wilmington area and from Texas billed a median of 2000 hours. Among associates, those reporting from Texas also billed a median of 2000 hours. Among 493 partners reporting, the median hourly billing rate in 1994 was $225, only a slight increase from the median hourly billing rate of $217 reported for 1992. Among associates, the median hourly billing rate in 1994 was $140, a decrease from the median of $153 in 1992. The median among sole practitioners in 1994 was $151, a small decrease from the 1992 median of $158.

Among partners, median billing rates increase with years of experience through 25 years of experience, when the median levels off at $250 per hour. Among associates, median billing rates increase steadily through approximately 7 years of experience, when the median levels off at $175-180 per hour.

Partners billed a median of $370,000 for legal services performed in 1994. Associates billed a median of $250,000 and sole practitioners billed a median of $124,000.

Sole practitioners were most likely to bill some percent of legal services performed in 1994 on a basis other than hourly; 59 percent did so. Associates were least likely to bill for services on a basis other than hourly; only 31% did so. The 69 sole practitioners reporting billed a median of 30 percent of their 1994 services on some basis other than hourly, typically on a pre-determined fee basis. Relatively few respondents in private practice billed any 1994 services on a contingent fee basis.

Typical Charges and Costs. Respondents reported typical charges in 1994, either made by them or paid by them, for 24 different activities such as "trademark registerability search, analysis, and opinion"; "utility patent novelty search, analysis, and opinion"; and "filing foreign origin utility patent application in U.S. PTO, received ready for filing with formal papers, assignment, and priority documents." The mid-range of charges for each of these 24 activities is reported by location of primary place of work in Table 21.

Respondents reported estimated total costs of litigation, "within the relatively recent past," for each of 5 types of intellectual property lawsuits (with costs differentiated

Attorney billing rates, as reported by firms, are comparable with those reported by individual attorneys, with a median average hourly billing rate, among 249 firms reporting, of $173. The median maximum and minimum rates are $225 and $110.

Various tables in this section report characteristics of firms whose IP practice is 75 percent or more, or less than 75 percent, of total practice. Other tables report the firm's 1994 collection ratio and overhead; the firm's increase or decrease in billings in the past two years; factors affecting the compensation of partners and of associates; and various relationships among liability insurance coverages, deductibles, claims made against the firm, and liability insurance costs per attorney.

TEN-YEAR COMPARISON OF MEDIAN INCOMES: 1984-1994

Partners, All Corporate Lawyers, and All Survey Respondents

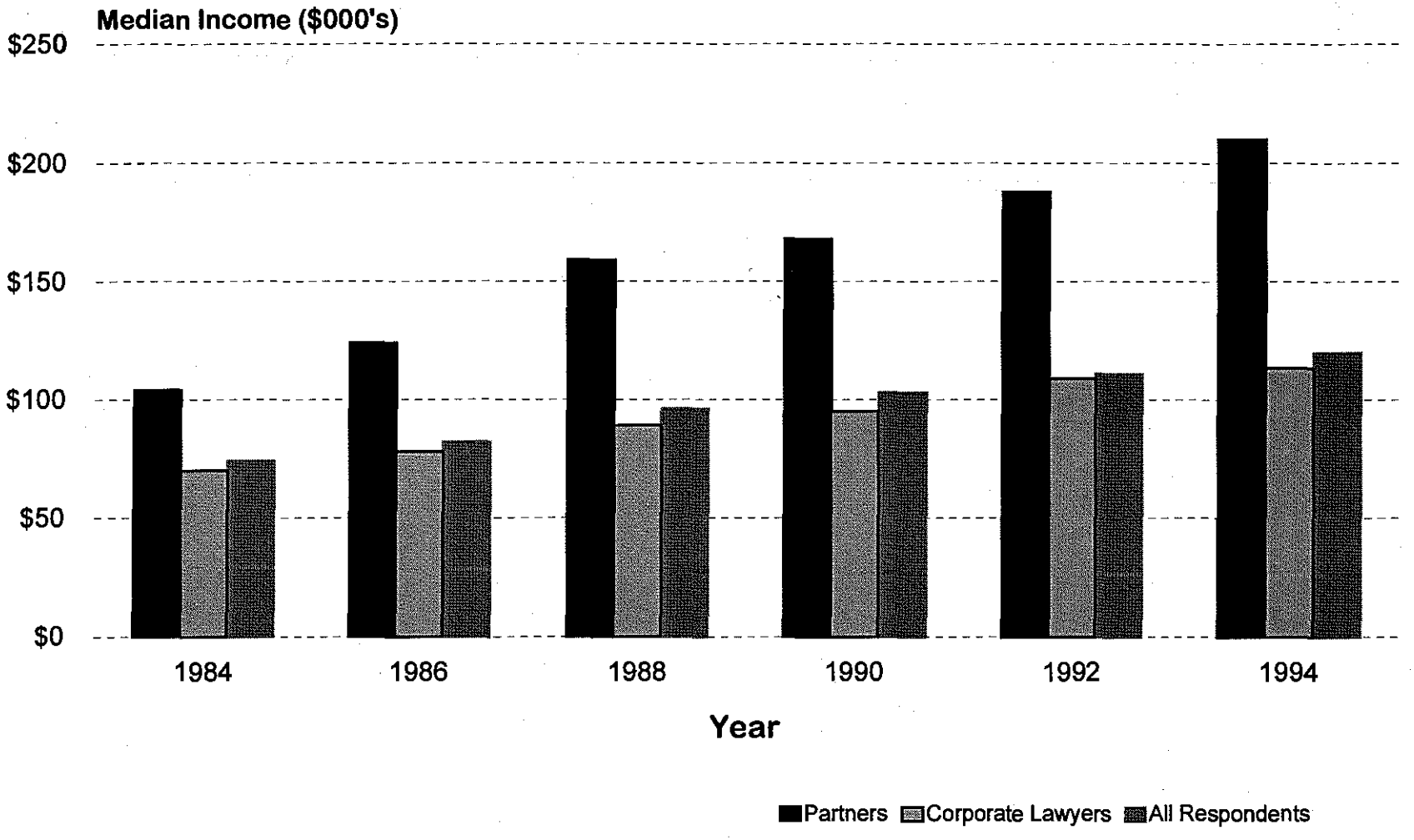


Chart 1
The AIPLA 1995 Economic Survey

Table 3a. Income by Type of Practice and Age of Respondent

		Respondent's Age								
	Total Survey	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 or Older
TOTAL SURVEY										
Number Reporting	1427	87	229	225	193	204	177	170	91	50
		6%	16%	16%	14%	14%	12%	12%	6%	4%
75th Percentile	$189,993	$77,999	$103,004	$149,996	$192,002	$227,500	$239,998	$250,003	$240,004	$256,000
Median	$120,004	$69,997	$83,004	$103,700	$125,005	$149,500	$154,997	$174,996	$164,000	$171,280
25th Percentile	$84,994	$60,004	$67,995	$77,997	$100,995	$107,500	$114,997	$123,000	$115,005	$100,005
ALL PRIVATE PRACTICE										
Number Reporting	899	71	167	125	107	118	98	105	62	46
		8%	19%	14%	12%	13%	11%	12%	7%	5%
75th Percentile	$225,975	$78,983	$110,002	$180,026	$224,994	$300,014	$310,000	$330,026	$299,977	$270,000
Median	$134,992	$70,026	$85,006	$124,975	$150,009	$200,024	$220,011	$216,000	$199,989	$177,500
25th Percentile	$82,028	$60,017	$67,992	$76,975	$105,317	$120,014	$131,000	$160,009	$114,983	$103,000
PARTNERS										
Number Reporting	490	3	28	68	71	89	73	80	48	30
		1%	6%	14%	14%	18%	15%	16%	10%	6%
75th Percentile	$300,044		$160,000	$220,018	$272,973	$329,993	$359,986	$373,000	$325,000	$310,000
Median	$210,750	$102,000	$128,000	$165,000	$199,991	$225,000	$247,000	$245,000	$230,500	$205,000
25th Percentile	$149,984		$96,000	$125,700	$137,028	$169,959	$195,973	$179,000	$165,000	$135,000
ASSOCIATES										
Number Reporting	294	68	133	50	22	10	7	3	1	0
		23%	45%	17%	7%	3%	2%	1%	0%	-
75th Percentile	$98,040	$77,983	$101,025	$102,000	$115,038	$90,000	$114,975			-
Median	$77,970	$70,000	$83,000	$80,500	$102,500	$72,000	$99,975	$98,000		-
25th Percentile	$66,000	$60,010	$67,963	$68,025	$76,000	$67,000	$96,025			-

Table 3b. Employer Contributions to Pension and Savings Plans by Type of Practice and Age of Respondent

		Respondent's Age								
	Total Survey	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 or Older
TOTAL SURVEY										
Number Reporting	546	25	74	89	88	80	65	67	34	23
		5%	14%	16%	16%	15%	12%	12%	6%	4%
75th Percentile	$19,400	$7,201	$7,000	$13,999	$16,500	$20,000	$24,001	$25,001	$20,000	$29,999
Median	$8,500	$3,900	$4,001	$5,500	$9,000	$9,050	$10,500	$15,000	$14,500	$15,001
25th Percentile	$3,999	$1,899	$2,499	$2,500	$4,999	$5,103	$4,501	$5,201	$7,999	$8,251
ALL PRIVATE PRACTICE										
Number Reporting	325	20	53	42	46	42	36	43	23	20
		6%	16%	13%	14%	13%	11%	13%	7%	6%
75th Percentile	$22,493	$6,500	$8,996	$19,800	$20,006	$24,996	$26,500	$27,996	$22,497	$29,998
Median	$12,003	$3,700	$4,400	$10,002	$13,997	$19,450	$21,500	$21,995	$16,800	$22,055
25th Percentile	$5,003	$1,744	$2,993	$4,998	$7,995	$9,998	$11,000	$10,003	$8,006	$12,450
PARTNERS										
Number Reporting	219	1	18	30	36	35	31	34	19	15
		-	8%	14%	16%	16%	14%	16%	9%	7%
75th Percentile	$24,985		$11,979	$22,000	$21,000	$25,011	$28,011	$28,000	$22,505	$30,005
Median	$19,400		$9,014	$14,500	$16,500	$20,021	$22,472	$22,014	$18,000	$22,479
25th Percentile	$9,990		$4,021	$8,525	$9,200	$10,521	$15,021	$13,000	$9,021	$14,990
ASSOCIATES										
Number Reporting	78	19	33	12	7	3	1	2	1	0
		24%	42%	15%	9%	4%	1%	3%	1%	-
75th Percentile	$6,995	$5,995	$5,005	$8,000	$9,003					-
Median	$4,350	$3,500	$3,500	$4,000	$6,500	$9,995				-
25th Percentile	$2,305	$1,392	$2,493	$2,250	$5,705					-

Table 4a. Income by Type of Practice and Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	Less than 5	5-6 Years	7-9 Years	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30-34 Years	35-39 Years	40 or More
Total Survey											
Number Reporting	1427	201	151	147	215	169	151	143	138	68	41
		14%	11%	10%	15%	12%	11%	10%	10%	5%	3%
75th Percentile	$189,993	$77,004	$98,002	$125,002	$165,002	$200,007	$249,996	$259,997	$280,000	$260,000	$250,004
Median	$120,004	$68,995	$83,000	$100,004	$126,000	$137,000	$160,006	$165,004	$194,500	$199,999	$150,000
25th Percentile	$84,994	$57,994	$71,998	$83,504	$99,999	$111,285	$120,001	$125,005	$135,002	$149,000	$99,999
All Private Practice											
Number Reporting	899	148	90	85	134	92	86	77	96	54	36
		16%	10%	9%	15%	10%	10%	9%	11%	6%	4%
75th Percentile	$225,975	$77,060	$97,983	$139,983	$200,026	$245,832	$350,000	$339,992	$383,000	$299,977	$285,000
Median	$134,992	$69,011	$84,750	$110,019	$149,977	$183,500	$216,000	$230,000	$230,000	$220,000	$150,011
25th Percentile	$82,028	$56,500	$71,500	$88,983	$104,000	$127,500	$155,000	$145,009	$171,500	$165,000	$100,011
Partners											
Number Reporting	490	4	9	31	98	69	73	64	76	43	23
		1%	2%	6%	20%	14%	15%	13%	16%	9%	5%
75th Percentile	$300,044		$125,028	$199,954	$225,041	$273,028	$375,041	$360,000	$400,028	$300,014	$329,973
Median	$210,750	$137,500	$100,000	$134,973	$164,000	$200,041	$230,000	$255,000	$256,500	$235,000	$190,000
25th Percentile	$149,984		$94,959	$105,028	$126,000	$145,014	$179,973	$179,500	$198,000	$175,009	$130,041
Associates											
Number Reporting	294	138	77	46	21	5	1	3	1	1	0
		47%	26%	16%	7%	2%	0%	1%	0%	0%	-
75th Percentile	$98,040	$77,120	$95,875	$125,038	$115,038	$115,038					-
Median	$77,970	$69,970	$84,500	$109,967	$104,975	$114,975		$98,000			-
25th Percentile	$66,000	$58,033	$73,975	$87,500	$91,975	$96,975					-

PARTNERS IN PRIVATE FIRMS

Income by Years of Intellectual Property Law Experience

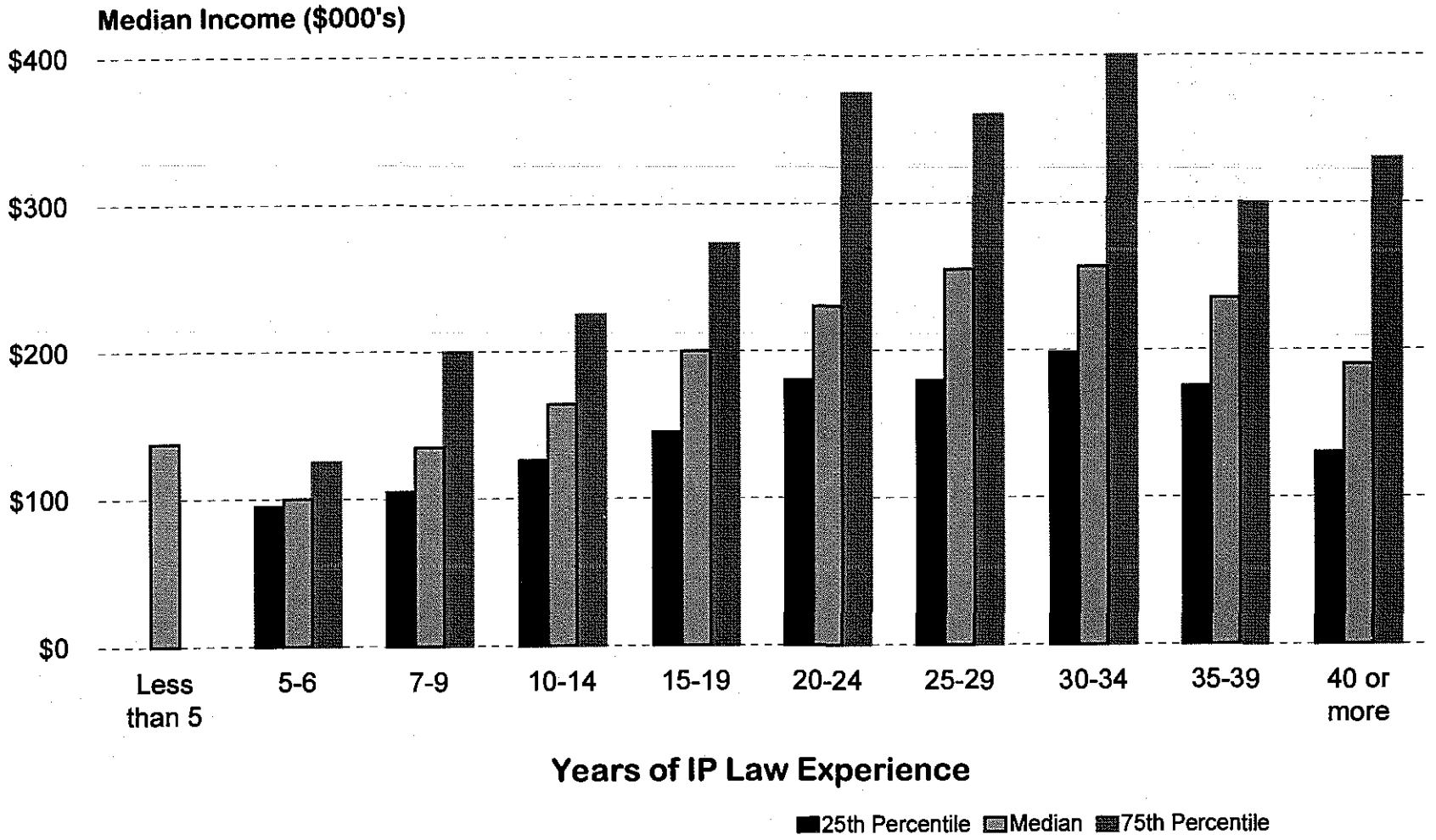


Chart 2
The AIPLA 1995 Economic Survey

HEAD CORPORATE IP OR LEGAL DEPARTMENT

Income by Years of Intellectual Property Law Experience

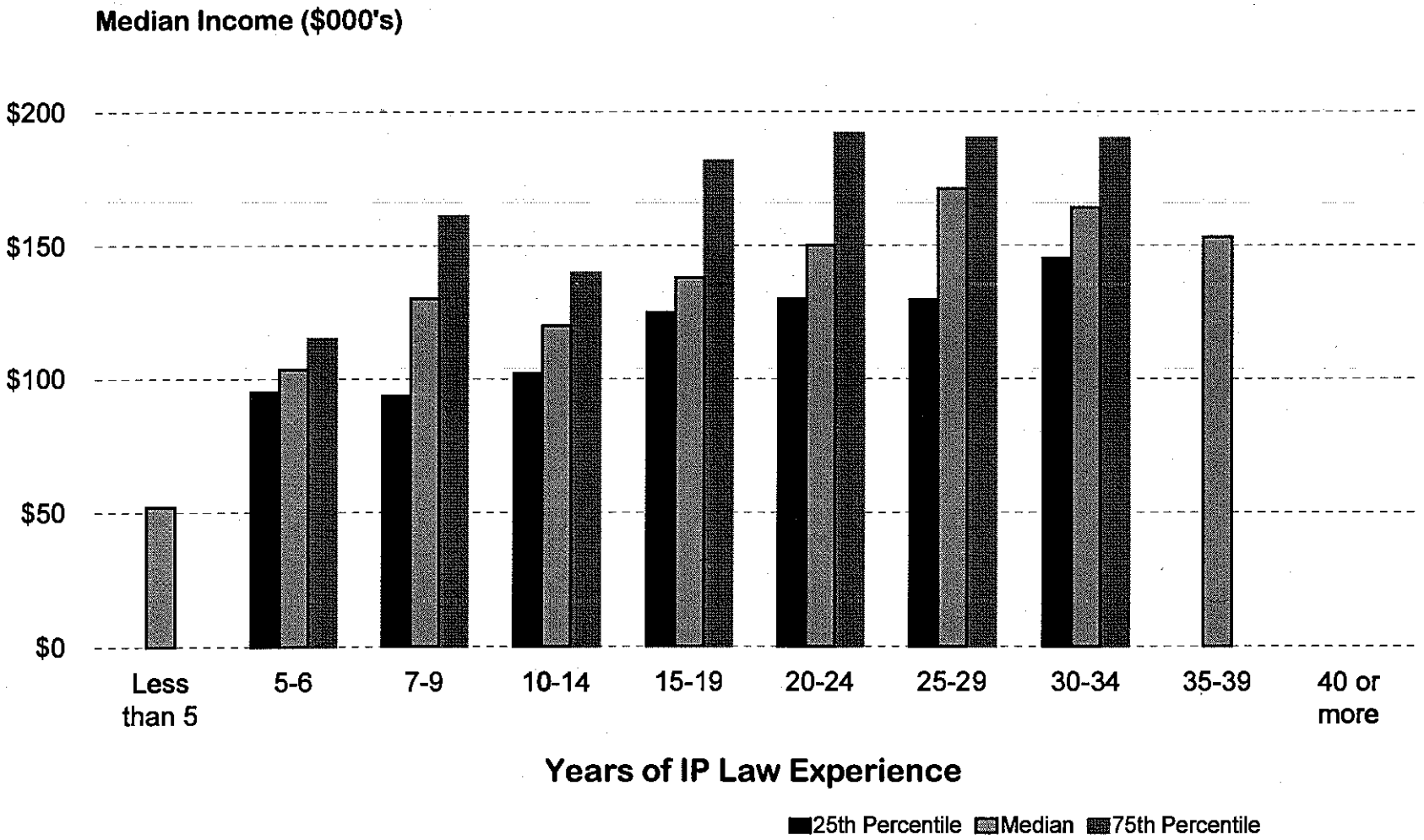


Chart 4
The AIPLA 1995 Economic Survey

Table 4b. Income by Type of Practice, in the First 10 Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years	10 Years
Total Survey											
Number Reporting	1427	25 2%	48 3%	69 5%	59 4%	86 6%	65 5%	60 4%	54 4%	33 2%	61 4%
75th Percentile	$189,993	$65,004	$73,000	$77,124	$86,997	$88,100	$108,004	$114,320	$135,004	$127,004	$165,004
Median	$120,004	$55,000	$65,500	$69,994	$75,800	$79,999	$89,500	$97,378	$102,500	$106,000	$121,000
25th Percentile	$84,994	$39,997	$53,002	$60,995	$65,001	$69,364	$75,997	$83,000	$80,004	$87,497	$101,995
All Private Practice											
Number Reporting	899	21 2%	37 4%	49 5%	41 5%	47 5%	43 5%	33 4%	34 4%	18 2%	33 4%
75th Percentile	$225,975	$65,017	$72,517	$83,017	$87,017	$91,983	$99,983	$129,017	$141,000	$130,000	$190,017
Median	$134,992	$53,023	$67,000	$70,983	$75,017	$82,017	$88,000	$110,000	$115,000	$117,500	$147,000
25th Percentile	$82,028	$39,983	$54,983	$60,975	$65,975	$70,026	$71,517	$89,983	$85,000	$87,500	$115,009
Partners											
Number Reporting	490	0 -	0 -	3 1%	1 0%	2 0%	7 1%	10 2%	14 3%	7 1%	20 4%
75th Percentile	$300,044	-	-				$205,973	$200,028	$200,000	$159,973	$215,000
Median	$210,750	-	-	$225,000			$100,000	$157,500	$133,500	$127,000	$184,000
25th Percentile	$149,984	-	-				$94,986	$105,000	$102,000	$115,028	$135,000
Associates											
Number Reporting	294	18 6%	37 13%	45 15%	38 13%	42 14%	35 12%	21 7%	17 6%	8 3%	8 3%
75th Percentile	$98,040	$65,500	$72,525	$82,025	$88,000	$92,000	$97,975	$120,025	$140,025	$127,500	$150,000
Median	$77,970	$57,500	$67,000	$70,975	$77,500	$83,050	$86,000	$109,988	$103,000	$113,000	$121,500
25th Percentile	$66,000	$41,650	$54,975	$60,963	$67,000	$75,000	$71,025	$88,975	$84,975	$93,750	$98,500

ASSOCIATES IN PRIVATE FIRMS

Income in the First 10 Years of Intellectual Property Law Experience

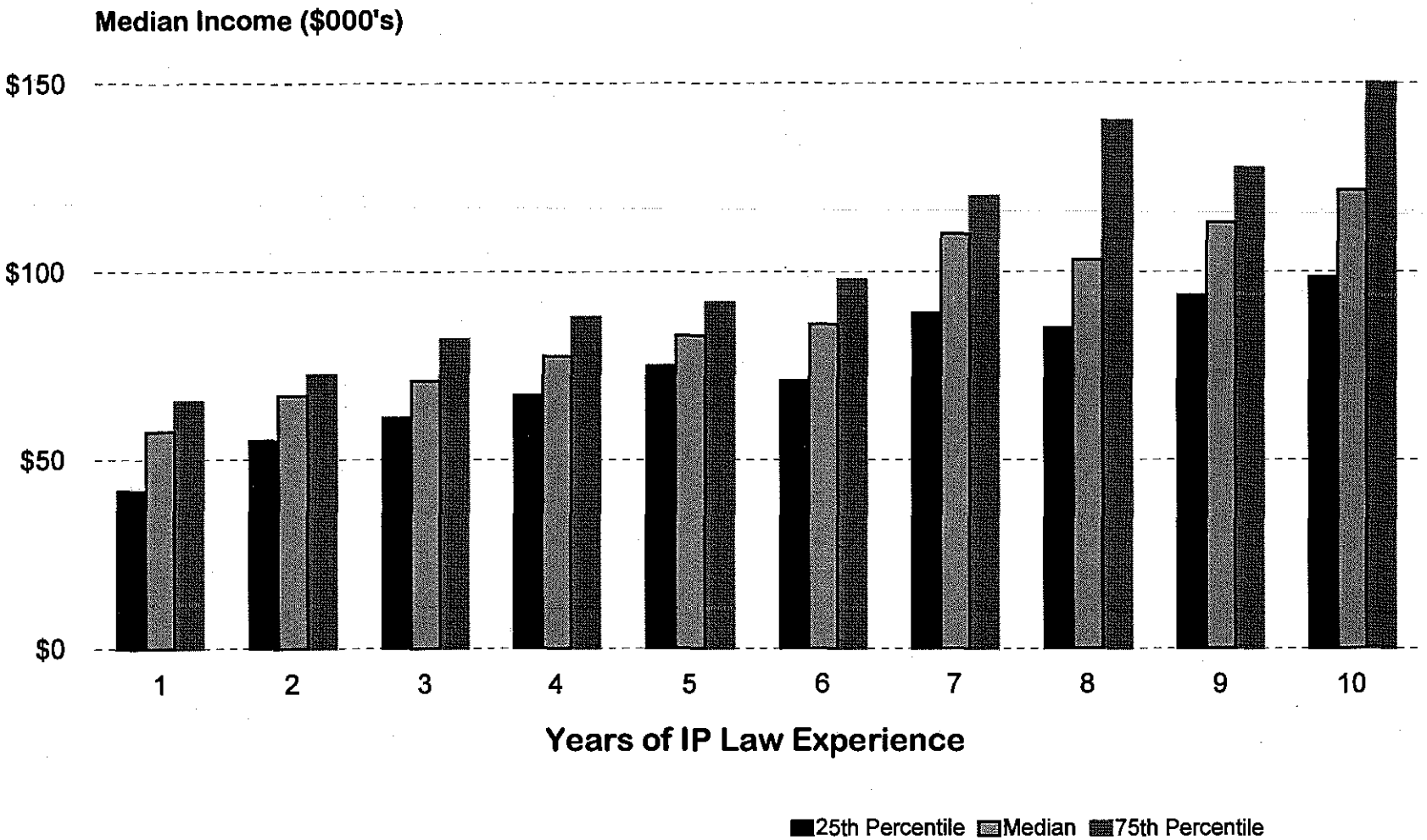


Chart 6
The AIPLA 1995 Economic Survey

Table 6. Income by Type of Practice and Area(s) of Technical Specialization

		Respondent's Technical Specialization (50% or More of IP Practice In This Area)											
	Total Survey	Biotech-nology	Chemical	Biotechnology/ Chemical	Chemical/ Mechanical	Hardware/ Software	Software Only	Electrical	Electrical/ Mechanical	Mechanical Only	Other Areas*	Multiple Areas*	None Reported
Total Survey													
Number Reporting	1427	100 7%	324 23%	10 1%	12 1%	25 2%	40 3%	163 11%	16 1%	370 26%	12 1%	313 22%	42 3%
75th Percentile	$189,993	$174,500	$160,500	$200,000	$156,664	$150,004	$152,500	$199,998	$195,000	$190,000	$145,000	$220,006	$255,000
Median	$120,004	$110,000	$120,000	$130,000	$129,000	$120,004	$112,500	$116,000	$123,144	$116,500	$107,162	$132,500	$155,000
25th Percentile	$84,994	$85,000	$93,366	$100,000	$97,000	$96,997	$73,000	$82,604	$77,000	$77,002	$80,500	$84,999	$91,997
All Private Practice													
Number Reporting	899	52 6%	108 12%	4 0%	6 1%	15 2%	23 3%	108 12%	14 2%	297 33%	5 1%	234 26%	33 4%
75th Percentile	$225,975	$217,500	$247,500		$170,000	$199,983	$194,983	$234,000	$200,000	$220,026	$210,017	$249,986	$320,017
Median	$134,992	$111,320	$152,750	$175,000	$142,914	$130,017	$110,017	$124,983	$122,500	$124,990	$160,000	$159,989	$199,983
25th Percentile	$82,028	$83,500	$101,000		$120,000	$95,017	$70,017	$79,000	$72,000	$75,994	$109,983	$85,023	$102,983
Partners													
Number Reporting	490	17 3%	64 13%	2 0%	4 1%	7 1%	10 2%	57 12%	7 1%	157 32%	2 0%	141 29%	22 4%
75th Percentile	$300,044	$321,282	$355,000			$259,973	$234,000	$330,041	$259,973	$274,986		$324,986	$499,973
Median	$210,750	$275,000	$215,500		$156,664	$200,000	$182,500	$225,000	$200,000	$199,956		$217,973	$245,000
25th Percentile	$149,984	$214,973	$152,750			$130,028	$115,000	$149,973	$166,028	$135,017		$159,973	$192,000
Associates													
Number Reporting	294	33 11%	33 11%	1 0%	2 1%	7 2%	10 3%	40 14%	5 2%	94 32%	1 0%	60 20%	8 3%
75th Percentile	$98,040	$110,025	$115,025			$129,975	$110,025	$93,500	$82,025	$87,025		$92,750	$103,750
Median	$77,970	$88,025	$90,025			$95,000	$79,000	$79,000	$72,000	$73,500		$70,030	$87,500
25th Percentile	$66,000	$76,975	$70,992			$76,025	$71,500	$69,000	$69,975	$57,967		$64,990	$72,000

*"Other Areas" includes optics, metallurgy, ceramics, multimedia publishing, textiles, and medical equipment. "Multiple Areas" includes respondents who reported three or more areas of technical specialization, with no one area accounting for more than 40% of practice.

Table 7. Income by Type of Practice and Size of Professional Staff

		Intellectual Property Lawyers and Agents in the Firm or Corporation							
	Total Survey	1-2	3-5	6-10	11-25	26-50	51-100	101-150	151 or More
Total Survey									
Number Reporting	1427	183 13%	158 11%	227 16%	359 25%	229 16%	173 12%	67 5%	12 1%
75th Percentile	$189,993	$141,997	$174,999	$191,997	$201,997	$225,003	$201,004	$159,995	$180,000
Median	$120,004	$105,000	$118,000	$124,994	$125,006	$132,747	$120,005	$117,000	$95,250
25th Percentile	$84,994	$70,998	$83,004	$89,995	$89,997	$89,999	$86,995	$82,998	$80,750
All Private Practice									
Number Reporting	899	110 12%	83 9%	148 16%	230 26%	146 16%	114 13%	54 6%	6 1%
75th Percentile	$225,975	$150,014	$200,009	$219,000	$239,977	$299,985	$275,000	$169,983	$210,000
Median	$134,992	$99,975	$135,017	$136,000	$147,500	$170,000	$159,989	$117,500	$180,000
25th Percentile	$82,028	$63,000	$71,517	$80,011	$89,983	$88,000	$88,977	$82,983	$87,000
Partners									
Number Reporting	490	25 5%	58 12%	96 20%	137 28%	91 19%	58 12%	20 4%	4 1%
75th Percentile	$300,044	$200,028	$229,973	$247,500	$300,041	$350,014	$375,000	$451,500	
Median	$210,750	$134,973	$168,000	$193,000	$219,966	$250,041	$270,018	$330,000	$205,000
25th Percentile	$149,984	$95,973	$120,000	$130,000	$162,973	$190,041	$191,973	$152,250	
Associates									
Number Reporting	294	6 2%	20 7%	47 16%	82 28%	52 18%	51 17%	33 11%	2 1%
75th Percentile	$98,040	$70,975	$68,250	$95,975	$99,960	$100,000	$110,025	$109,988	
Median	$77,970	$69,000	$59,975	$74,975	$76,650	$79,000	$88,000	$90,000	
25th Percentile	$66,000	$47,000	$47,250	$59,988	$64,967	$68,500	$73,975	$77,095	
All Corporate IP or Legal Department									
Number Reporting	503	70 14%	71 14%	74 15%	127 25%	81 16%	58 12%	13 3%	4 1%
75th Percentile	$140,001	$135,000	$158,997	$140,005	$147,995	$140,006	$133,000	$136,004	
Median	$114,005	$115,004	$114,995	$111,500	$116,000	$114,997	$102,200	$117,000	$87,000
25th Percentile	$89,004	$93,300	$88,005	$92,000	$91,004	$91,997	$80,005	$83,997	
Head Corporate IP or Legal Department									
Number Reporting	127	52 41%	29 23%	14 11%	23 18%	6 5%	0 -	2 2%	1 1%
75th Percentile	$179,958	$140,037	$180,019	$202,000	$200,028	$225,000	-		
Median	$139,981	$120,000	$155,000	$170,000	$171,000	$163,000	-		
25th Percentile	$115,098	$99,838	$127,944	$138,000	$140,056	$160,000	-		
Other Corporate IP or Legal Department									
Number Reporting	376	18 5%	42 11%	60 16%	104 28%	75 20%	58 15%	11 3%	3 1%
75th Percentile	$131,001	$120,004	$116,000	$129,000	$130,000	$137,997	$133,000	$135,997	
Median	$104,004	$104,000	$100,500	$104,500	$102,500	$110,997	$102,200	$115,000	$86,500
25th Percentile	$83,800	$62,000	$75,004	$91,013	$85,500	$89,998	$80,005	$82,504	

Table 8. Income by Type of Practice and Location of Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
TOTAL SURVEY													
Number Reporting	1427	51	81	74	227	199	44	21	113	286	88	147	96
		4%	6%	5%	16%	14%	3%	1%	8%	20%	6%	10%	7%
75th Percentile	$189,993	$219,997	$299,998	$139,997	$220,001	$150,002	$199,500	$147,004	$250,004	$155,004	$157,500	$234,002	$169,780
Median	$120,004	$102,000	$186,000	$111,500	$127,000	$115,995	$119,000	$101,000	$149,000	$108,672	$103,000	$149,000	$114,997
25th Percentile	$84,994	$82,998	$115,997	$84,000	$90,005	$87,504	$71,250	$76,997	$91,995	$75,800	$77,750	$99,996	$69,000
ALL PRIVATE PRACTICE													
Number Reporting	899	33	71	34	199	56	27	10	79	156	64	100	70
		4%	8%	4%	22%	6%	3%	1%	9%	17%	7%	11%	8%
75th Percentile	$225,975	$294,017	$379,792	$219,983	$227,983	$174,989	$239,983	$270,000	$329,972	$199,977	$166,000	$250,000	$200,023
Median	$134,992	$105,000	$202,000	$122,500	$149,977	$110,011	$80,000	$141,000	$189,983	$119,993	$103,000	$153,000	$117,500
25th Percentile	$82,028	$83,983	$124,979	$84,000	$96,992	$69,500	$60,028	$50,017	$100,013	$71,250	$70,011	$85,500	$68,000
PARTNERS													
Number Reporting	490	18	41	15	115	24	12	7	56	88	27	46	41
		4%	8%	3%	23%	5%	2%	1%	11%	18%	6%	9%	8%
75th Percentile	$300,044	$307,000	$450,028	$379,973	$324,973	$225,000	$325,000	$239,973	$387,500	$229,374	$339,959	$360,000	$225,041
Median	$210,750	$259,500	$299,973	$220,028	$210,037	$174,982	$242,500	$135,000	$260,000	$175,018	$169,973	$240,018	$174,973
25th Percentile	$149,984	$105,000	$219,973	$135,041	$164,986	$141,000	$178,500	$50,041	$177,500	$132,500	$131,028	$190,000	$120,014
ASSOCIATES													
Number Reporting	294	12	25	14	74	14	11	0	19	50	30	31	14
		4%	9%	5%	25%	5%	4%	-	6%	17%	10%	11%	5%
75th Percentile	$98,040	$95,000	$135,025	$115,000	$109,975	$71,000	$71,475	-	$97,975	$75,000	$90,025	$99,975	$71,000
Median	$77,970	$86,750	$116,000	$85,000	$88,500	$64,000	$60,033	-	$85,000	$69,000	$72,500	$85,025	$62,000
25th Percentile	$66,000	$74,500	$86,975	$65,500	$74,000	$58,000	$50,025	-	$72,525	$58,033	$65,000	$74,988	$54,967

Table 9. Income of All Corporate Lawyers by Number of Subordinates

		Lawyers and Agents Reporting Directly or Indirectly						
	Total Survey	None	1	2	3-5	6-10	11-15	16 or More
All Corporate IP or Legal Department								
Number Reporting	503	303	52	45	56	31	9	7
		60%	10%	9%	11%	6%	2%	1%
75%	$140,001	$121,002	$135,200	$140,006	$180,002	$181,547	$210,004	$249,997
50%	$114,005	$100,000	$113,500	$129,997	$157,000	$150,004	$165,004	$200,000
25%	$89,004	$80,005	$90,773	$112,997	$127,650	$132,001	$149,997	$160,004
Head Corporate IP or Legal Department								
Number Reporting	127	38	18	22	24	14	7	4
		30%	14%	17%	19%	11%	6%	3%
75%	$179,958	$151,562	$134,000	$149,000	$191,000	$200,000	$227,944	
50%	$139,981	$124,963	$115,000	$135,500	$173,500	$173,000	$190,000	$205,000
25%	$115,098	$107,000	$93,000	$115,000	$155,000	$140,000	$164,972	
Other Corporate IP or Legal Department								
Number Reporting	376	265	34	23	32	17	2	3
		70%	9%	6%	9%	5%	1%	1%
75%	$131,001	$116,005	$136,000	$136,997	$162,500	$160,005		
50%	$104,004	$95,000	$110,000	$125,004	$134,000	$145,000		$200,000
25%	$83,800	$79,497	$90,545	$110,004	$107,000	$131,999		

Table 10. Workload in 1994 Compared with Workload in 1993, by Type of Practice

		TYPE OF PRACTICE								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Total Survey	1,545	517	308	116	979	140	398	538	21	7
% of total		33%	20%	8%	63%	9%	26%	35%	1%	0%
CHANGE IN WORKLOAD										
Increased	907	269	177	62	521	104	269	373	11	2
	59%	53%	58%	54%	54%	74%	68%	70%	58%	33%
Decreased	169	75	28	28	140	9	19	28	-	1
	11%	15%	9%	24%	14%	6%	5%	5%	-	17%
No change	455	168	100	25	309	27	108	135	8	3
	30%	33%	33%	22%	32%	19%	27%	25%	42%	50%
No Response	14	5	3	1	9	-	2	2	2	1
IF INCREASED, BY WHAT PERCENT?										
Number Reporting	573	164	109	37	318	72	176	248	6	1
Median percent	15%	10%	15%	25%	15%	20%	18%	20%	15%	
IF DECREASED, BY WHAT PERCENT?										
Number Reporting	134	57	24	20	109	8	16	24	0	1
Median percent	15%	10%	14%	23%	15%	15%	20%	20%	-	

Table 12a. Percent of Time in IP Practice Spent in Areas of Technical Specialization

		Type Of Practice								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Total Survey	1,545	517	308	116	979	140	398	538	21	7
% of total		33%	20%	8%	63%	9%	26%	35%	1%	0%
Technical Areas:										
Biotechnology										
Number Reporting	389	128	90	13	235	39	102	141	11	2
Median percent	20%	18%	33%	25%	20%	50%	20%	20%	40%	58%
Chemical										
Number Reporting	750	210	134	40	398	81	254	335	14	3
Median percent	45%	30%	23%	28%	25%	50%	80%	80%	28%	20%
Computer Hardware										
Number Reporting	401	151	102	36	299	32	63	95	6	1
Median percent	15%	10%	19%	20%	15%	10%	20%	20%	13%	10%
Computer Software										
Number Reporting	558	210	124	42	392	49	105	154	9	3
Median percent	15%	10%	20%	20%	15%	20%	20%	20%	10%	10%
Electrical										
Number Reporting	775	298	178	69	568	66	131	197	8	2
Median percent	25%	20%	25%	20%	20%	20%	30%	30%	40%	23%
Mechanical										
Number Reporting	1,060	421	214	100	765	80	200	280	12	3
Median percent	35%	40%	43%	50%	40%	30%	20%	20%	15%	40%
Other Specialization										
Number Reporting	107	41	17	14	77	9	19	28	1	1
Median percent	21%	20%	21%	15%	20%	30%	50%	40%	10%	99%

Table 13. Incidence of Selected Intellectual Property Law Activities by Type of Practice for Respondents Who Devote 50% or More of Practice to Developing IP Protecton

	Total Survey	Type Of Practice: Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
New U.S. and PCT Patent Applications Prepared and Filed In 1994										
Number Reporting	663	150	173	77	421	23	213	236	6	0
		23%	26%	12%	63%	3%	32%	36%	1%	-
75th Percentile	22	40	20	25	25	30	15	15	25	-
Median	14	24	15	15	17	16	11	11	15	-
25th Percentile	9	12	10	7	10	8	8	8	14	-
U.S. PCT Applications Filed In 1994										
Number Reporting	436	135	114	44	307	16	110	126	3	0
		31%	26%	10%	70%	4%	25%	29%	1%	-
75th Percentile	8	10	5	4	6	6	10	10	4	-
Median	4	5	3	2	4	5	5	5	2	-
25th Percentile	2	2	2	1	2	2	3	3	2	-
Non-PCT Foreign* "Families" of Applications Filed In 1994										
Number Reporting	413	123	82	36	248	18	147	165	0	0
		30%	20%	9%	60%	4%	36%	40%	-	-
75th Percentile	12	15	10	9	12	20	11	12	-	-
Median	6	6	5	5	5	9	6	7	-	-
25th Percentile	3	3	3	3	3	5	4	4	-	-

*See the Introduction, page 6, for a definition of "families" of applications.

Table 14b. Percent of Time Devoted by Partners to Various IP Areas, by Level of Income

		Respondent's Income in 1994 (Thousands of Dollars)											
	Total Survey	$90 or Less	$91-$100	$101-$125	$126-$150	$151-$175	$176-$200	$201-$250	$251-$300	$301-$350	$351-$400	$401-$450	$451 or More
Total Survey	517	26	18	42	51	54	52	91	48	35	23	19	46
		5%	3%	8%	10%	10%	10%	18%	9%	7%	4%	4%	9%
IP Areas:													
Copyrights													
Number Reporting	320	25	13	31	34	31	33	61	29	15	9	10	20
Median percent of work time	5%	5%	5%	10%	5%	5%	5%	10%	5%	10%	5%	10%	5%
Patents													
Number Reporting	496	26	18	40	51	52	49	85	47	32	23	18	44
Median percent of work time	75%	63%	80%	60%	75%	70%	75%	70%	80%	80%	80%	73%	85%
Trade Secrets													
Number Reporting	245	11	10	22	27	25	19	45	19	16	14	8	21
Median percent of work time	10%	5%	5%	5%	10%	5%	5%	10%	5%	5%	8%	10%	10%
Trademarks													
Number Reporting	419	26	17	37	44	48	41	76	38	26	16	15	26
Median percent of work time	20%	20%	10%	20%	15%	20%	20%	20%	15%	23%	10%	15%	10%

Table 15b. Percent of Time Devoted by Associates to Various IP Areas, by Level of Income

	Total Survey	Respondent's Income in 1994 (Thousands of Dollars)										
		$45 or Less	$46-$50	$51-$55	$56-$60	$61-$65	$66-$70	$71-$80	$81-$90	$91-$100	$101-$125	$126 or More
Total Survey	308	13	11	16	18	20	29	58	45	30	44	19
		4%	4%	5%	6%	6%	9%	19%	15%	10%	14%	6%
IP Areas:												
Copyrights												
Number Reporting	150	8	8	9	9	9	19	28	22	12	14	8
Median percent of work time	5%	8%	10%	5%	5%	10%	10%	5%	5%	10%	10%	5%
Patents												
Number Reporting	304	13	10	16	18	20	29	58	45	27	44	19
Median percent of work time	90%	80%	63%	83%	80%	80%	80%	90%	93%	95%	95%	90%
Trade Secrets												
Number Reporting	105	5	6	7	5	6	14	21	18	8	10	3
Median percent of work time	5%	5%	8%	10%	5%	5%	8%	5%	8%	8%	5%	5%
Trademarks												
Number Reporting	206	9	10	13	14	17	22	37	28	20	22	11
Median percent of work time	10%	20%	18%	10%	18%	10%	10%	10%	9%	10%	13%	10%

Table 16b. Hourly Billing Rate by Type of Practice and Location of Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
All Private Practice													
Number Reporting	913	34	71	34	196	62	28	10	81	163	61	101	72
		4%	8%	4%	21%	7%	3%	1%	9%	18%	7%	11%	8%
75th Percentile	240	275	290	215	250	195	215	180	256	185	220	265	200
Median	185	193	250	175	200	168	182	150	205	160	170	220	160
25th Percentile	145	160	200	150	155	135	133	140	170	125	130	175	124
Average	193	213	250	183	204	169	175	167	211	161	176	216	165
Partners													
Number Reporting	493	17	41	14	112	24	13	5	57	94	26	50	40
		3%	8%	3%	23%	5%	3%	1%	12%	19%	5%	10%	8%
75th Percentile	265	280	320	250	268	239	240	150	275	200	250	285	210
Median	225	270	280	228	240	195	230	150	240	180	223	260	186
25th Percentile	185	240	250	205	200	180	195	140	200	160	190	225	160
Average	226	252	288	224	236	208	220	152	237	186	215	260	189
Associates													
Number Reporting	286	12	22	14	68	18	11	1	19	48	28	30	15
		4%	8%	5%	24%	6%	4%	0%	7%	17%	10%	10%	5%
75th Percentile	168	175	230	175	175	150	140		160	133	150	190	130
Median	140	163	198	150	150	133	130		140	115	130	155	115
25th Percentile	120	140	150	120	130	125	110		128	100	125	130	110
Average	144	161	189	147	152	138	124	150	140	117	137	161	119
Sole Practitioner													
Number Reporting	98	3	5	4	10	16	4	4	3	14	4	17	14
		3%	5%	4%	10%	16%	4%	4%	3%	14%	4%	17%	14%
75th Percentile	195		221		201	170				151		200	150
Median	151	150	210	188	200	150	183	175	180	138	163	180	125
25th Percentile	124		175		175	100				111		145	101
Average	159	133	198	170	197	138	174	189	160	134	169	171	139

Table 17b. Hourly Billing Rate by Type of Practice and Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	Less than 5	5-6 Years	7-9 Years	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30-34 Years	35-39 Years	40 or More
All Private Practice											
Number Reporting	913	146	91	82	134	94	83	79	90	60	53
		16%	10%	9%	15%	10%	9%	9%	10%	7%	6%
75th Percentile	240	140	170	200	220	250	275	275	285	275	256
Median	185	125	145	173	190	200	225	245	245	250	200
25th Percentile	145	109	128	150	160	180	180	190	190	200	170
Average	193	125	150	176	192	209	227	238	237	234	207
Partners											
Number Reporting	493	5	10	31	100	71	70	62	69	48	27
		1%	2%	6%	20%	14%	14%	13%	14%	10%	5%
75th Percentile	265	165	175	205	230	250	275	285	290	275	300
Median	225	150	155	175	200	215	240	250	250	250	225
25th Percentile	185	150	150	155	177	185	195	200	200	203	200
Average	226	181	159	184	203	217	237	250	248	245	239
Associates											
Number Reporting	286	135	76	43	20	4	1	3	1	1	1
		47%	27%	15%	7%	1%	0%	1%	0%	0%	0%
75th Percentile	168	140	170	200	185						
Median	140	125	145	175	173	178		180			
25th Percentile	120	109	130	145	148						
Average	144	123	151	176	164	173	140	208	200	150	150
Sole Practitioner											
Number Reporting	98	6	5	8	10	13	10	11	14	5	16
		6%	5%	8%	10%	13%	10%	11%	14%	5%	16%
75th Percentile	195	175	121	168	155	200	201	225	200	136	200
Median	151	105	115	150	143	181	180	185	163	125	155
25th Percentile	124	95	110	123	135	135	175	121	126	100	133
Average	159	126	105	142	146	165	177	184	184	121	163

Table 18b. Hourly Billing Rate by Type of Practice, in the First 10 Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years	10 Years
All Private Practice											
Number Reporting	913	18	36	50	42	48	43	31	32	19	34
		2%	4%	5%	5%	5%	5%	3%	4%	2%	4%
75th Percentile	240	125	130	147	150	160	173	200	208	200	230
Median	185	110	118	127	130	140	150	170	173	175	180
25th Percentile	145	100	95	115	110	125	130	150	150	145	155
Average	193	114	114	132	132	147	153	172	179	179	192
Partners											
Number Reporting	493	0	0	4	1	2	8	9	15	7	23
		-	-	1%	0%	0%	2%	2%	3%	1%	5%
75th Percentile	265	-	-				168	200	200	225	240
Median	225	-	-	158			155	155	175	185	220
25th Percentile	185	-	-				145	155	160	165	160
Average	226	-	-	198	115	163	158	173	188	191	205
Associates											
Number Reporting	286	16	35	45	39	42	34	19	14	10	7
		6%	12%	16%	14%	15%	12%	7%	5%	3%	2%
75th Percentile	168	125	130	140	150	160	173	200	225	200	175
Median	140	110	120	125	130	141	148	175	180	175	160
25th Percentile	120	100	95	115	110	130	130	155	150	135	150
Average	144	110	115	127	131	150	153	174	183	171	161
Sole Practitioner											
Number Reporting	98	2	1	1	2	4	1	3	3	2	1
		2%	1%	1%	2%	4%	1%	3%	3%	2%	1%
75th Percentile	195										
Median	151					115		150	125		
25th Percentile	124										
Average	159	150	75	95	143	103	115	152	112	173	135

Table 20a. Types of Billing by Size of Staff: Basis Other Than Hourly

		Intellectual Property Lawyers and Agents in the Firm or Corporation							
	Total Survey	1-2	3-5	6-10	11-25	26-50	51-100	101-150	151 or More
Percent of Services Billed In 1994 On a Basis Other Than Hourly									
All Private Practice									
Number Reporting	475	92	60	93	105	65	44	8	2
75th Percentile	30%	50%	45%	25%	30%	20%	23%	15%	
Median	15%	25%	20%	10%	10%	10%	10%	10%	
25th Percentile	10%	10%	10%	10%	5%	5%	10%	4%	
Partners									
Number Reporting	291	26	43	66	72	48	28	6	2
75th Percentile	25%	30%	35%	25%	20%	20%	18%	10%	
Median	10%	18%	20%	10%	10%	10%	10%	10%	
25th Percentile	10%	10%	10%	5%	5%	5%	10%	5%	
Associates									
Number Reporting	97	4	12	23	28	15	12	2	0
75th Percentile	60%		75%	25%	90%	20%	53%		-
Median	20%	8%	55%	20%	20%	10%	18%		-
25th Percentile	10%		20%	10%	10%	10%	8%		-
Sole Practitioner									
Number Reporting	69								
75th Percentile	70%								
Median	30%								
25th Percentile	11%								

Table 20c. Types of Billing by Size of Staff: Contingent Fee Basis

		Intellectual Property Lawyers and Agents in the Firm or Corporation							
	Total Survey	1-2	3-5	6-10	11-25	26-50	51-100	101-150	151 or More
Percent of Services Billed In 1994 On a Contingent Fee Basis									
All Private Practice									
Number Reporting	121	22	13	22	25	18	13	6	0
75th Percentile	10%	10%	20%	10%	15%	20%	10%	10%	-
Median	5%	5%	5%	8%	10%	10%	5%	5%	-
25th Percentile	5%	5%	5%	5%	5%	5%	3%	4%	-
Partners									
Number Reporting	80	10	7	17	19	15	9	3	0
75th Percentile	15%	10%	20%	10%	15%	19%	15%		-
Median	5%	5%	5%	5%	10%	10%	5%	10%	-
25th Percentile	5%	5%	4%	2%	5%	5%	3%		-
Associates									
Number Reporting	24	2	4	5	5	2	3	3	0
75th Percentile	10%			10%	10%				-
Median	5%		5%	10%	10%		5%	4%	-
25th Percentile	5%			10%	5%				-
Sole Practitioner									
Number Reporting	13								
75th Percentile	10%								
Median	10%								
25th Percentile	5%								

Table 21. Typical Charges by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
TRADEMARK SECTION 8 AND 15 DECLARATION													
Number Reporting	537	23 4%	32 6%	24 4%	69 13%	56 10%	16 3%	13 2%	48 9%	113 21%	40 7%	51 9%	52 10%
75th Percentile	$349	$351	$499	$450	$376	$299	$275	$252	$338	$301	$350	$373	$301
Median	$250	$249	$375	$301	$298	$202	$201	$249	$250	$249	$250	$250	$248
25th Percentile	$199	$152	$251	$199	$209	$195	$151	$150	$175	$199	$200	$199	$199
TRADEMARK RENEWAL APPLICATION													
Number Reporting	484	22 5%	32 7%	23 5%	58 12%	53 11%	15 3%	12 2%	44 9%	105 22%	33 7%	46 10%	41 8%
75th Percentile	$401	$449	$500	$499	$402	$350	$301	$375	$363	$377	$499	$400	$352
Median	$299	$299	$402	$302	$348	$298	$298	$249	$263	$298	$302	$298	$252
25th Percentile	$202	$175	$300	$202	$275	$199	$152	$149	$200	$249	$201	$200	$199
FILING FOREIGN ORIGIN TRADEMARK REGISTRATION APPLICATION RECEIVED READY FOR FILING													
Number Reporting	335	14 4%	29 9%	15 4%	53 16%	33 10%	7 2%	7 2%	29 9%	68 20%	19 6%	36 11%	25 7%
75th Percentile	$401	$324	$499	$500	$377	$352	$699	$439	$352	$351	$500	$425	$401
Median	$299	$275	$399	$301	$301	$251	$251	$250	$298	$250	$400	$301	$298
25th Percentile	$201	$201	$301	$211	$248	$198	$201	$151	$176	$198	$250	$225	$209
UTILITY PATENT NOVELTY SEARCH, ANALYSIS, AND OPINION													
Number Reporting	909	40 4%	59 6%	36 4%	145 16%	114 13%	32 4%	19 2%	62 7%	179 20%	59 6%	94 10%	70 8%
75th Percentile	$1001	$1001	$1499	$1501	$1002	$1002	$1000	$1000	$1000	$998	$1001	$1250	$898
Median	$799	$799	$1001	$1100	$752	$798	$800	$700	$750	$750	$852	$875	$750
25th Percentile	$600	$588	$849	$799	$599	$501	$601	$501	$501	$600	$702	$601	$598

Table 21. Typical Charges by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
BASIC INFORMATION DISCLOSURE STATEMENT, PREPARATION, AND FILING													
Number Reporting	816	31 4%	50 6%	29 4%	153 19%	95 12%	28 3%	15 2%	60 7%	164 20%	53 6%	82 10%	56 7%
75th Percentile	$352	$301	$501	$302	$252	$499	$249	$399	$370	$349	$498	$499	$301
Median	$233	$202	$300	$250	$177	$251	$200	$298	$251	$201	$251	$300	$202
25th Percentile	$151	$176	$199	$149	$148	$152	$163	$152	$198	$150	$200	$201	$149
AVERAGE PATENT APPLICATION AMENDMENT/ARGUMENT													
Number Reporting	962	39 4%	58 6%	37 4%	158 16%	114 12%	33 3%	20 2%	71 7%	194 20%	61 6%	101 10%	76 8%
75th Percentile	$1499	$1998	$1601	$1501	$1499	$1202	$1501	$975	$1401	$1198	$1500	$1998	$1199
Median	$1000	$1199	$1225	$1200	$1101	$999	$1000	$749	$999	$801	$1199	$1200	$998
25th Percentile	$749	$998	$900	$751	$801	$649	$699	$530	$748	$602	$800	$849	$749
PATENT APPLICATION AMENDMENT/ARGUMENT, RELATIVELY COMPLEX BIOTECHNOLOGY													
Number Reporting	356	16 4%	22 6%	14 4%	69 19%	33 9%	16 4%	7 2%	24 7%	59 17%	22 6%	49 14%	25 7%
75th Percentile	$2550	$3000	$3800	$2998	$2498	$2504	$3250	$1598	$2500	$2495	$2999	$3504	$2004
Median	$1996	$2001	$2250	$2000	$1753	$1503	$1875	$1198	$1975	$1499	$2050	$2499	$1498
25th Percentile	$1201	$1650	$1498	$1500	$1268	$998	$1250	$999	$1100	$999	$1498	$1995	$998

Table 21. Typical Charges by Location of Primary Place of Work (continued)

	Total Survey	Location of Respondent's Primary Place of Work: Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
FILING NON-PCT PATENT APPLICATION ABROAD													
Number Reporting	505	18 4%	37 7%	19 4%	84 17%	50 10%	13 3%	8 2%	41 8%	108 21%	28 6%	54 11%	45 9%
75th Percentile	$752	$1001	$861	$949	$625	$850	$1002	$800	$726	$575	$1001	$1001	$802
Median	$501	$538	$499	$525	$499	$501	$700	$500	$500	$498	$601	$699	$501
25th Percentile	$352	$450	$398	$499	$350	$380	$301	$390	$301	$302	$475	$402	$352
FILING PREVIOUSLY PREPARED U.S. PATENT APPLICATION AS PCT APPLICATION IN U.S.													
Number Reporting	510	23 5%	39 8%	16 3%	91 18%	44 9%	13 3%	9 2%	40 8%	101 20%	29 6%	62 12%	43 8%
75th Percentile	$958	$899	$999	$875	$699	$749	$1001	$502	$750	$899	$998	$1001	$1001
Median	$502	$600	$502	$675	$501	$498	$599	$498	$499	$500	$699	$775	$799
25th Percentile	$400	$498	$449	$500	$399	$325	$398	$299	$325	$398	$401	$500	$499
ENTERING NATIONAL STAGE IN U.S. RECEIVING OFFICE FROM FOREIGN ORIGIN PCT APPLICATION													
Number Reporting	397	18 5%	36 9%	14 4%	84 21%	34 9%	9 2%	6 2%	29 7%	78 20%	18 5%	43 11%	28 7%
75th Percentile	$631	$651	$900	$700	$638	$501	$701	$1000	$627	$502	$1200	$799	$502
Median	$499	$499	$550	$550	$499	$413	$450	$550	$502	$450	$550	$502	$450
25th Percentile	$352	$325	$451	$498	$399	$301	$201	$300	$398	$252	$400	$498	$350

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Total Cost, Through Discovery, In Patent Infringement Suit													
Number Reporting	521	21 4%	36 7%	22 4%	65 12%	56 11%	15 3%	11 2%	57 11%	101 19%	36 7%	63 12%	38 7%
75th Percentile	$1000	$751	$2000	$801	$1000	$1500	$600	$500	$1001	$750	$950	$1000	$600
Median	$500	$500	$1000	$475	$600	$600	$350	$175	$650	$301	$500	$650	$325
25th Percentile	$250	$250	$425	$249	$399	$249	$151	$81	$400	$200	$250	$351	$150
Total Cost Through Trial In Patent Infringement Suit													
Number Reporting	482	19 4%	34 7%	19 4%	59 12%	53 11%	14 3%	11 2%	55 11%	92 19%	34 7%	57 12%	35 7%
75th Percentile	$1999	$1499	$2501	$2499	$2000	$2002	$1201	$1399	$2001	$1325	$1999	$2002	$1999
Median	$1000	$999	$1499	$998	$1000	$1000	$725	$300	$1252	$750	$950	$1002	$999
25th Percentile	$501	$399	$750	$402	$748	$399	$500	$201	$799	$399	$502	$798	$302
Total Cost Through Discovery In Trademark Infringement Suit													
Number Reporting	258	10 4%	22 9%	13 5%	25 10%	23 9%	7 3%	10 4%	22 9%	51 20%	19 7%	31 12%	25 10%
75th Percentile	$249	$250	$250	$156	$251	$200	$150	$75	$251	$199	$250	$400	$201
Median	$101	$125	$138	$100	$101	$101	$101	$55	$200	$100	$149	$200	$100
25th Percentile	$59	$51	$50	$40	$99	$71	$51	$50	$100	$61	$100	$99	$45

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Total Cost Through Discovery In Trade Secret Misappropriation Suit													
Number Reporting	194	8 4%	6 3%	11 6%	12 6%	28 14%	8 4%	8 4%	20 10%	40 21%	17 9%	22 11%	14 7%
75th Percentile	$498	$600	$400	$499	$750	$800	$225	$113	$701	$225	$351	$501	$499
Median	$201	$300	$250	$250	$350	$190	$101	$99	$375	$152	$199	$301	$199
25th Percentile	$101	$115	$150	$101	$225	$101	$88	$60	$249	$100	$101	$200	$100
Total Cost Through Trial In Trade Secret Misappropriation Suit													
Number Reporting	182	7 4%	6 3%	11 6%	12 7%	26 14%	8 4%	8 4%	19 10%	35 19%	17 9%	21 12%	12 7%
75th Percentile	$899	$1001	$800	$998	$1250	$1000	$325	$225	$1499	$449	$751	$1000	$875
Median	$355	$998	$425	$350	$550	$325	$200	$163	$801	$252	$301	$599	$305
25th Percentile	$200	$121	$250	$201	$255	$199	$150	$90	$599	$201	$249	$399	$143
Total Cost Through Discovery In Suit Involving More Than One Form Of IP													
Number Reporting	186	10 5%	9 5%	7 4%	25 13%	18 10%	8 4%	7 4%	19 10%	35 19%	15 8%	21 11%	12 6%
75th Percentile	$801	$850	$1002	$999	$999	$300	$600	$249	$800	$751	$998	$1001	$1400
Median	$498	$500	$650	$325	$501	$238	$350	$101	$501	$402	$500	$749	$525
25th Percentile	$249	$351	$498	$251	$302	$149	$150	$81	$352	$250	$249	$498	$250

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Cost Of Mediation In Patent Infringement Suit In Which Mediation Is Effective													
Number Reporting	81	4	4	3	6	6	4	2	9	21	9	8	5
		5%	5%	4%	7%	7%	5%	2%	11%	26%	11%	10%	6%
75th Percentile	$100				$100	$100			$100	$80	$30	$200	$250
Median	$50	$10	$50	$100	$65	$44	$9		$70	$30	$10	$100	$30
25th Percentile	$10				$20	$5			$50	$15	$3	$80	$20
Incremental Cost Of Mediation/Arbitration In Suit In Which Mediation/ Arbitration Not Effective													
Number Reporting	30	1	1	1	1	1	3	0	5	10	3	4	0
		3%	3%	3%	3%	3%	10%	-	17%	33%	10%	13%	-
75th Percentile	$201							-	$201	$99			-
Median	$90						$25	-	$101	$51	$20	$175	-
25th Percentile	$49							-	$99	$49			-
Cost Of Mediation/Arbitration In Patent Infringement Suit In Which Mediation/Arbitration Is Effective													
Number Reporting	26	0	0	1	1	1	3	0	4	9	4	3	0
		-	-	4%	4%	4%	12%	-	15%	35%	15%	12%	-
75th Percentile	$150	-	-					-		$100			-
Median	$78	-	-				$25	-	$150	$80	$48	$200	-
25th Percentile	$50	-	-					-		$50			-

Table 23. Estimated Average Values at Risk in Underlying Suits

	Total Survey	Estimate of Average Value at Risk In Recent Suits on Which Cost Estimate Is Based: Less Than $1 Million	$1-10 Million	$10-100 Million	More Than $100 Million	Not Reported
PATENT INFRINGEMENT SUIT THROUGH END OF DISCOVERY						
Number Reporting	521	56	247	149	39	30
	100%	11%	47%	29%	7%	6%
PATENT INFRINGEMENT THROUGH END OF SUIT						
Number Reporting	482	33	223	155	39	31
	100%	7%	46%	32%	8%	6%
TRADEMARK INFRINGEMENT THROUGH END OF DISCOVERY						
Number Reporting	258	134	92	9	-	23
	100%	52%	36%	3%	-	9%
TRADEMARK INFRINGEMENT THROUGH END OF SUIT						
Number Reporting	245	112	104	11	1	17
	100%	46%	42%	4%	0%	7%
COPYRIGHT INFRINGEMENT THROUGH END OF DISCOVERY						
Number Reporting	171	91	59	4	1	15
	100%	53%	35%	2%	1%	9%
COPYRIGHT INFRINGEMENT THROUGH END OF SUIT						
Number Reporting	156	81	58	6	1	10
	100%	52%	37%	4%	1%	6%
TRADE SECRET MISAPPROPRIATION THROUGH END OF DISCOVERY						
Number Reporting	194	53	91	30	5	15
	100%	27%	47%	15%	3%	8%
TRADE SECRET MISAPPROPRIATION THROUGH END OF SUIT						
Number Reporting	182	49	92	27	6	8
	100%	27%	51%	15%	3%	4%
MIXED IP LITIGATION THROUGH END OF DISCOVERY						
Number Reporting	186	18	98	60	4	6
	100%	10%	53%	32%	2%	3%
MIXED IP LITIGATION THROUGH END OF SUIT						
Number Reporting	181	16	95	59	4	6
	100%	9%	52%	33%	2%	3%

Table 24a. Estimate Of Total Cost, Through End Of Discovery, Within Ranges of Average Value at Risk, In A Patent Infringement Suit

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Less Than $1 Million At Risk													
Number Reporting	56	3	3	3	3	10	2	2	3	14	6	1	6
		5%	5%	5%	5%	18%	4%	4%	5%	25%	11%	2%	11%
75th Percentile (000's)	$263					$275				$299	$300		$150
Median (000's)	$190	$149	$750	$150	$500	$201			$101	$200	$225		$81
25th Percentile (000's)	$100					$75				$130	$199		$50
$1-10 Million At Risk													
Number Reporting	247	11	12	6	40	22	8	5	22	54	19	27	21
		4%	5%	2%	16%	9%	3%	2%	9%	22%	8%	11%	9%
75th Percentile (000's)	$650	$749	$500	$800	$750	$750	$600	$176	$700	$600	$700	$700	$601
Median (000's)	$400	$350	$375	$350	$499	$263	$425	$100	$499	$288	$499	$499	$380
25th Percentile (000's)	$250	$251	$300	$250	$300	$201	$275	$80	$300	$199	$250	$250	$251
$10-100 Million At Risk													
Number Reporting	149	5	14	10	12	14	3	2	28	24	8	22	7
		3%	9%	7%	8%	9%	2%	1%	19%	16%	5%	15%	5%
75th Percentile (000's)	$1989	$1009	$2006	$1800	$1009	$4006			$1994	$1250	$2500	$1200	$1494
Median (000's)	$995	$994	$1100	$550	$998	$2000	$450		$800	$625	$1750	$900	$506
25th Percentile (000's)	$510	$694	$995	$300	$875	$1200			$503	$338	$1150	$700	$256
More Than $100 Million At Risk													
Number Reporting	39	1	4	1	6	6	1	1	2	7	0	8	2
		3%	10%	3%	15%	15%	3%	3%	5%	18%	-	21%	5%
75th Percentile (000's)	$5010				$9987	$2000				$5488	-	$5000	
Median (000's)	$1983		$5008		$1700	$1008				$1500	-	$875	
25th Percentile (000's)	$794				$1000	$983				$813	-	$325	
Amount At Risk Not Reported													
Number Reporting	30	1	3	2	4	4	1	1	2	2	3	5	2
		3%	10%	7%	13%	13%	3%	3%	7%	7%	10%	17%	7%
75th Percentile (000's)	$750											$376	
Median (000's)	$400		$700		$575	$625					$250	$250	
25th Percentile (000's)	$199											$149	

Table 25. Total Number of Cases Underlying Typical Litigation Costs, by Primary Place of Work

	Total Survey	Location of Respondent's Primary Place of Work											
		Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Number Of Patent Infringement Matters Submitted To Binding Arbitration													
Number Reporting	66	4	6	4	7	6	0	0	12	9	6	10	2
Total Cases	143	12	15	8	8	12	-	-	17	43	9	17	2
Number Of Cases In Which Mediation Has Not Been Effective													
Number Reporting	74	5	6	2	4	8	2	3	4	15	13	7	5
Total Cases	189	12	11	2	5	14	15	5	14	45	40	18	8
Number Of Cases Involving Patent Infringement In Which Mediation Effective													
Number Reporting	62	4	1	3	5	7	4	2	7	11	8	6	4
Total Cases	140	6	1	3	6	7	20	3	9	33	33	13	6
Number Of Cases In Which Mediation/Arbitration Has Not Been Effective													
Number Reporting	18	1	1	1	0	1	1	0	4	5	3	2	0
Total Cases	49	1	4	1	-	1	5	-	12	16	7	2	-
Number Of Cases In Which Mediation/Arbitration Effective													
Number Reporting	16	0	0	1	1	1	2	0	2	4	3	2	1
Total Cases	33	-	-	1	1	1	5	-	2	12	6	2	3
Number Of Cases In Which Mini-Trial Tried But Not Effective													
Number Reporting	27	1	0	1	0	4	1	2	3	9	2	3	1
Total Cases	39	2	-	2	-	4	1	2	5	13	4	5	1
Number Of Cases In Which Mini-Trial Is Effective													
Number Reporting	17	0	1	0	0	1	1	0	5	6	0	2	1
Total Cases	32	-	1	-	-	1	1	-	19	6	-	3	1
Number Of Cases In Which Summary Jury Trial Not Effective													
Number Reporting	11	1	1	0	0	0	1	1	1	3	0	1	2
Cases	18	1	1	-	-	-	2	1	1	5	-	3	4
Number Of Cases In Which Summary Jury Trial Has Been Effective													
Number Reporting	8	0	0	0	1	1	1	0	1	3	0	0	1
Total Cases	13	-	-	-	1	1	2	-	1	7	-	-	1

Table 27. Position In Firm Of Person Responding On Behalf Of Firm

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Managing/Senior Partner, Partner	183	23	20	44	36	33	15	11
	65%	40%	80%	86%	82%	67%	48%	46%
Administrator	26	-	-	1	3	10	9	3
	9%	-	-	2%	7%	20%	29%	13%
Owner/practitioner (1-2 attorneys)	40	35	5	-	-	-	-	-
	14%	60%	20%	-	-	-	-	-
Manager/Head/Senior IP section/dept	13	-	-	1	-	1	5	6
	5%	-	-	2%	-	2%	16%	25%
All others	21	-	-	5	5	5	2	4
	7%	-	-	10%	11%	10%	6%	17%

Table 28. Office Locations Maintained by Firm, and Total Attorneys

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Major Offices (Locations Staffed by Two or More Partners)								
One major office/one office location only	239	58	25	50	42	43	19	2
	84%	100%	100%	98%	95%	88%	61%	8%
Two major office locations	21	-	-	1	2	5	6	7
	7%	-	-	2%	5%	10%	19%	29%
Three or more major office locations	23	-	-	-	-	1	6	15
	8%	-	-	-	-	2%	19%	63%
Average	2	1	1	1	1	1	2	5
Minor Office Locations								
One minor office location	50	7	5	10	8	9	7	4
	18%	12%	20%	20%	18%	18%	23%	17%
Two or more minor office locations	19	2	1	2	2	3	2	6
	7%	3%	4%	4%	5%	6%	6%	25%
Average	2	1	1	1	1	1	1	3
Total Attorneys								
Average	33	1	2	4	8	18	50	263
Median	6			4	8	16	45	220

Table 30. Percent Of Firm's Practice That Is In IP Law

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Percent of Overall Practice That Is IP Law								
Less than 10%	27	1	-	1	-	1	7	16
	10%	2%	-	2%	-	2%	23%	67%
10-49%	16	1	-	2	2	-	3	8
	6%	2%	-	4%	5%	-	10%	33%
50-74%	9	4	-	3	-	1	1	-
	3%	7%	-	6%	-	2%	3%	-
75-99%	32	13	3	3	5	6	2	-
	11%	22%	12%	6%	11%	12%	6%	-
100%	199	39	22	42	37	41	18	-
	70%	67%	88%	82%	84%	84%	58%	-
Percent Of 1994 Billings For IP Litigation: IP Law Is 75% Or More Of Practice								
Number Reporting	231	52	25	45	42	47	20	0
		23%	11%	19%	18%	20%	9%	-
None Reported	53	31	10	4	3	4	1	-
	23%	60%	40%	9%	7%	9%	5%	-
Less than 10%	18	4	2	7	4	1	-	-
	8%	8%	8%	16%	10%	2%	-	-
10-49%	110	11	9	22	22	34	12	-
	48%	21%	36%	49%	52%	72%	60%	-
50% or more	50	6	4	12	13	8	7	-
	22%	12%	16%	27%	31%	17%	35%	-
Average percent	35	29	36	33	37	36	43	-
Median percent	30	20	30	25	30	30	35	-
Percent Of 1994 Billings For IP Litigation: IP Law Is Less Than 75% Of Practice								
Number Reporting	52	6	0	6	2	2	11	24
		12%	-	12%	4%	4%	21%	46%
None Reported	11	3	-	1	1	1	-	4
	21%	50%	-	17%	50%	50%	-	17%
Less than 10%	24	-	-	2	-	-	8	14
	46%	-	-	33%	-	-	73%	58%
10-49%	14	2	-	3	1	-	3	5
	27%	33%	-	50%	50%	-	27%	21%
50% or more	3	1	-	-	-	1	-	1
	6%	17%	-	-	-	50%	-	4%
Average percent	14	42	-	20	20	60	8	9
Median percent	6	40	-	15			5	3

Table 31. Firm's 1994 Total Billings Per Attorney

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
IP Law Is 75% Or More Of Practice								
Number Reporting	200	47	22	36	34	43	18	0
		24%	11%	18%	17%	22%	9%	-
Billings Per Attorney In Thousands of Dollars								
75th Percentile	$291	$212	$250	$268	$262	$327	$355	-
Median	$215	$106	$150	$200	$217	$281	$314	-
25th Percentile	$147	$50	$113	$147	$166	$208	$277	-
Average	$224	$144	$194	$223	$229	$283	$317	-
IP Law Is Less Than 75% Of Practice								
Number Reporting	38	5	0	6	1	2	8	16
		13%	-	16%	3%	5%	21%	42%
Billings Per Attorney In Thousands of Dollars								
75th Percentile	$305	$366	-	$300			$283	$318
Median	$251	$140	-	$160			$245	$280
25th Percentile	$194	$100	-	$120			$232	$243
Average	$250	$233	-	$202	$114	$209	$250	$287

Table 33. Increase or Decrease in Billings, 1992 to 1994

		Number of Attorneys in the Firm in 1994						
	Total Survey	One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Percent Change In Billings 1993 To 1994								
Decreased more than 10%	12	4	1	1	1	5	-	-
	4%	7%	4%	2%	2%	10%	-	-
Decreased 1-10%	19	2	2	4	-	6	4	1
	7%	3%	8%	8%	-	12%	13%	4%
Increased 1-10%	44	3	5	12	7	11	4	2
	16%	5%	20%	24%	16%	22%	13%	8%
Increased more than 10%	132	26	12	24	24	20	17	9
	47%	45%	48%	47%	55%	41%	55%	38%
Average percent	24	43	22	16	17	19	29	26
Median percent	10	20	10	10	14	8	11	17
Not Reported	76	23	5	10	12	7	6	12
	27%	40%	20%	20%	27%	14%	19%	50%
Percent Change In Billings 1992 To 1993								
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Decreased more than 10%	10	2	2	1	2	3	-	-
	4%	3%	8%	2%	5%	6%	-	-
Decreased 1-10%	12	1	-	3	-	6	1	1
	4%	2%	-	6%	-	12%	3%	4%
Increased 1-10%	48	5	5	8	10	11	5	4
	17%	9%	20%	16%	23%	22%	16%	17%
Increased more than 10%	101	17	7	21	16	18	15	7
	36%	29%	28%	41%	36%	37%	48%	29%
Average percent	17	24	14	13	12	16	19	31
Median percent	10	10	8	10	10	9	10	19
Not Reported	112	33	11	18	16	11	10	12
	40%	57%	44%	35%	36%	22%	32%	50%

Table 35a. Factors Affecting the Compensation of Partners

		Number of Attorneys in the Firm in 1994						
	Total Survey	One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
What Types of Factors Determine Compensation?								
Mostly qualitative factors	8	1	-	1	3	1	2	-
	3%	2%	-	2%	7%	2%	6%	-
Mostly quantitative factors	81	6	8	17	20	21	7	2
	29%	10%	32%	33%	45%	43%	23%	8%
Quantitative and qualitative factors	126	8	9	27	18	21	21	21
	45%	14%	36%	53%	41%	43%	68%	88%
Not Reported	68	43	8	6	3	6	1	1
	24%	74%	32%	12%	7%	12%	3%	4%
Percent of Firms Giving The Following Factors Primary Consideration								
Billings	132	8	13	28	21	29	19	14
	62%	53%	68%	61%	55%	66%	63%	64%
Billable hours	81	5	7	15	13	13	14	14
	38%	33%	37%	33%	34%	30%	47%	64%
File/matter origination	61	3	2	10	11	12	10	13
	29%	20%	11%	22%	29%	27%	33%	59%
Client origination	102	3	6	23	18	20	15	17
	48%	20%	32%	50%	47%	45%	50%	77%
Client responsibility	86	2	6	20	13	16	16	13
	40%	13%	32%	43%	34%	36%	53%	59%
Collections	111	7	10	22	22	23	13	14
	52%	47%	53%	48%	58%	52%	43%	64%
Firm management	41	2	2	10	6	9	9	3
	19%	13%	11%	22%	16%	20%	30%	14%
Non-billable firm activities	16	1	-	2	6	3	4	-
	7%	7%	-	4%	16%	7%	13%	-
Seniority	36	-	1	5	6	9	11	4
	17%	-	5%	11%	16%	20%	37%	18%
Pro bono activities	5	-	1	-	3	-	1	-
	2%	-	5%	-	8%	-	3%	-
Other activities	17	2	2	5	3	3	2	-
	8%	13%	11%	11%	8%	7%	7%	-

Table 36. Firm's 1994 Liability Insurance Coverage and Deductible

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Overall Maximum Coverage/ Umbrella Coverage ($000's)								
Number Reporting	202	32 16%	19 9%	41 20%	35 17%	43 21%	23 11%	9 4%
75th Percentile	$5,035	$2,033	$1,995	$2,985	$3,975	$7,475	$20,028	$50,025
Median	$2,961	$1,400	$1,029	$1,956	$2,956	$4,982	$19,956	$40,000
25th Percentile	$1,035	$963	$961	$973	$1,958	$2,972	$9,969	$34,975
Average	$6,630	$1,875	$1,332	$2,320	$3,557	$5,135	$17,543	$45,556
Maximum Coverage Per Claim ($000's)								
Number Reporting	190	31 16%	17 9%	41 22%	32 17%	40 21%	22 12%	7 4%
75th Percentile	$4,995	$1,017	$1,005	$1,999	$3,000	$6,008	$19,996	$34,988
Median	$1,986	$982	$978	$1,006	$1,988	$4,989	$10,018	$20,013
25th Percentile	$984	$321	$488	$,502	$1,004	$1,995	$9,979	$15,013
Average	$4,492	$1,145	$765	$1,312	$2,272	$4,750	$14,705	$23,571
Liability Insurance Deductible, Per Claim, In 1994								
Number Reporting	175	27 15%	16 9%	36 21%	28 16%	37 21%	23 13%	8 5%
75th Percentile	$49,840	$5,188	$10,083	$10,083	$24,917	$50,073	$249,875	$999,917
Median	$10,144	$2,563	$5,107	$5,219	$10,107	$25,200	$99,938	$775,000
25th Percentile	$5,085	$1,125	$4,821	$4,938	$9,857	$24,892	$25,208	$749,917
Average	$71,934	$11,130	$14,125	$11,722	$15,536	$40,405	$137,391	$818,750
Aggregate Annual Deductible In 1994, All Claims								
Number Reporting	138	27 20%	9 7%	30 22%	18 13%	34 25%	14 10%	6 4%
75th Percentile	$49,867	$9,938	$25,125	$10,125	$25,063	$50,167	$300,000	$1.5 MM
Median	$10,213	$4,875	$5,188	$7,500	$10,150	$25,214	$155,000	$1.5 MM
25th Percentile	$5,097	$2,125	$4,906	$5,000	$5,200	$24,911	$25,125	$1.0 MM
Average	$141,301	$35,444	$20,833	$10,500	$18,056	$49,559	$216,429	$2.2 MM

Table 39. Dollar Value of Liability Claims Paid

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Paid By Insurer ($000's)								
Number Reporting	28	0	2	2	6	13	2	3
		-	7%	7%	21%	46%	7%	11%
75th Percentile	$795	-			$245	$641		
Median	$205	-			$95	$237		$3,017
25th Percentile	$25	-			$25	$45		
Average	$1,135	-	$13	$123	$237	$682	$104	$7,006
Paid By Firm ($000's)								
Number Reporting	31	0	1	1	6	14	5	4
			3%	3%	19%	45%	16%	13%
75th Percentile	$100	-			$17	$75	$160	
Median	$30	-			$15	$30	$63	$679
25th Percentile	$10	-			$10	$10	$50	
Average	$121	-	$2	$2	$15	$45	$97	$639

Table 40. Firm's Liability Insurance Underwriter

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
American Home Assurance	78	17	12	11	13	18	7	-
	28%	29%	48%	22%	30%	37%	23%	-
Home Insurance	40	5	1	15	11	4	4	-
	14%	9%	4%	29%	25%	8%	13%	-
Continental Insurance	4	1	-	3	-	-	-	-
	1%	2%	-	6%	-	-	-	-
Great American	7	-	-	4	1	2	-	-
	2%	-	-	8%	2%	4%	-	-
A.L.A.S.	15	-	-	-	-	-	5	10
	5%	-	-	-	-	-	16%	42%
National Casualty	8	-	-	-	-	7	1	-
	3%	-	-	-	-	14%	3%	-
Other insurers	50	12	3	9	9	9	6	2
	18%	21%	12%	18%	20%	18%	19%	8%
Not Reported	81	23	9	9	10	9	8	12
	29%	40%	36%	18%	23%	18%	26%	50%

Appendix A.

Survey Questionnaire

5. What percent of your time, in your IP practice, is spent in each of the following areas of technical specialization? Your response may total less than 100%.

_____% Biotechnology
_____% Chemical
_____% Computer Hardware
_____% Computer Software
_____% Electrical
_____% Mechanical
_____% Other; please describe _____

6. What percent of your time is devoted to each of the following IP areas? Your response may total less than 100%.

_____% Copyrights
_____% Patents
_____% Trade Secrets
_____% Trademarks
_____% Other; please describe _____

7. In all locations, how many intellectual property lawyers and patent agents are employed by your firm or corporation?

_____ intellectual property lawyers and patent agents

8. Did your personal workload change in the past year, compared with the previous year?

☐ Increased ☐ Decreased ☐ No change *If increased or decreased, by what percent?* _____%

9. In your firm (at all locations) or in your corporate department (at your location only), what is the ratio of support staff—including administrators, secretaries, paralegals, and technical assistants—to attorneys and agents?

_____ support staff for each attorney/agent

10. How many new (i.e., not continuations, CIPs, or Divisional) U.S. and PCT Patent applications were prepared and filed by you in 1994? Include PCT only if not based on prior application.

_____ new U.S. or PCT patent applications

11. How many PCT applications were filed by you in 1994 (i.e., for which you were the attorney with primary responsibility)?

_____ PCT applications

12. How many non-PCT foreign applications were filed by you in 1994? For the purposes of this question, count parallel filings in multiple countries as a single application.

_____ non-PCT foreign applications

13. In how many disputes have you been involved in the past five years, in which a formal ADR procedure has been used (whether or not that procedure was effective to resolve the dispute)?

_____ number of disputes using formal ADR procedure

14. In how many disputes have you been involved in the past five years, in which a formal ADR procedure was effective in achieving or expediting resolution of the dispute?

_____ number of disputes with resolution facilitated through formal ADR procedure

Part II. Corporate Practitioners Only

15. How many IP lawyers and patent agents report to you, directly or indirectly? If none, enter "0".

_____ IP lawyers and patent agents reporting to you

16. In the past two years, for how many specific litigation matters have you had the primary corporate responsibility?

_____ specific litigation matters for which you had the primary responsibility

17. What percent of your company's IP litigation activities—other than liaison with outside counsel—are handled by in-house counsel?

_____%

Foreign Origin and Foreign Patents *(excluding government, associate, drawing, and similar fees)*

38. Filing Foreign Origin Utility Patent Application in U.S. PTO, Received Ready far Filing with Formal Papers, Assignment, and Priority Documents

$_____

39. Filing non-PCT Patent Applicatian Abroad (per country, not including associate ar government fees)

$_____

40. Filing previously prepared U.S. Patent Applicatian os PCT Applicatian in U.S. Receiving Office

$_____

41. Entering National Stage in U.S. Receiving Office from Fareign Origin PCT Application

$_____

42. Entering National Stage in Each Foreign Receiving Office from U.S. Origin PCT Application

$_____

Other U.S. Patents and Copyrights

43. U.S. Design Patent Application (Preparation and Filing)

$_____

44. U.S. Plant Patent Applicotion (Preporotion and Filing)

$_____

45. Copyright Registrotion Application (Preparation and Filing)

$_____

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.

Litigation—Patent Infringement

46. A. Estimate of total cost, through the end of discovery, in a patent infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best passible and worst possible outcomes) in recent suits on which cast estimote is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

47. A. Estimate of total cost inclusive of all discovery, all motions, pre-trial, trial, post-trial, and appeal, in a patent infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

Litigation—Trademark Infringement

48. A. Estimate of total cost, through end of discovery, in a trademark infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best passible ond worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

49. A. Estimate of totol cost inclusive all discovery, oll motions, pre-trial, trial, post trial, and appeol, in a trodemark infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

Litigation—Copyright Infringement

50. A. Estimate of total cost, through the end of discovery in o copyright infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

51. A. Estimate of total cost inclusive of discovery, all motions, pre-trial, trial, post trial, and oppeal, in a copyright infringement suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

D. Estimate of Average Value ot Risk (difference between best possible and worst possible outcomes) in recent patent infringement suits in which you have been involved and in which some combination of mediation and arbitration has not been effective to resolve dispute:

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

60. A. Estimate of cost of mediation/arbitration in a patent infringement suit in which some combination for mediation and arbitration is effective to resolve dispute:

$_____

B. Number of cases involving patent infringement, in which you have been personally involved and in which some combination of mediation and arbitration has been tried and hos been effective to resolve dispute:

_____ cases

C. What was the arbitration procedure for each of the cases reported above? Report the number of cases, if any, for each of the following procedures.

_____ binding
_____ non-binding
_____ preceded mediation
_____ followed mediation
_____ arbitrator selected from the last offers of the parties

D. Estimate of Average Volue at Risk (difference between best possible and worst possible outcomes) in recent potent infringement suits in which you hove been involved and in which some combination of mediation and arbitration has been effective to resolve dispute

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

Mini-Trial *(semi-formal presentation of case to party principals to facilitate settlement)*

61. A. Estimate of incremental cost of mini-triol in a patent infringement suit in which a mini-trial is not effective to resolve dispute (as compared to cost of litigotion if no mediation had occurred):

$_____

B. Number of cases involving patent infringement, in which yau hove been personally invalved and in which a mini-trial hos been tried and has nat been effective ta resolve dispute:

_____ cases

C. Estimote of Average Value at Risk (difference between best possible and warst possible autcomes) in recent potent infringement suits in which yau have been involved and in which a mini-triol has not been effective to resalve dispute:

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

62. A. Estimate of cost of mini-trial in a patent infringement suit in which a mini-trial is effective to resolve dispute:

$_____

B. Number of cases involving patent infringement, in which you have been personally involved and which a mini-trial has been tried and has been effective to resolve dispute:

_____ cases

C. Estimote of Average Value at Risk (difference between best possible and worst possible outcomes) in recent potent infringement suits in which you have been involved and in which a min-trial has been effective to resolve dispute:

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

Summary Jury Trial

63. A. Estimate of incremental cost of Summary Jury Trial in a patent infringement suit in which a summary jury trial is not effective ta resolve dispute (os compared to cost of litigation if no mediation had occurred):

$_____

B. Number of coses involving patent infringement, in which you have been personally involved ond in which a summary jury trial hos not been effective to resolve dispute:

_____ cases

C. Estimote of Average Value at Risk (difference between best possible and worst possible outcomes) in recent patent infringement suits in which you have been involved and in which a summary jury trial has not been effective to resolve dispute:

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

64. A. Estimote of cost of Summory Jury Trial in o patent infringement suit in which a summary jury trial is effective to resolve dispute:

$_____

B. Number of cases involving patent infringement, in which yau have been personally involved and in which a summary jury trial has been effective to resolve dispute:

_____ cases

C. Estimate of Average Volue at Risk (difference between best possible and worst possible autcomes) in recent patent infringement suits in which yau have been invalved and in which a summary jury trial has been effective to resolve dispute:

☐<$1 million ☐$1-10 million ☐$10-100 million ☐>$100 million

Thank you for participating in this important survey of the profession.

Please return this questiannaire to Fetzer-Krous, Inc., P.O. Box 9488, Woshingtan DC 20016.

Attorney Compensation—Associates *(other than new hires)*

9. A. How is attorney compensation for associates (other than new hires) determined?

- ☐ Based substantially on qualitative consideration of relevant factors
- ☐ Based substantially on quantitative consideration of relevant factors
- ☐ Based substantially on both qualitative and quantitative consideration of relevant factors

B. To what degree are each of the following factors considered with respect to the method for determining associates' compensation? Rate "1" if considered To a Significant Degree (proportionately greater emphasis is placed on this factor as compared to other factors), rate "2" if To Some Degree, rate "3" if not considered.

___ Billings
___ Billable Hours
___ Collections
___ Client Origination
___ File/Matter Origination
___ Client Responsibility
___ Non-Billable Firm Activities
___ Seniority
___ Pro Bono Activities
___ Other factors; please describe _____

Attorney Compensation—Partners

10. A. How is attorney compensatian for partners determined?

- ☐ Based substantially on qualitative consideration of relevant factors
- ☐ Based substantially on quantitative consideration of relevant factors
- ☐ Based substantially on both qualitative and quantitative consideration of relevant factors

B. To what degree are each of the following factors considered with respect to the method for determining partners' compensation? Rate "1" if considered To a Significant Degree, rote "2" if To Some Degree, rate "3" if not considered.

___ Billings
___ Billable Hours
___ File/Matter Origination
___ Client Origination
___ Client Responsibility
___ Collections
___ Firm Management
___ Non-Billable Firm Activities (other than firm management)
___ Seniority
___ Pro Bono Activities
___ Other factors; please describe _____

Professional Liability Insurance

11. A. Whot was this firm's maximum liability insurance coverage in 1994?

$_____ was the overall maximum coverage, the umbrella, for all claims

$_____ was the maximum coverage per claim

B. What wos the liability insurance deductible in 1994?

$_____ each claim

$_____ aggregate per year, all claims

12. What was this firm's liability insurance cost per attorney in 1994?

$_____ per attorney

13. How many liability claims for IP matters have been made against this firm in the last five yeors?

_____ claims in the last five years (1990-1994)

14. A. What is the totol dollar value of liobility claims, including attorneys fees, paid in the last five years by the insurer on behalf of this firm?

$_____ paid by insurer

B. Whot is the total dollar value of liability claims, including attorneys fees, paid in the last five years by this firm directly?

$_____ paid by firm

15. Who is this firm's liability insurance underwriter? (Note: Jamison & Co. is a broker, not on underwriter.)

- ☐ American Home Assurance Co. (includes all firms in the AIPLA Plan)
- ☐ Home Insurance Company
- ☐ Continental Insurance Company
- ☐ Other insurer _____

AIPLA 1995 Economic Survey

Your Comments and Suggestions

1. What sections of this report were most useful to you? Please identify by table numbers or titles the sections you found most useful. Use the back of this form if you need more space to respond to any of these questions.

2. What sections of the report did you skip over as probably not useful to you?

3. What sections of the report do you feel could be better presented, to make it easier to interpret and absorb the material presented?

4. What tables or topics, in your opinion, could be deleted from this report without reducing its overall usefulness to AIPLA members and other users of the information?

5. What additional topics would enhance the value of this report for you?

Your name (optional):

Affiliation/phone number:

Please return this form to the
American Intellectual Property Law Association
2001 Jefferson Davis Highway, Suite 203
Arlington, VA 22202

Part V. Private Firm Data

This two-page questionnaire should be completed by a managing partner (or the equivalent) or a firm administrator. *AIPLA members, please coordinate with others in your firm to ensure a single response for each firm.* If a reasonably reliable estimate cannot be made in response to any particular question, please do not respond to that question.

1. What is the position in the firm of the person responding on behalf of the firm?

☐ Managing Partner
☐ Administrator
☐ Other; please describe _____

2. A. What is the zip code of this firm's principal office location?

_____

B. How many major office locations—staffed by two or more portners—did this firm have in 1994?

_____ major office locations

C. How many minor office locations did this firm have in 1994?

_____ minor office locations

3. A. How many attorneys were in the firm in 1994? If the number varied during the year, report the average.

_____ total attorneys (average)

B. How many IP attorneys (attorneys whose proctice is primarily IP) were in the firm in 1994?

_____ IP attorneys (average)

C. How mony patent agents were in the firm in 1994?

_____ patent agents (average)

D. How many technical/legol assistants with technical degrees and/or paralegal training were involved primarily in the IP practice of the firm in 1994?

_____ technical/legal assistants (average)

E. How many support staff (not attorneys, agents, technical/legal assistants or parolegals) were in the firm in 1994?

_____ support staff (average, including full-time equivalents for part-time and temporary staff)

4. A. What percent of this firm's practice is in intellectual property law?

_____% of practice is IP

B. What percent of the firm's 1994 billings (services only) were for litigation reloted to intellectual property?

_____% of billings for IP litigation

C. What percent of the firm's 1994 billings (services only) were for patent and trademark registration applications and prosecution?

_____% of billings for patent and trademark applications and prosecution

5. A. What were this firm's total 1994 billings for legal services (services only)?

$_____

B. What was the ratio of this firm's collections in 1994, regardless of the year af billing, ta the firm's billings in 1994?

_____ ratio of collections in 1994 to billings in 1994

6. As a percent of total 1994 collections (for services performed in any year), what was this firm's overhead in 1994? Overhead is all expenses other than client reimbursed expenses and compensation to attarneys and patent agents (including partner and shoreholder profits).

_____%

7. A. What was the percent change in this firm's billings for IP legal services from 1993 to 1994? Calculate as 100 x ((1994 billings-1993 billings)/1993 billings).

_____% change in IP billings, 1993-1994

B. What was the percent chonge in this firm's billings for IP legal services from 1992 to 1993?

_____% change in IP billings, 1992-1993

8. A. What were this firm's minimum, maximum, and average 1994 attorney billing rates?

$_____ per hour was minimum rate

$_____ per hour was maximum rate

$_____ per hour was the average rate

Please complete both sides of this questionnaire and return it to Fetzer-Kraus, Inc., P.O. Box 9488, Washington DC 20016. Or fax to 202-537-5133. Thank you.

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Litigation—Trade Secret Misappropriation

52. A. Estimate of total cost, through the end of discovery, in a trade secret misappropriation suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

53. A. Estimate of total cost inclusive of all discovery, all motions, pre-trial, triol, post-trial, ond appeal, in a trade secret misappropriation suit:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

Mixed IP Litigation

54. A. Estimate of total cost, through the end of discovery in a suit involving more than one form of IP (mixed patent, trademark, copyright, trade secret, other property):

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

55. A. Estimate of total cost inclusive of all discovery, all motions, pre-trial, trial, post-trial, and appeal, in a suit involving more than one form of IP:

$_____

B. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent suits on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

ADR, PATENT INFRINGEMENT CLAIMS

Binding Arbitration

56. A. Estimote of total cost, to final aword, for binding orbitratian of o patent infringement claim:

$_____

B. Number of patent infringement matters in which you have been personally involved and which were submitted to binding arbitration:

_____ matters submitted to binding arbitration

C. Estimate of Average Value at Risk (difference between best possible and worst possible outcomes) in recent arbitration(s) on which cost estimate is based:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

Mediation

57. A. Estimate of incremental cost for mediation in a patent infringement suit in which mediation is not effective to resolve the dispute (as compared to litigation if no mediotion had occurred):

$_____

B. Number of cases involving potent infringement, in which you have been personally involved ond in which mediation has been tried and has not been effective to resolve dispute:

_____ cases

C. Estimate of Average Value at Risk (difference between best possible ond worst possible outcames) in recent patent infringement suits in which yau have been involved and in which mediotion has not been effective to resolve:

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

58. A. Estimate of cost of mediation in a patent infringement suit in which mediation is effective ta resolve dispute:

$_____

B. Number of cases involving patent infringement, in which you have been personally involved and in which mediatian has been tried and has been effective to resolve dispute:

_____ cases

C. Estimate of Average Volue at Risk (difference between best possible and worst possible outcomes) in recent patent infringement suits in which you have been involved and in which mediation has been effective to resolve dispute

☐ < $1 million ☐ $1-10 million ☐ $10-100 million ☐ > $100 million

Combination of Mediation and Arbitration

59. A. Estimote of incremental cost of mediatian/arbitrotion in a patent infringement suit in which some combinatian af arbitratian and mediatian is nat effective to resolve dispute (as compared to cost of litigatian if mediation had not occurred):

$_____

B. Number of coses involving potent infringement, in which yau have been personolly involved and in which some cambination of mediation and arbitrotion has been tried and has not been effective ta resolve dispute:

_____ cases

C. What was the arbitratian procedure for each af the cases reported above? Repart the number af coses, if any, for each of the following procedures.

_____ binding
_____ non-binding
_____ preceded mediation
_____ followed mediation
_____ arbitrator selected from the last offers of the parties

Part III. Private Practitioners Only

18. How many billable hours did you record in 1994?

_____ billable hours recorded in 1994

19. What was your average hourly billing rate in 1994?

$_____ was the average 1994 hourly billing rate

20. A. What percent of your services in 1994 were billed (or will be billed) on a basis other than hourly billing?

_____% of 1994 services

B. What percent of your services in 1994 were billed (or will be billed) on a predetermined fee basis?

_____% of 1994 services

C. What percent of your services in 1994 were billed (or will be billed) on a contingent fee basis?

_____% of 1994 services

21. What dollar amount was billed for the legal services you performed in 1994?

$_____ billed for 1994 legal services

Part IV. Typical Charges and Costs (All Respondents)

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 would you have expected to charge or be charged, in 1994, for legal services only (including search fees, but not including copy costs, drawing fees or government fees) in each of the following types of matters?

Trademarks *(including Service Marks)*

22. Trademark Registerobility Search, Analysis, and Opinion

$_____

23. Trademark Registration Application, Preparation, and Filing

$_____

24. Trademark Prosecution (Total, including all amendments, interviews, etc.)

$_____

25. Trademark Appeal to the Boord (Briefed and Argued)

$_____

26. Trademark Section 8 and 15 Declaration (Preparation and Filing)

$_____

27. Trademark Renewal Application (Preparation and Filing)

$_____

28. Filing of Foreign Origin Trademark Registrotion Application Received Ready for Filing

$_____

U.S. Utility Patents

29. Utility Patent Novelty Search, Analysis, and Opinion

$_____

30. Original (not Divisional, continuations, or CIPs) Utility Patent Application on invention of minimal complexity, e.g., 10 poge specification, 10 claims (Preparation and Filing)

$_____

31. Original Utility Application, Relatively Complex Biotechnology (Preporation and Filing)

$_____

32. Original Utility Application, Relatively Complex Computer Hardwore/Software (Preparation and Filing)

$_____

33. Basic Information Disclosure Statement, Preporation, and Filing (Separate from application)

$_____

34. Average Patent Application Amendment/Argument (Preparation and Filing)

$_____

35. Patent Application Amendment/Argument, Relatively Complex, Biotechnolagy (Preparation and Filing)

$_____

36. Potent Application Amendment/Argument, Relatively Complex, Computer Hardware/Software (Preporation ond Filing)

$_____

37. Appeal (Briefed and Argued) to Board in Utility Patent Application

$_____

Part I. General Questions for All Respondents

1. What is the zip code of your office locotion, the primary location where you work?

_____ zip code of primary work site

2. A. What is your primary practice? Check the category that best describes your practice.

- ☐ Solo Practitioner
- ☐ Private Firm, Partner, Shareholder (or equivalent)
- ☐ Private Firm, Associate (or equivalent)
- ☐ Private Firm, Of Counsel (or equivalent)
- ☐ Head of Corporate IP or Legal Department (for entire corporation or a division)
- ☐ Corporate IP or Legal Department
- ☐ Government IP Office other than PTO
- ☐ PTO Examiner (up to and including SPE)
- ☐ PTO Administration, Management, Solicitor's Office
- ☐ Other; please describe _____

B. What percent of your time was devoted to this practice as of December 1994?

☐ 100% (5 days/week) ☐ 80% (4 days/week) ☐ 60% (3 days/week) ☐ 40% (2 days/week) ☐ 20% (1 day/week)

3. A. How old were you on December 31, 1994?

_____ years of age

B. How many years of intellectual property law experience do you have, including any years as an agent or examiner?

_____ years of IP experience

C. What is your highest technical degree or completed education?

☐ B.S. ☐ M.S. ☐ Ph.D. ☐ Post-doctorate study

D. What was yaur total gross income in calendar year 1994 from the primary practice yau indicated above? Include any cash bonus, partnership income, share of profits, and similar compensation you received in 1994, ond any deferred incame in which yau vested in 1994.

$_____

E. Whot was your employer's total 1994 contribution on your behalf ta all pension and capital accumulation plans, including defined benefit or defined contribution pension plans and 401(k)/403(b) retirement and savings plans?

$_____ ☐ *Unknown (your employer made a contribution but you do not know the amount)*

4. What percent af your time, in your primary practice, is devoted to each of the fallowing types of work? Your respanses should total 100%.

_____% Developing IP Protection (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)
_____% Supervision of IP work by other attorneys or agents
_____% Opinions, counseling or inter partes conflicts or prospective conflicts prior to litigation or formal ADR (not including actual litigation, ADR, negotiation or licensing)
_____% Licensing
_____% Litigation (including ITC, CAFC, or other inter partes administrative proceedings; not including formal ADR or ex parte appeals)
_____% Formal ADR (as party representative)
_____% Formal ADR (as neutral)
_____% Office management and administration
_____% Marketing (Private Practitioners Only)
_____% Non-IP legal
_____% Other; please describe _____
100%

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AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION
2001 JEFFERSON DAVIS HIGHWAY, SUITE 203, ARLINGTON VIRGINIA 22202

Telephone (703) 415-0780
Facsimile (703) 415-0786

February 9, 1995

Dear AIPLA Member:

The Committee on Economics of Legal Practice of the AIPLA is responsible for conducting an economic survey of the membership every two years. The survey form, **AIPLA 1995 Economic Survey**, is enclosed, along with an envelope addressed to Fetzer-Kraus, Inc., the survey firm that will receive, process, and report the survey results.

This year's survey report will contain new and important information that will benefit you in your practice. *Your response must be mailed by February 28, 1995.* Your individual response will be available only to Fetzer-Kraus, its employees and agents, who will hold it in confidence and with high regard for its sensitivity. Only grouped data will be included in the published report.

As in past Economic Surveys, a single copy of the report which results from this survey will be provided to all members at no cost. Non-members may purchase the report, and members may purchase a replacement copy, for $300.

The 1995 survey, covering the year ending December 31, 1994, includes, for comparison purposes, many questions similar to previous Economic Surveys. The Committee has reorganized and expanded the areas covered by the Survey. As a result, the report will contain new information as well as comparisons with information reported previously.

The survey form for individual practitioners is organized into four parts. **Part I** covers practice and compensation of **all practitioners**. **Part II** covers **corporate practice only**. **Part III** covers **private practice only**. **Part IV** asks all practitioners for cost estimates for various categories of service with which they are recently experienced. ***We expect most respondents will respond only to a limited number of questions in this Part IV.***

Part V is an entirely separate form and is for **private firm data only.** Individual practitioners are asked to obtain a single response for their firm. ***Other than the person designated to respond for the firm, all other respondents may disregard this form.***

On behalf of the Committee on Economics of Legal Practice, thank you for participating. If you have questions regarding your response to this survey, please contact Fetzer-Kraus at 202-363-6433.

Very truly yours,

Paul F Prestia

Paul F. Prestia
Chair, AIPLA Committee on
Economics of Legal Practice

Table 37. Liability Claims Against Firm Last Five Years for IP Matters

		Number of Attorneys in the Firm in 1994						
	Total Survey	One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	227	47	20	46	37	40	23	14
No claims (zero)	175	47	17	38	25	23	13	12
	77%	100%	85%	83%	68%	58%	57%	86%
One claim	30	-	2	8	6	9	4	1
	13%	-	10%	17%	16%	23%	17%	7%
Two claims	7	-	1	-	2	4	-	-
	3%	-	5%	-	5%	10%	-	-
Three claims	6	-	-	-	2	2	2	-
	3%	-	-	-	5%	5%	9%	-
Four or more claims	9	-	-	-	2	2	4	1
	4%	-	-	-	5%	5%	17%	7%

Table 38a. Liability Insurance Cost Per Attorney, by Size of Firm

		Number of Attorneys in the Firm in 1994						
	Total Survey	One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	195	32	17	42	35	40	21	8
		16%	9%	22%	18%	21%	11%	4%
75th Percentile	$3,700	$2,791	$2,882	$3,000	$3,300	$3,992	$4,955	$8,738
Median	$2,700	$2,120	$2,000	$2,013	$2,500	$3,123	$4,185	$4,715
25th Percentile	$1,910	$1,400	$1,205	$1,500	$2,000	$2,229	$3,470	$3,650
Average	$3,141	$2,210	$2,035	$2,364	$2,855	$3,891	$4,290	$7,776

Table 38b. Liability Insurance Cost Per Attorney, by Number of Claims

		Number of Liability Claims for IP Matters Last Five Years					
	Total Survey	None	One	Two	Three	Four or More	Not Reported
Number Reporting	195	140	28	7	5	8	7
		72%	14%	4%	3%	4%	4%
75th Percentile	$3,700	$3,388	$3,500	$4,670	$5,300	$5,517	$4,000
Median	$2,700	$2,500	$2,939	$2,200	$3,470	$4,545	$2,800
25th Percentile	$1,910	$1,600	$2,028	$2,000	$3,000	$3,850	$1,757
Average	$3,141	$3,017	$3,031	$3,110	$4,508	$4,928	$3,069

Table 35b. Factors Affecting the Compensation of Associates

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
What Types of Factors Determine Compensation?								
Mostly qualitative factors	13	1	2	1	2	2	4	1
	5%	2%	8%	2%	5%	4%	13%	4%
Mostly quantitative factors	44	4	2	10	13	9	3	3
	16%	7%	8%	20%	30%	18%	10%	13%
Quantitative and qualitative factors	152	6	12	32	24	36	23	18
	54%	10%	48%	63%	55%	73%	74%	75%
Not Reported	74	47	9	8	5	2	1	2
	26%	81%	36%	16%	11%	4%	3%	8%
Percent of Firms Giving The Following Factors Primary Consideration								
Billings	121	1	8	29	24	36	16	7
	60%	17%	50%	66%	65%	77%	53%	32%
Billable hours	117	2	10	19	21	28	21	16
	58%	33%	63%	43%	57%	60%	70%	73%
Collections	54	2	4	19	9	13	2	5
	27%	33%	25%	43%	24%	28%	7%	23%
Client origination	34	2	1	10	5	5	7	4
	17%	33%	6%	23%	14%	11%	23%	18%
File/matter origination	15	-	-	6	5	2	1	1
	7%	-	-	14%	14%	4%	3%	5%
Client responsibility	46	2	1	10	8	4	14	7
	23%	33%	6%	23%	22%	9%	47%	32%
Non-billable firm activities	14	1	-	2	3	2	5	1
	7%	17%	-	5%	8%	4%	17%	5%
Seniority	43	1	2	2	7	8	13	10
	21%	17%	13%	5%	19%	17%	43%	45%
Pro bono activities	6	-	-	-	2	-	1	3
	3%	-	-	-	5%	-	3%	14%
Other factors	25	1	1	5	3	8	5	2
	12%	17%	6%	11%	8%	17%	17%	9%

Table 34. Attorney Billing Rates in 1994

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Minimum Hourly Rate								
Number Reporting	270	52	24	50	44	49	30	20
		19%	9%	19%	16%	18%	11%	7%
Average	$121	$140	$131	$131	$112	$111	$110	$94
Median	$110	$130	$125	$125	$101	$101	$108	$95
Maximum Hourly Rate								
Number Reporting	269	52	25	49	44	48	31	19
		19%	9%	18%	16%	18%	12%	7%
Average	$233	$165	$211	$232	$221	$254	$302	$312
Median	$225	$153	$200	$215	$220	$250	$300	$300
Average Hourly Rate								
Number Reporting	249	54	20	46	37	45	28	18
		22%	8%	18%	15%	18%	11%	7%
Average	$173	$151	$173	$183	$179	$176	$186	$178
Median	$175	$145	$162	$173	$175	$175	$187	$172
IP Law Is 75% Or More Of Practice: Minimum Hourly Rate								
Number Reporting	222	46	24	44	42	47	19	0
		21%	11%	20%	19%	21%	9%	-
Average	$123	$140	$131	$129	$112	$110	$114	-
Median	$118	$130	$125	$125	$101	$101	$110	-
Maximum Hourly Rate								
Number Reporting	222	46	25	43	42	46	20	0
		21%	11%	19%	19%	21%	9%	-
Average	$227	$166	$211	$236	$223	$257	$311	-
Median	$220	$153	$200	$215	$220	$250	$300	-
Average Hourly Rate								
Number Reporting	206	48	20	40	37	43	18	0
		23%	10%	19%	18%	21%	9%	-
Average	$173	$151	$173	$183	$179	$177	$195	-
Median	$175	$145	$162	$173	$175	$175	$195	-
IP Law Is Less Than 75% Of Practice: Minimum Hourly Rate								
Number Reporting	48	6	0	6	2	2	11	20
		13%	-	13%	4%	4%	23%	42%
Average	$111	$137	-	$145	$118	$125	$104	$94
Median	$101	$143	-	$138			$105	$94
Maximum Hourly Rate								
Number Reporting	47	6	0	6	2	2	11	19
		13%	-	13%	4%	4%	23%	40%
Average	$261	$158	-	$203	$175	$201	$286	$312
Median	$252	$163	-	$188			$294	$300
Average Hourly Rate								
Number Reporting	43	6	0	6	0	2	10	18
		14%	-	14%	-	5%	23%	42%
Average	$173	$151	-	$183	-	$160	$170	$178
Median	$175	$150	-	$168	-		$178	$172

Table 32. Firm's 1994 Collection Ratio and Overhead

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Ratio Of Collections To Billings								
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Less than .90	40	9	7	9	8	4	1	2
	14%	16%	28%	18%	18%	8%	3%	8%
.90 to .94	64	9	4	10	13	11	12	5
	23%	16%	16%	20%	30%	22%	39%	21%
.95 to .99	113	24	10	23	14	23	10	9
	40%	41%	40%	45%	32%	47%	32%	38%
1.00 or more	36	13	2	5	3	7	5	1
	13%	22%	8%	10%	7%	14%	16%	4%
Average ratio	0.93	0.94	0.91	0.92	0.93	0.95	0.95	0.94
Median ratio	0.95	0.95	0.95	0.95	0.94	0.95	0.95	0.95
Not Reported	30	3	2	4	6	4	3	7
	11%	5%	8%	8%	14%	8%	10%	29%
Overhead As A Percent Of Collections								
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
Less than 25%	28	17	1	5	1	3	-	1
	10%	29%	4%	10%	2%	6%	-	4%
25-39%	59	12	7	14	7	12	4	3
	21%	21%	28%	27%	16%	24%	13%	13%
40-59%	114	13	8	17	27	23	19	7
	40%	22%	32%	33%	61%	47%	61%	29%
60% or more	34	7	5	9	1	4	4	4
	12%	12%	20%	18%	2%	8%	13%	17%
Average	42%	34%	45%	44%	43%	42%	48%	48%
Median	41%	30%	40%	40%	41%	44%	49%	51%
Not Reported	48	9	4	6	8	7	4	9
	17%	16%	16%	12%	18%	14%	13%	38%

Table 30. Percent Of Firm's Practice That Is In IP Law (continued)

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Percent Of 1994 Billings For Patent And Trademark Applications And Prosecutions: IP Law Is 75% Or More Of Practice								
Number Reporting	231	52	25	45	42	47	20	0
		23%	11%	19%	18%	20%	9%	-
None Reported	13	2	-	2	4	4	1	-
	6%	4%	-	4%	10%	9%	5%	-
Less than 10%	5	-	2	1	-	2	-	-
	2%	-	8%	2%	-	4%	-	-
10-49%	56	3	4	9	18	13	9	-
	24%	6%	16%	20%	43%	28%	45%	-
50% or more	157	47	19	33	20	28	10	-
	68%	90%	76%	73%	48%	60%	50%	-
Average percent	62	79	63	63	53	56	49	-
Median percent	65	80	70	65	50	55	50	-
Percent Of 1994 Billings For Patent And Trademark Applications And Prosecutions: IP Law Is Less Than 75% Of Practice								
Number Reporting	52	6	0	6	2	2	11	24
		12%	-	12%	4%	4%	21%	46%
None Reported	10	-	-	-	-	2	1	6
	19%	-	-	-	-	100%	9%	25%
Less than 10%	27	2	-	2	-	-	8	15
	52%	33%	-	33%	-	-	73%	63%
10-49%	10	2	-	2	2	-	1	3
	19%	33%	-	33%	100%	-	9%	13%
50% or more	5	2	-	2	-	-	1	-
	10%	33%	-	33%	-	-	9%	-
Average percent	13	32	-	29	25	1	9	5
Median percent	4	23	-	28			2	3

Table 29. Number of Patent Agents and Other Staff

	Total Survey	Number of Attorneys in the Firm in 1994						
		One	Two	3-5	6-10	11-30	31-100	More than 100
Number Reporting	283	58	25	51	44	49	31	24
		20%	9%	18%	16%	17%	11%	8%
PATENT AGENTS								
One patent agent	41	5	3	4	8	17	3	1
	14%	9%	12%	8%	18%	35%	10%	4%
Two	14	-	1	2	1	2	6	2
	5%	-	4%	4%	2%	4%	19%	8%
Three or more	22	-	-	2	1	8	8	2
	8%	-	-	4%	2%	16%	26%	8%
Average	3	1	1	2	2	2	4	6
Median	1	1	1	2	1	1	2	2
None Reported	206	53	21	43	34	22	14	19
	73%	91%	84%	84%	77%	45%	45%	79%
TECHNICAL/LEGAL ASSISTANTS								
One technical/legal assistant	56	8	8	11	12	9	4	4
	20%	14%	32%	22%	27%	18%	13%	17%
Two	35	1	4	7	5	5	5	8
	12%	2%	16%	14%	11%	10%	16%	33%
Three-five	25	-	-	1	3	13	3	5
	9%	-	-	2%	7%	27%	10%	21%
Six or more	28	-	-	-	-	9	15	4
	10%	-	-	-	-	18%	48%	17%
Average	3	1	1	1	2	4	6	4
Median	2	1	1	1	1	4	6	2
None Reported	139	49	13	32	24	13	4	3
	49%	84%	52%	63%	55%	27%	13%	13%
SUPPORT STAFF								
One support staff	42	23	11	4	2	2	-	-
	15%	40%	44%	8%	5%	4%	-	-
2	21	2	8	10	-	-	1	-
	7%	3%	32%	20%	-	-	3%	-
3-5	51	2	3	28	13	2	1	2
	18%	3%	12%	55%	30%	4%	3%	8%
6-20	64	-	-	8	26	23	1	6
	23%	-	-	16%	59%	47%	3%	25%
More than 20	61	-	-	-	2	20	27	12
	22%	-	-	-	5%	41%	87%	50%
None Reported	44	31	3	1	1	2	1	4
	16%	53%	12%	2%	2%	4%	3%	17%
RATIO, SUPPORT STAFF TO TOTAL ATTORNEYS								
Average	1.1	1.2	0.8	1.1	1.1	1.3	1.2	0.6
Median	1.0	1.0	0.9	0.9	1.0	1.2	1.2	0.5

Table 26a. Involvement With ADR Past Five Years, by Type of Practice

	Total Survey	Sole Practitioner	Partner in Private Firm	Associate in Private Firm	All Corporate Lawyers
REPORTED ONE OR MORE ADR INVOLVEMENTS IN PAST FIVE YEARS					
Number Reporting	385	23	207	57	85
		6%	54%	15%	22%
Total disputes reported	1224	58	882	98	135
REPORTED ONE OR MORE INVOLVEMENTS IN WHICH ADR WAS EFFECTIVE					
Number Reporting	246	16	139	28	55
		7%	57%	11%	22%
Total disputes reported	688	28	512	44	79
PERCENT OF DISPUTES IN WHICH ADR EFFECTIVE					
Percent effective	56%	48%	58%	45%	59%

Table 26b. Disputes In Which ADR Has Been Effective, Compared To All ADR Disputes

Number of ADR Disputes Reported	Number Reporting Involvement With ADR	Total ADR Disputes Reported	Number Reporting ADR Was Effective	Disputes In Which ADR Was Effective	Percent Effective
1	193	191	91	91	48%
2	80	164	60	93	57%
3	41	123	33	65	53%
4	18	72	15	34	47%
5	18	90	15	50	56%
6	7	42	6	17	40%
7 or more	28	542	26	338	62%
Totals	385	1224	246	688	56%

Table 24b. Estimate Of Total Cost, Through End Of Suit, Within Ranges of Average Value at Risk, In A Patent Infringement Suit

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Less Than $1 Million At Risk													
Number Reporting	47	3 6%	3 6%	2 4%	2 4%	9 19%	1 2%	2 4%	3 6%	12 26%	5 11%	1 2%	4 9%
75th Percentile (000's)	$498					$401				$425	$601		
Median (000's)	$301	$250	$1500			$325			$300	$375	$500		$250
25th Percentile (000's)	$250					$300				$290	$274		
$1-10 Million At Risk													
Number Reporting	238	11 5%	12 5%	6 3%	38 16%	22 9%	8 3%	5 2%	21 9%	51 21%	19 8%	24 10%	21 9%
75th Percentile (000's)	$1205	$1496	$1003	$1000	$1004	$998	$1050	$303	$1501	$1197	$1297	$1252	$1403
Median (000's)	$754	$997	$875	$550	$755	$675	$725	$275	$1000	$600	$797	$999	$825
25th Percentile (000's)	$498	$465	$550	$403	$603	$304	$550	$247	$602	$396	$505	$503	$502
$10-100 Million At Risk													
Number Reporting	139	4 3%	14 10%	9 6%	11 8%	13 9%	3 2%	2 1%	27 19%	20 14%	8 6%	21 15%	7 5%
75th Percentile (000's)	$3006		$4994	$3006	$2008	$7006			$2994	$2000	$3500	$2509	$2494
Median (000's)	$1988	$1500	$2004	$1006	$1991	$3500	$1200		$1503	$1100	$2125	$1200	$2000
25th Percentile (000's)	$1006		$1500	$794	$1506	$1994			$1006	$746	$1996	$894	$1506
More Than $100 Million At Risk													
Number Reporting	38	1 3%	2 5%	1 3%	6 16%	6 16%	1 3%	1 3%	3 8%	7 18%	0 -	8 21%	2 5%
75th Percentile (000's)	$7033				$9974	$3500				$6975	-	$6500	
Median (000's)	$2975				$2700	$2250			$3000	$5000	-	$2500	
25th Percentile (000's)	$1800				$1500	$1800				$1538	-	$2000	
Amount At Risk Not Reported													
Number Reporting	19	0 -	3 16%	1 5%	2 11%	3 16%	1 5%	1 5%	1 5%	1 5%	2 11%	3 16%	1 5%
75th Percentile (000's)	$1238	-											
Median (000's)	$750	-	$1000			$1500						$350	
25th Percentile (000's)	$497	-											

Table 23. Estimated Average Values at Risk in Underlying Suits (continued)

	Estimate of Average Value at Risk In Recent Suits on Which Cost Estimate Is Based					
	Total Survey	Less Than $1 Million	$1-10 Million	$10-100 Million	More Than $100 Million	Not Reported
BINDING ARBITRATION						
Number Reporting	86	22	38	16	1	9
	100%	26%	44%	19%	1%	10%
INCREMENTAL COST OF MEDIATION, WHEN MEDIATION IS NOT EFFECTIVE						
Number Reporting	93	16	36	22	2	17
	100%	17%	39%	24%	2%	18%
COST OF MEDIATION WHEN MEDIATION IS EFFECTIVE						
Number Reporting	81	23	39	8	-	11
	100%	28%	48%	10%	-	14%
COMBINED MEDIATION/ ARBITRATION IS NOT EFFECTIVE						
Number Reporting	30	7	13	4	1	5
	100%	23%	43%	13%	3%	17%
COMBINED MEDIATION/ ARBITRATION IS EFFECTIVE						
Number Reporting	26	6	11	4	-	5
	100%	23%	42%	15%	-	19%
MINI-TRIAL IS NOT EFFECTIVE						
Number Reporting	38	4	14	13	1	6
	100%	11%	37%	34%	3%	16%
MINI-TRIAL IS EFFECTIVE						
Number Reporting	34	2	10	12	1	9
	100%	6%	29%	35%	3%	26%
SUMMARY JURY TRIAL IS NOT EFFECTIVE						
Number Reporting	28	3	12	5	1	7
	100%	11%	43%	18%	4%	25%
SUMMARY JURY TRIAL IS EFFECTIVE						
Number Reporting	21	1	11	4	-	5
	100%	5%	52%	19%	-	24%

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Incremental Cost Of Mini-Trial In Patent Infringement Suit In Which Mini-Trial Not Effective													
Number Reporting	38	1 3%	1 3%	1 3%	1 3%	4 11%	1 3%	2 5%	5 13%	13 34%	2 5%	6 16%	1 3%
75th Percentile	$199								$251	$126		$126	
Median	$100					$38			$200	$100		$113	
25th Percentile	$26								$100	$35		$100	
Cost Of Mini-Trial In Patent Infringement Suit In Which Mini-Trial Is Effective													
Number Reporting	34	0 -	1 3%	1 3%	1 3%	1 3%	1 3%	0 -	5 15%	14 41%	2 6%	6 18%	2 6%
75th Percentile	$200	-						-	$251	$200		$126	
Median	$100	-						-	$100	$100		$113	
25th Percentile	$26	-						-	$25	$30		$51	
Incremental Cost Of Summary Jury Trial In Which Summary Jury Trial Not Effective													
Number Reporting	28	1 4%	1 4%	1 4%	1 4%	1 4%	1 4%	1 4%	4 14%	10 36%	1 4%	4 14%	2 7%
75th Percentile	$300									$151			
Median	$138								$300	$100		$125	
25th Percentile	$50									$49			
Cost Of Summary Jury Trial In Which Summary Jury Trial Is Effective													
Number Reporting	21	0 -	0 -	1 5%	2 10%	1 5%	1 5%	0 -	2 10%	9 43%	1 5%	3 14%	1 5%
75th Percentile	$300	-	-					-		$151			
Median	$150	-	-					-		$100		$100	
25th Percentile	$50	-	-					-		$50			

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Total Cost Through Trial In Suit Involving More Than One Form Of IP													
Number Reporting	181	8 4%	8 4%	7 4%	25 14%	18 10%	8 4%	7 4%	18 10%	35 19%	15 8%	21 12%	11 6%
75th Percentile	$1301	$1450	$1625	$1299	$1499	$502	$1025	$349	$1600	$1199	$1299	$2002	$1399
Median	$752	$1000	$1100	$450	$1000	$375	$575	$225	$1201	$748	$998	$1100	$751
25th Percentile	$449	$600	$625	$351	$598	$275	$300	$151	$998	$500	$401	$749	$449
Total Cost To Final Award For Binding Arbitration Of Patent Infringement Claim													
Number Reporting	86	4 5%	6 7%	4 5%	9 10%	7 8%	3 3%	3 3%	12 14%	17 20%	6 7%	12 14%	3 3%
75th Percentile	$500		$600		$501	$499			$450	$301	$150	$875	
Median	$151	$63	$400	$300	$150	$150	$99	$100	$300	$150	$88	$575	$38
25th Percentile	$99		$101		$59	$101			$213	$100	$50	$175	
Incremental Cost For Mediation In Patent Infringement Suit In Which Mediation Is Not Effective													
Number Reporting	93	5 5%	6 6%	3 3%	5 5%	7 8%	5 5%	3 3%	6 6%	23 25%	14 15%	10 11%	6 6%
75th Percentile	$50	$50	$250		$25	$100	$10		$80	$50	$25	$150	$20
Median	$20	$10	$220	$50	$20	$20	$10	$5	$50	$20	$10	$75	$18
25th Percentile	$10	$5	$50		$10	$5	$10		$50	$10	$5	$50	$10

Table 22. Estimated Costs of Litigation by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
LITIGATION COSTS (000's)													
Total Cost Through Trial In Trademark Infringement Suit													
Number Reporting	245	10 4%	22 9%	13 5%	24 10%	23 9%	7 3%	10 4%	21 9%	46 19%	19 8%	28 11%	22 9%
75th Percentile	$401	$500	$599	$301	$401	$300	$300	$160	$501	$399	$499	$750	$300
Median	$249	$200	$225	$225	$251	$200	$230	$100	$399	$208	$300	$401	$125
25th Percentile	$149	$75	$149	$124	$199	$101	$150	$74	$250	$149	$176	$225	$75
Total Cost Through Discovery In Copyright Infringement Suit													
Number Reporting	171	7 4%	13 8%	7 4%	12 7%	17 10%	7 4%	10 6%	14 8%	34 20%	16 9%	22 13%	12 7%
75th Percentile	$200	$250	$200	$200	$200	$151	$150	$100	$300	$120	$250	$350	$165
Median	$100	$150	$51	$120	$150	$85	$100	$60	$200	$68	$200	$150	$105
25th Percentile	$50	$51	$49	$100	$100	$60	$71	$50	$100	$49	$125	$50	$35
Total Cost Through Trial In Copyright Infringement Suit													
Number Reporting	156	7 4%	11 7%	6 4%	11 7%	16 10%	7 4%	10 6%	14 9%	30 19%	15 10%	20 13%	9 6%
75th Percentile	$375	$500	$450	$300	$400	$225	$300	$200	$600	$249	$500	$600	$250
Median	$200	$200	$151	$183	$201	$130	$151	$125	$400	$138	$350	$325	$100
25th Percentile	$100	$101	$66	$150	$199	$85	$101	$75	$200	$99	$250	$138	$75

Table 21. Typical Charges by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
ENTERING NATIONAL STAGE IN EACH FOREIGN RECEIVING OFFICE FROM U.S. ORIGIN PCT APPLICATION													
Number Reporting	414	16 4%	28 7%	14 3%	74 18%	39 9%	8 2%	8 2%	29 7%	85 21%	23 6%	54 13%	36 9%
75th Percentile	$702	$799	$600	$700	$752	$949	$1300	$501	$801	$500	$998	$802	$625
Median	$498	$473	$475	$501	$500	$399	$550	$400	$501	$399	$500	$501	$425
25th Percentile	$298	$313	$299	$400	$300	$281	$350	$250	$351	$248	$202	$350	$299
U.S. DESIGN PATENT APPLICATION													
Number Reporting	575	21 4%	39 7%	20 3%	78 14%	53 9%	21 4%	12 2%	48 8%	134 23%	38 7%	51 9%	60 10%
75th Percentile	$999	$802	$999	$1000	$998	$1001	$1000	$775	$1000	$998	$1100	$1002	$998
Median	$698	$602	$601	$650	$650	$602	$749	$550	$525	$602	$799	$800	$601
25th Percentile	$499	$500	$491	$499	$449	$450	$599	$451	$498	$498	$502	$551	$500
U.S. PLANT PATENT APPLICATION													
Number Reporting	81	5 6%	1 1%	1 1%	12 15%	6 7%	0 -	5 6%	6 7%	19 23%	3 4%	18 22%	5 6%
75th Percentile	$1504	$2003			$1500	$503	-	$1503	$1500	$1504		$1997	$2003
Median	$999	$1000			$1000	$498	-	$1003	$500	$1496	$503	$1000	$800
25th Percentile	$504	$748			$450	$253	-	$996	$303	$803		$796	$748
COPYRIGHT REGISTRATION APPLICATION													
Number Reporting	497	20 4%	35 7%	17 3%	58 12%	45 9%	17 3%	13 3%	39 8%	117 24%	32 6%	46 9%	58 12%
75th Percentile	$250	$225	$298	$300	$298	$252	$202	$200	$223	$201	$250	$302	$252
Median	$199	$175	$201	$210	$202	$199	$199	$151	$175	$152	$201	$249	$201
25th Percentile	$148	$113	$149	$149	$149	$148	$151	$101	$111	$125	$118	$198	$151

Table 21. Typical Charges by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Patent Application Amendment/Argument, Relatively Complex Computer Hardware/Software													
Number Reporting	540	24 4%	32 6%	18 3%	90 17%	56 10%	21 4%	9 2%	39 7%	104 19%	36 7%	57 11%	54 10%
75th Percentile	$2495	$2800	$3003	$2504	$2497	$1998	$2504	$1504	$2196	$2001	$2502	$2998	$1997
Median	$1602	$1999	$2250	$2202	$1703	$1500	$1499	$1497	$1504	$1498	$1900	$1998	$1350
25th Percentile	$1199	$1498	$1503	$1503	$1300	$1003	$998	$718	$1201	$1050	$1498	$1495	$996
Appeal to Board in Utility Patent Application													
Number Reporting	612	21 3%	45 7%	23 4%	124 20%	75 12%	16 3%	12 2%	43 7%	121 20%	32 5%	65 11%	35 6%
75th Percentile	$4003	$3805	$4999	$4991	$3750	$3498	$3500	$3100	$4995	$3509	$4005	$5003	$4991
Median	$2775	$2507	$3492	$2995	$2509	$2499	$2502	$2250	$2998	$2500	$2750	$3491	$2504
25th Percentile	$1996	$2001	$2007	$2002	$1997	$1506	$1750	$1000	$2492	$1509	$1997	$2499	$1605
Filing Foreign Origin Utility Patent Application, Received Ready For Filing													
Number Reporting	489	17 3%	45 9%	17 3%	107 22%	44 9%	12 2%	9 2%	43 9%	96 20%	23 5%	41 8%	35 7%
75th Percentile	$702	$800	$999	$602	$651	$850	$950	$502	$600	$546	$999	$899	$749
Median	$499	$500	$502	$525	$496	$500	$525	$498	$498	$450	$502	$546	$500
25th Percentile	$352	$448	$448	$498	$361	$338	$475	$439	$302	$301	$451	$402	$398

Table 21. Typical Charges by Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Original Utility Patent Application On Invention Of Minimal Complexity													
Number Reporting	996	39 4%	61 6%	42 4%	153 15%	125 13%	33 3%	21 2%	74 7%	205 21%	63 6%	103 10%	77 8%
75th Percentile	$4010	$4991	$4992	$4493	$4004	$4002	$4009	$3998	$4008	$3997	$4501	$5002	$4007
Median	$3493	$3503	$3380	$3501	$3008	$3400	$3504	$3003	$3450	$3004	$3991	$4008	$3010
25th Percentile	$2509	$2805	$2508	$2992	$2502	$2506	$2504	$2493	$2505	$2504	$3002	$3492	$2990
Original Utility Application, Relatively Complex Biotechnology													
Number Reporting	351	16 5%	24 7%	17 5%	62 18%	33 9%	14 4%	6 2%	23 7%	59 17%	26 7%	51 15%	20 6%
75th Percentile	$9990	$10010	$13500	$9038	$10015	$9963	$10013	$7500	$8975	$7991	$9981	$12004	$10000
Median	$7493	$8500	$8017	$6000	$7500	$7533	$8017	$7000	$7475	$5996	$7750	$8975	$6000
25th Percentile	$5030	$7250	$5000	$5013	$5018	$5958	$6500	$5025	$4488	$4965	$5038	$6046	$4500
Original Utility Application, Relatively Complex Computer Hardware/Software													
Number Reporting	576	28 5%	33 6%	21 4%	86 15%	59 10%	23 4%	10 2%	41 7%	115 20%	40 7%	64 11%	56 10%
75th Percentile	$8506	$9500	$9983	$8513	$9978	$7513	$10018	$8013	$8513	$7019	$7995	$9500	$9004
Median	$6980	$7988	$7517	$7500	$6983	$6488	$7988	$7250	$7483	$5991	$7000	$7496	$6996
25th Percentile	$5000	$5250	$5978	$5996	$4996	$4984	$4513	$5000	$4588	$4515	$5000	$6018	$4992

Table 21. Typical Charges by Location of Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
Trademark Registerability Search, Analysis, and Opinion													
Number Reporting	667	25 4%	41 6%	30 4%	88 13%	66 10%	22 3%	15 2%	51 8%	141 21%	51 8%	72 11%	65 10%
75th Percentile	$601	$651	$749	$701	$473	$699	$676	$449	$502	$526	$698	$738	$599
Median	$402	$401	$502	$513	$326	$500	$525	$301	$402	$351	$499	$500	$401
25th Percentile	$299	$348	$398	$400	$249	$301	$252	$202	$302	$273	$350	$300	$299
Trademark Registration Application, Preparation, and Filing													
Number Reporting	666	24 4%	39 6%	30 5%	89 13%	64 10%	21 3%	15 2%	54 8%	139 21%	51 8%	75 11%	65 10%
75th Percentile	$599	$501	$599	$601	$501	$625	$498	$549	$500	$502	$798	$699	$602
Median	$450	$438	$500	$499	$424	$425	$448	$440	$399	$401	$600	$500	$498
25th Percentile	$349	$351	$399	$375	$350	$301	$398	$299	$325	$302	$402	$398	$349
Trademark Prosecution													
Number Reporting	564	23 4%	33 6%	25 4%	74 13%	58 10%	20 4%	15 3%	42 7%	120 21%	42 7%	57 10%	55 10%
75th Percentile	$998	$999	$1000	$1000	$800	$751	$775	$749	$801	$775	$1002	$1201	$801
Median	$501	$525	$681	$502	$500	$500	$501	$499	$501	$499	$775	$601	$500
25th Percentile	$349	$302	$499	$301	$349	$349	$399	$249	$302	$299	$498	$402	$350
Trademark Appeal to the Board													
Number Reporting	277	11 4%	22 8%	15 5%	41 15%	26 9%	6 2%	8 3%	25 9%	55 20%	19 7%	35 13%	14 5%
75th Percentile	$3213	$3481	$3013	$3013	$3021	$2517	$7000	$4250	$3019	$2788	$3188	$5010	$2500
Median	$2016	$2983	$2013	$2510	$2022	$1875	$2500	$2000	$2000	$2014	$1994	$3000	$1511
25th Percentile	$1488	$1494	$1494	$1813	$1479	$1100	$1988	$1008	$1478	$1490	$1004	$1990	$1486

Table 20b. Types of Billing by Size of Staff: Predetermined Fee Basis

	Total Survey	Intellectual Property Lawyers and Agents in the Firm or Corporation							
		1-2	3-5	6-10	11-25	26-50	51-100	101-150	151 or More
Percent of Services Billed In 1994 On a Predetermined Fee Basis									
All Private Practice									
Number Reporting	486	99	57	88	115	64	45	10	1
75th Percentile	35%	60%	50%	28%	20%	20%	25%	96%	
Median	15%	20%	20%	10%	10%	10%	10%	10%	
25th Percentile	10%	10%	10%	5%	5%	5%	5%	5%	
Partners									
Number Reporting	276	25	37	62	74	43	29	5	1
75th Percentile	20%	20%	30%	30%	20%	20%	15%	5%	
Median	10%	15%	15%	10%	10%	10%	10%	5%	
25th Percentile	5%	10%	10%	5%	5%	5%	5%	5%	
Associates									
Number Reporting	121	6	17	24	34	20	14	5	0
75th Percentile	60%	25%	75%	28%	65%	30%	80%	99%	-
Median	20%	15%	50%	20%	13%	10%	28%	96%	-
25th Percentile	10%	5%	20%	10%	10%	10%	5%	20%	-
Sole Practitioner									
Number Reporting	76								
75th Percentile	75%								
Median	31%								
25th Percentile	15%								

Table 19. Dollar Amount Billed for Legal Services by Type of Practice and Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
ALL PRIVATE PRACTICE													
Number Reporting	771	28 4%	57 7%	24 3%	173 22%	50 6%	23 3%	9 1%	68 9%	140 18%	50 6%	89 12%	60 8%
75th Percentile (000's)	$425	$475	$600	$392	$446	$292	$340	$292	$530	$316	$390	$484	$320
Median (000's)	$300	$325	$500	$300	$305	$207	$280	$210	$400	$250	$280	$350	$265
25th Percentile (000's)	$215	$257	$350	$229	$250	$124	$180	$85	$295	$176	$220	$220	$149
Average (000's)	$336	$378	$555	$338	$354	$216	$273	$196	$416	$258	$301	$379	$257
PARTNERS													
Number Reporting	448	17 4%	37 8%	11 2%	106 24%	22 5%	13 3%	4 1%	50 11%	85 19%	22 5%	46 10%	35 8%
75th Percentile (000's)	$500	$540	$650	$545	$500	$400	$425		$550	$360	$500	$570	$375
Median (000's)	$370	$430	$520	$400	$400	$285	$331	$225	$447	$300	$360	$450	$300
25th Percentile (000's)	$287	$350	$400	$267	$295	$225	$300		$345	$250	$280	$331	$270
Average (000's)	$410	$456	$641	$455	$416	$300	$348	$223	$482	$317	$377	$438	$329
ASSOCIATES													
Number Reporting	204	9 4%	13 6%	7 3%	52 25%	13 6%	8 4%	0 -	14 7%	36 18%	21 10%	22 11%	9 4%
75th Percentile (000's)	$300	$300	$450	$330	$315	$235	$231	-	$300	$242	$300	$350	$183
Median (000's)	$250	$280	$350	$300	$265	$170	$173	-	$247	$185	$275	$278	$165
25th Percentile (000's)	$176	$264	$306	$260	$235	$130	$140	-	$200	$160	$200	$190	$147
Average (000's)	$266	$280	$405	$289	$274	$188	$186	$-	$238	$191	$263	$403	$178
SOLE PRACTITIONER													
Number Reporting	88	1 1%	4 5%	4 5%	9 10%	14 16%	2 2%	5 6%	2 2%	13 15%	4 5%	17 19%	13 15%
75th Percentile (000's)	$225				$260	$200		$342		$124		$250	$150
Median (000's)	$124		$231	$204	$225	$100		$85		$103	$106	$172	$85
25th Percentile (000's)	$51				$110	$50		$24		$32		$100	$27
Average (000's)	$153	$10	$285	$168	$195	$124	$135	$175	$145	$112	$120	$178	$136

Table 18a. Billable Hours by Type of Practice, in the First 10 Years of Experience

	Total Survey	Respondent's Years of Intellectual Property Law Experience									
		1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years	10 Years
ALL PRIVATE PRACTICE											
Number Reporting	859	17 2%	36 4%	43 5%	40 5%	47 5%	39 5%	26 3%	31 4%	19 2%	34 4%
75th Percentile	2000	1860	1900	2000	2040	2000	1950	2000	2200	1950	2150
Median	1700	1650	1741	1850	1750	1800	1800	1845	1950	1800	1900
25th Percentile	1430	1200	1550	1675	1542	1600	1575	1600	1600	1500	1700
Average	1675	1427	1717	1861	1752	1706	1777	1789	1897	1665	1898
PARTNERS											
Number Reporting	471	0 -	0 -	3 1%	0 -	2 0%	7 1%	9 2%	15 3%	7 1%	23 5%
75th Percentile	2000	-	-		-		2211	2000	2200	1950	2150
Median	1750	-	-	2000	-		1700	1850	2000	1800	1900
25th Percentile	1500	-	-		-		1521	1500	1630	1500	1700
Average	1751	-	-	2093	-	1975	1749	1840	1909	1734	1901
ASSOCIATES											
Number Reporting	270	15 6%	35 13%	40 15%	38 14%	42 16%	31 11%	15 6%	14 5%	10 4%	7 3%
75th Percentile	2000	1952	1900	2000	2050	2000	1950	2000	2400	2000	2300
Median	1800	1660	1732	1835	1800	1813	1800	1850	1975	1900	2150
25th Percentile	1600	1400	1500	1663	1580	1700	1700	1800	1650	1500	1800
Average	1802	1595	1711	1844	1794	1792	1831	1856	2069	1800	2093
SOLE PRACTITIONER											
Number Reporting	83	2 2%	1 1%	0 -	2 2%	3 4%	1 1%	2 2%	2 2%	2 2%	1 1%
75th Percentile	1399			-							
Median	1001			-		350					
25th Percentile	501			-							
Average	1022	163	1900	-	950	327	290	1050	605	750	1500

Table 17a. Billable Hours by Type of Practice and Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	Less than 5	5-6 Years	7-9 Years	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30-34 Years	35-39 Years	40 or More
All Private Practice											
Number Reporting	859	136	86	76	129	89	78	75	86	56	47
		16%	10%	9%	15%	10%	9%	9%	10%	7%	5%
75th Percentile	2000	2000	2000	2075	2025	1900	2000	2000	2000	1800	1600
Median	1700	1800	1800	1850	1800	1650	1700	1800	1554	1500	1200
25th Percentile	1430	1590	1600	1500	1594	1380	1500	1400	1269	1050	800
Average	1675	1736	1738	1802	1784	1614	1687	1715	1630	1425	1253
Partners											
Number Reporting	471	3	9	31	95	69	67	60	67	44	26
		1%	2%	7%	20%	15%	14%	13%	14%	9%	6%
75th Percentile	2000	.	2211	2100	2100	1900	2005	2100	2100	1900	1800
Median	1750	2000	1700	1900	1850	1700	1750	1803	1640	1500	1525
25th Percentile	1500		1550	1500	1618	1400	1500	1500	1318	1190	1200
Average	1751	2093	1799	1849	1869	1698	1760	1829	1748	1522	1479
Associates											
Number Reporting	270	128	73	39	20	3	1	3	0	1	1
		47%	27%	14%	7%	1%	0%	1%	-	0%	0%
75th Percentile	2000	2000	2000	2110	2125				-		
Median	1800	1800	1800	1900	1800	1800		1600	-		
25th Percentile	1600	1600	1700	1650	1500				-		
Average	1802	1764	1808	1918	1816	1843	1500	1633	-	1780	900
Sole Practitioner											
Number Reporting	83	5	4	6	10	11	8	9	13	5	12
		6%	5%	7%	12%	13%	10%	11%	16%	6%	14%
75th Percentile	1399	1201		1200	1500	1799	1625	1201	1301	801	1450
Median	1001	700	320	750	1050	1100	1250	1097	1001	330	1125
25th Percentile	501	249		500	689	801	940	999	799	319	750
Average	1022	825	318	802	1040	1205	1188	1219	1034	598	1171

Table 16a. Billable Hours by Type of Practice and Location of Primary Place of Work

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
All Private Practice													
Number Reporting	859	31	70	32	182	59	23	9	78	153	58	100	64
		4%	8%	4%	21%	7%	3%	1%	9%	18%	7%	12%	7%
75th Percentile	2000	2000	2200	2050	2005	1805	1850	2000	2100	1850	2100	2000	1913
Median	1700	1600	1802	1860	1716	1500	1500	1600	1900	1618	1900	1725	1690
25th Percentile	1430	1450	1500	1350	1400	1100	1350	1097	1700	1460	1500	1447	1235
Average	1675	1648	1804	1755	1695	1452	1558	1434	1845	1631	1786	1674	1524
Partners													
Number Reporting	471	16	40	14	105	24	12	5	55	91	23	50	36
		3%	8%	3%	22%	5%	3%	1%	12%	19%	5%	11%	8%
75th Percentile	2000	2050	2150	2230	2000	1853	1747	2000	2100	1900	2200	2000	2000
Median	1750	1513	1995	2000	1680	1500	1594	1966	1871	1650	2000	1753	1800
25th Percentile	1500	1425	1500	1650	1400	1309	1350	1600	1700	1450	1500	1500	1500
Average	1751	1664	1899	1946	1693	1598	1565	1753	1894	1697	1846	1746	1748
Associates													
Number Reporting	270	11	22	12	64	17	9	0	18	46	28	30	13
		4%	8%	4%	24%	6%	3%	-	7%	17%	10%	11%	5%
75th Percentile	2000	2200	2200	2000	2090	1950	1900	-	1976	1850	2105	2000	1850
Median	1800	1845	1877	1900	1800	1700	1500	-	1900	1680	2000	1800	1744
25th Percentile	1600	1573	1500	1710	1665	1600	1500	-	1700	1575	1800	1600	1600
Average	1802	1849	1827	1870	1837	1684	1734	-	1800	1705	1908	1850	1688
Sole Practitioner													
Number Reporting	83	2	5	4	8	14	2	4	3	9	4	16	12
		2%	6%	5%	10%	17%	2%	5%	4%	11%	5%	19%	14%
75th Percentile	1399		1201		1250	1499				1451		1700	1125
Median	1001		1000	1130	1025	1025		799	1900	1199	1050	1100	460
25th Percentile	501		799		580	689				799		788	215
Average	1022	970	921	903	886	1002	725	1034	1607	1153	1063	1180	804

Table 15a. Percent of Time Devoted by Associates to Various Types of Work, by Level of Income

		Respondent's Income in 1994 (Thousands of Dollars)										
	Total Survey	$45 or Less	$46-$50	$51-$55	$56-$60	$61-$65	$66-$70	$71-$80	$81-$90	$91-$100	$101-$125	$126 or More
Total Survey	308	13	11	16	18	20	29	58	45	30	44	19
		4%	4%	5%	6%	6%	9%	19%	15%	10%	14%	6%
Developing IP Protection												
Number Reporting	299	13	11	16	18	20	28	56	45	30	40	17
Median percent of work time	60%	80%	70%	73%	70%	55%	60%	73%	50%	50%	33%	30%
Supervision of IP Work												
Number Reporting	106	1	4	3	2	3	4	16	24	9	23	15
Median percent of work time	5%		7%	5%		10%	14%	5%	5%	5%	5%	10%
Opinions, Counseling												
Number Reporting	226	10	6	15	9	17	17	36	37	24	37	16
Median percent of work time	10%	5%	10%	10%	10%	10%	15%	10%	10%	10%	10%	13%
Licensing												
Number Reporting	143	6	4	10	8	15	12	20	22	14	16	12
Median percent of work time	5%	5%	5%	4%	5%	5%	7%	5%	5%	8%	7%	5%
Litigation												
Number Reporting	194	7	5	6	13	14	19	38	27	16	31	16
Median percent of work time	30%	15%	15%	17%	20%	23%	28%	20%	40%	50%	50%	40%
Formal ADR (as rep)												
Number Reporting	2	0	0	1	0	0	0	1	0	0	0	0
Median percent of work time		-	-		-	-	-		-	-	-	-
Formal ADR (as neutral)												
Number Reporting	1	0	0	0	0	0	0	1	0	0	0	0
Median percent of work time		-	-	-	-	-	-		-	-	-	-
Management, Administration												
Number Reporting	69	4	4	2	3	6	6	12	10	7	10	4
Median percent of work time	5%	5%	4%		5%	7%	5%	5%	5%	5%	5%	5%
Marketing												
Number Reporting	72	5	2	3	2	7	7	16	12	5	8	3
Median percent of work time	5%	5%		5%		5%	5%	5%	4%	5%	5%	5%
Non-IP Legal												
Number Reporting	31	4	2	1	1	2	4	6	2	3	3	1
Median percent of work time	5%	8%					21%	5%		5%	7%	

Table 14a. Percent of Time Devoted by Partners to Various Types of Work, by Level of Income

		Respondent's Income in 1994 (Thousands of Dollars)											
	Total Survey	$90 or Less	$91-$100	$101-$125	$126-$150	$151-$175	$176-$200	$201-$250	$251-$300	$301-$350	$351-$400	$401-$450	$451 or More
Total Survey	517	26	18	42	51	54	52	91	48	35	23	19	46
		5%	3%	8%	10%	10%	10%	18%	9%	7%	4%	4%	9%
Developing IP Protection													
Number Reporting	461	26	18	42	50	52	47	79	44	31	17	18	27
Median percent of work time	35%	50%	53%	53%	43%	40%	40%	30%	25%	25%	15%	20%	20%
Supervision of IP Work													
Number Reporting	378	14	12	32	38	43	37	71	39	28	17	13	29
Median percent of work time	10%	10%	10%	5%	9%	10%	10%	10%	10%	13%	10%	10%	10%
Opinions, Counseling													
Number Reporting	425	19	15	35	43	48	40	80	44	28	15	14	35
Median percent of work time	10%	10%	15%	10%	10%	10%	10%	15%	13%	18%	20%	13%	10%
Licensing													
Number Reporting	286	18	9	26	28	30	25	57	29	17	8	11	22
Median percent of work time	5%	5%	5%	10%	8%	5%	5%	10%	7%	5%	5%	5%	5%
Litigation													
Number Reporting	372	19	11	25	38	42	30	67	31	27	18	16	42
Median percent of work time	30%	10%	15%	15%	30%	23%	23%	30%	25%	25%	50%	50%	60%
Formal ADR (as rep)													
Number Reporting	33	2	0	3	4	2	3	5	3	1	1	2	6
Median percent of work time	5%		-	5%	5%		10%	5%	5%				8%
Formal ADR (as neutral)													
Number Reporting	21	0	0	3	1	1	0	5	1	2	2	0	6
Median percent of work time	5%	-	-	15%			-	2%				-	5%
Management, Administration													
Number Reporting	307	18	12	25	31	36	24	60	33	22	11	6	22
Median percent of work time	5%	8%	8%	5%	5%	10%	5%	5%	5%	10%	5%	5%	5%
Marketing													
Number Reporting	218	16	7	18	25	24	15	38	21	18	7	10	17
Median percent of work time	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	10%
Non-IP Legal													
Number Reporting	51	7	1	5	4	4	3	8	4	4	3	2	3
Median percent of work time	5%	10%		10%	13%	2%	10%	10%	5%	5%	5%		10%

Table 12b. Percent of Time in IP Practice Devoted to Various IP Areas

		Type Of Practice								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Total Survey	1,545	517	308	116	979	140	398	538	21	7
% of total		33%	20%	8%	63%	9%	26%	35%	1%	0%
IP Areas:										
Copyrights										
Number Reporting	780	320	150	74	561	75	131	206	10	3
Median percent	5%	5%	5%	8%	5%	5%	5%	5%	5%	10%
Patents										
Number Reporting	1,494	496	304	110	947	135	389	524	19	4
Median percent	80%	75%	90%	80%	80%	70%	85%	80%	85%	92%
Trade Secrets										
Number Reporting	776	245	105	37	403	111	254	365	6	2
Median percent	10%	10%	5%	5%	5%	10%	10%	10%	10%	43%
Trademarks										
Number Reporting	1,019	419	206	92	747	106	151	257	13	2
Median percent	10%	20%	10%	20%	15%	10%	10%	10%	5%	9%

Table 11. Percent of Time in Primary Practice Devoted to Various Types of Work

		Type Of Practice								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Total Survey	1,545	517	308	116	979	140	398	538	21	7
% of total		33%	20%	8%	63%	9%	26%	35%	1%	0%
IP PROTECTION										
Number Reporting	1,415	461	299	111	905	112	382	494	14	2
Median percent	50%	35%	60%	65%	50%	30%	50%	50%	45%	15%
SUPERVISION, IP WORK										
Number Reporting	829	378	106	12	512	121	186	307	9	1
Median percent	10%	10%	5%	5%	10%	20%	10%	15%	35%	10%
OPINIONS, COUNSELING										
Number Reporting	1,159	425	226	72	754	107	295	402	3	0
Median percent	10%	10%	10%	10%	10%	15%	20%	15%	30%	-
LICENSING										
Number Reporting	937	286	143	59	505	125	296	421	9	2
Median percent	10%	5%	5%	5%	5%	15%	15%	15%	10%	70%
LITIGATION										
Number Reporting	808	372	194	37	625	68	106	174	7	2
Median percent	20%	30%	30%	10%	30%	10%	10%	10%	10%	99%
ADR (AS REP)										
Number Reporting	45	33	2	1	38	0	7	7	0	0
Median percent	5%	5%	2%	5%	5%	-	5%	5%	-	-
ADR (AS NEUTRAL)										
Number Reporting	29	21	1	6	28	0	1	1	0	0
Median percent	5%	5%	-	4%	5%	-	34%	34%	-	-
MANAGEMENT, ADMINISTRATION										
Number Reporting	710	307	69	61	443	100	156	256	10	1
Median percent	10%	5%	5%	10%	5%	10%	10%	10%	10%	20%
MARKETING										
Number Reporting	334	218	72	36	334	0	0	0	0	0
Median percent	5%	5%	5%	8%	5%	-	-	-	-	-
NON-IP LEGAL										
Number Reporting	254	51	31	28	115	66	66	132	7	0
Median percent	10%	5%	5%	10%	5%	10%	10%	10%	10%	-
ALL OTHER TYPES										
Number Reporting	84	17	7	6	31	12	32	44	6	3
Median percent	20%	10%	15%	19%	10%	20%	20%	20%	85%	99%

ALL CORPORATE LAWYERS

Income by Number of Subordinates

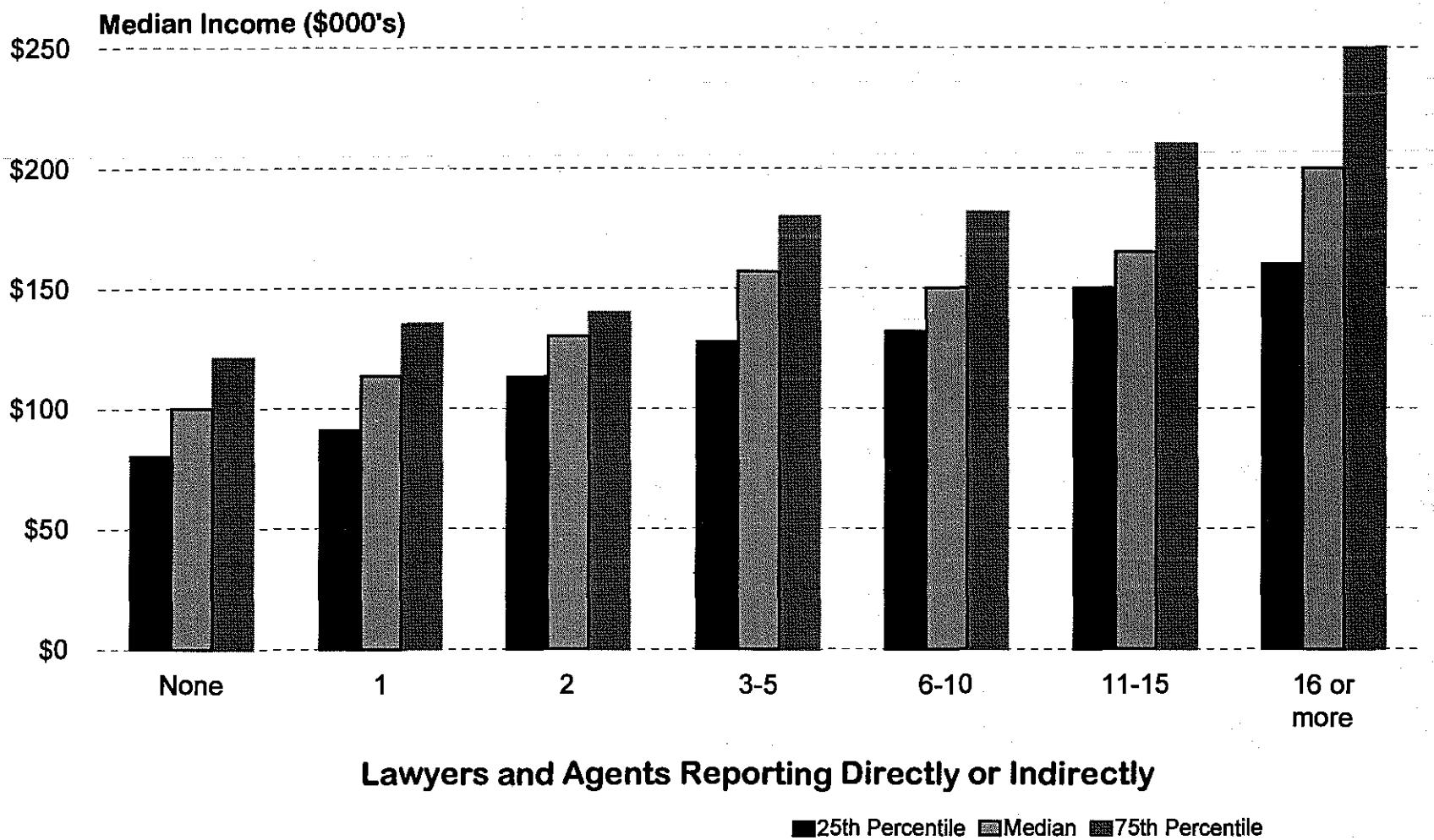


Chart 8
The AIPLA 1995 Economic Survey

Table 8. Income by Type of Practice and Location of Primary Place of Work (continued)

		Location of Respondent's Primary Place of Work											
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Other Central	Texas	California	Other West
SOLE PRACTITIONER													
Number Reporting	87	1 1%	2 2%	4 5%	7 8%	15 17%	4 5%	3 3%	3 3%	12 14%	5 6%	19 22%	12 14%
75th Percentile	$154,845				$154,845	$124,845				$131,500	$230,155	$169,845	$85,000
Median	$99,948			$95,000	$149,845	$99,845	$127,500	$270,000	$119,000	$78,500	$105,000	$112,000	$71,000
25th Percentile	$58,155				$125,155	$48,155				$42,500	$55,845	$58,155	$37,500
ALL CORPORATE IP OR LEGAL DEPARTMENT													
Number Reporting	503	18 4%	10 2%	40 8%	14 3%	136 27%	16 3%	11 2%	34 7%	128 25%	24 5%	47 9%	25 5%
75th Percentile	$140,001	$129,600	$120,000	$132,250	$150,000	$149,995	$155,000	$133,997	$134,400	$135,500	$132,500	$180,997	$135,004
Median	$114,005	$100,000	$111,500	$109,998	$114,500	$120,002	$123,500	$88,000	$97,500	$102,000	$102,964	$141,000	$107,000
25th Percentile	$89,004	$76,000	$85,000	$84,000	$94,000	$95,500	$92,500	$77,004	$85,997	$80,500	$92,063	$119,999	$81,997
HEAD CORPORATE IP OR LEGAL DEPARTMENT													
Number Reporting	127	6 5%	1 1%	5 4%	5 4%	28 22%	8 6%	2 2%	8 6%	34 27%	3 2%	21 17%	6 5%
75th Percentile	$179,958	$220,000		$175,056	$358,056	$185,887	$181,000		$170,000	$151,562		$205,056	$146,000
Median	$139,981	$139,800		$164,000	$137,000	$164,963	$155,000		$152,000	$128,150	$93,732	$160,000	$134,500
25th Percentile	$115,098	$102,000		$139,944	$109,944	$124,944	$133,500		$93,500	$102,000		$121,028	$128,000
OTHER CORPORATE IP OR LEGAL DEPARTMENT													
Number Reporting	376	12 3%	9 2%	35 9%	9 2%	108 29%	8 2%	9 2%	26 7%	94 25%	21 6%	26 7%	19 5%
75th Percentile	$131,001	$107,000	$120,004	$127,297	$143,004	$135,001	$113,000	$101,004	$111,000	$129,000	$132,004	$160,000	$116,997
Median	$104,004	$92,878	$113,000	$105,000	$114,000	$114,998	$92,500	$85,000	$92,275	$94,500	$103,527	$134,500	$97,000
25th Percentile	$83,800	$74,750	$86,497	$82,998	$93,997	$90,500	$75,000	$76,997	$81,000	$79,000	$92,622	$115,000	$75,004

PARTNERS IN PRIVATE FIRMS

Income by Size of Professional Staff

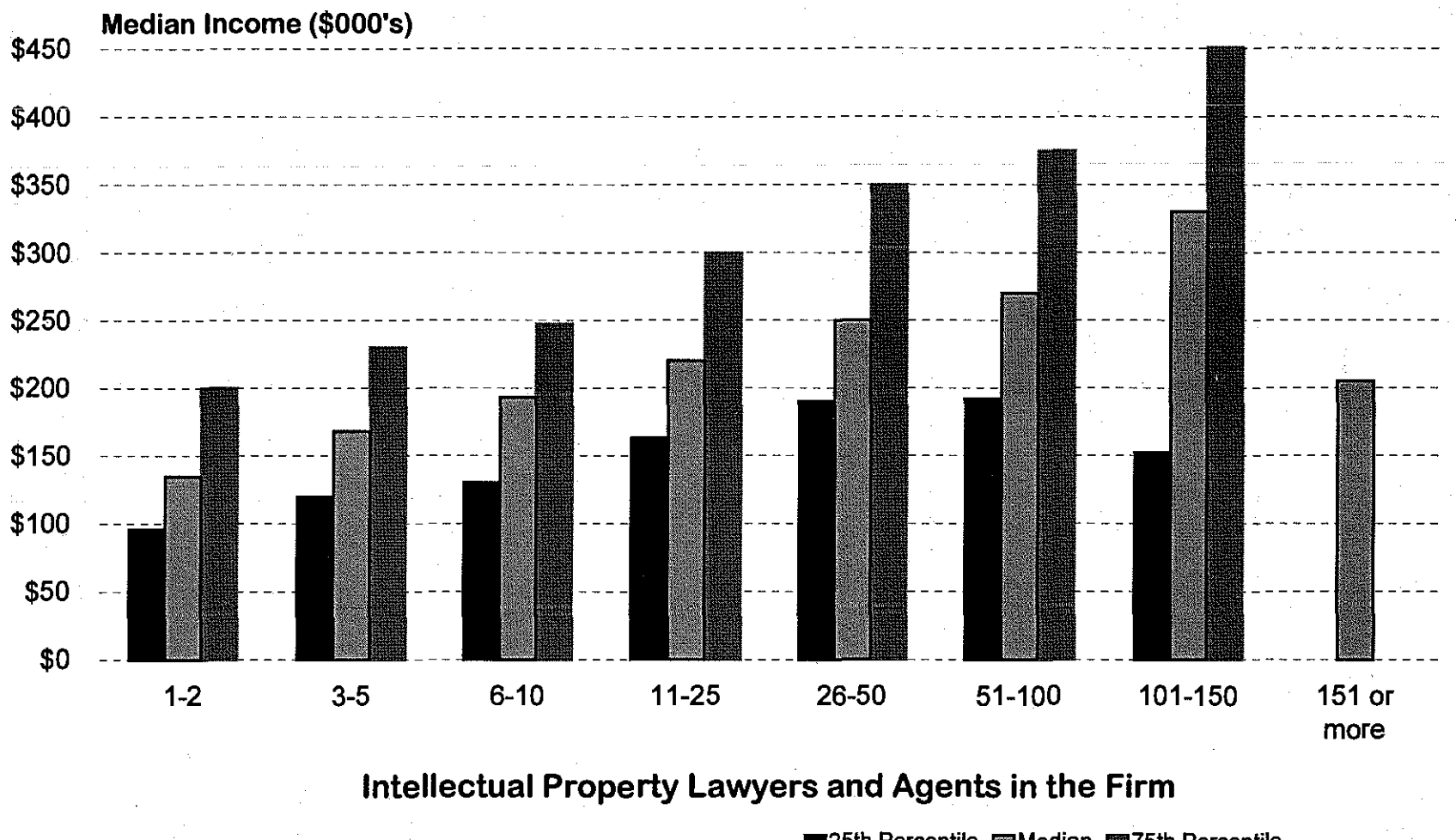


Chart 7
The AIPLA 1995 Economic Survey

Table 6. Income by Type of Practice and Area(s) of Technical Specialization (continued)

		Respondent's Technical Specialization (50% or More of IP Practice in This Area)											
	Total Survey	Biotech-nology	Chemical	Biotechnology/ Chemical	Chemical/ Mechanical	Hardware/ Software	Software Only	Electrical	Electrical/ Mechanical	Mechanical Only	Other Areas	Multiple Areas	None Reported
Sole Practitioner													
Number Reporting	87	1	6	1	0	0	2	6	2	40	1	26	2
		1%	7%	1%	-	-	2%	7%	2%	46%	1%	30%	2%
75th Percentile	$154,845		$155,000		-	-		$125,000		$149,500		$200,000	
Median	$99,948		$107,500		-	-		$91,800		$95,000		$101,000	
25th Percentile	$58,155		$103,000		-	-		$75,000		$45,000		$70,155	
All Corporate IP or Legal Department													
Number Reporting	503	43	211	6	6	10	17	54	2	73	7	70	4
		9%	42%	1%	1%	2%	3%	11%	0%	15%	1%	14%	1%
75th Percentile	$140,001	$159,997	$144,997	$140,000	$135,000	$140,000	$131,998	$140,000		$135,006	$120,997	$148,000	
Median	$114,005	$115,004	$114,998	$115,500	$111,500	$115,000	$115,000	$111,000		$104,000	$94,000	$116,000	$132,000
25th Percentile	$89,004	$92,004	$91,004	$100,000	$94,000	$102,000	$86,497	$84,000		$84,999	$80,004	$92,000	
Head Corporate IP or Legal Department													
Number Reporting	127	17	35	2	1	2	6	11	1	23	2	27	0
		13%	28%	2%	1%	2%	5%	9%	1%	18%	2%	21%	-
75th Percentile	$179,958	$180,056	$181,494				$155,000	$164,944		$154,944		$184,444	-
Median	$139,981	$130,000	$164,000				$131,000	$137,000		$134,000		$129,600	-
25th Percentile	$115,098	$109,944	$126,356				$120,000	$118,056		$110,056		$102,056	-
Other Corporate IP or Legal Department													
Number Reporting	376	26	176	4	5	8	11	43	1	50	5	43	4
		7%	47%	1%	1%	2%	3%	11%	0%	13%	1%	11%	1%
75th Percentile	$131,001	$140,000	$131,004		$123,004	$120,000	$126,997	$136,997		$115,004	$94,004	$132,497	
Median	$104,004	$104,500	$110,000	$105,500	$100,000	$106,200	$87,600	$102,000		$92,250	$81,000	$101,000	$132,000
25th Percentile	$83,800	$88,000	$87,000		$93,997	$96,273	$80,004	$80,005		$79,000	$79,997	$75,804	

Table 5. Income by Type of Practice, Level of Technical Education, and Years of Experience

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	Less than 5	5-6 Years	7-9 Years	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30-34 Years	35-39 Years	40 or More
PRIVATE PRACTITIONERS											
Highest Technical Degree is B.S.											
Number Reporting	662	110	67	58	93	64	47	65	86	41	30
		17%	10%	9%	14%	10%	7%	10%	13%	6%	5%
75th Percentile	$225,975	$76,300	$95,825	$139,975	$199,988	$259,000	$349,975	$340,038	$375,000	$300,038	$299,967
Median	$135,010	$68,983	$82,025	$110,000	$149,963	$195,000	$200,033	$245,000	$225,025	$235,000	$150,017
25th Percentile	$80,018	$53,033	$70,025	$87,500	$100,035	$132,500	$155,025	$144,975	$170,033	$164,975	$100,033
Highest Technical Degree is M.S.											
Number Reporting	158	23	15	15	29	21	29	9	5	7	5
		15%	9%	9%	18%	13%	18%	6%	3%	4%	3%
75th Percentile	$249,952	$83,952	$107,952	$131,952	$250,048	$250,048	$379,857	$325,048	$500,048	$299,952	$250,048
Median	$152,500	$65,064	$86,048	$119,952	$155,000	$219,952	$247,000	$215,000	$400,000	$200,048	$130,000
25th Percentile	$86,064	$56,048	$76,048	$90,048	$114,984	$159,952	$180,952	$178,952	$174,952	$169,608	$33,352
CORPORATE LAWYERS											
Highest Technical Degree is B.S.											
Number Reporting	350	30	41	44	50	49	42	45	37	8	2
		9%	12%	13%	14%	14%	12%	13%	11%	2%	1%
75th Percentile	$139,005	$70,005	$90,004	$104,500	$136,000	$135,001	$154,997	$170,004	$170,004	$159,500	
Median	$113,004	$64,725	$79,998	$92,963	$109,000	$122,400	$131,000	$140,000	$139,000	$150,000	
25th Percentile	$88,005	$58,000	$71,995	$83,000	$94,550	$105,997	$114,004	$124,994	$119,997	$139,000	
Highest Technical Degree is M.S.											
Number Reporting	109	11	13	8	20	22	14	13	3	5	0
		10%	12%	7%	18%	20%	13%	12%	3%	5%	-
75th Percentile	$143,225	$77,013	$95,025	$93,500	$131,390	$155,000	$192,000	$165,025		$200,025	-
Median	$114,960	$75,000	$84,000	$84,750	$115,000	$129,150	$135,500	$143,200	$170,000	$165,000	-
25th Percentile	$85,475	$65,038	$77,975	$76,500	$98,500	$105,025	$110,000	$130,975		$128,975	-

Table 4b. Income by Type of Practice, in the First 10 Years of Experience (continued)

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years	10 Years
Sole Practitioner											
Number Reporting	87	3 3%	0 -	1 1%	2 2%	3 3%	1 1%	2 2%	3 3%	2 2%	2 2%
75th Percentile	$154,845		-								
Median	$99,948	$40,000	-			$20,000			$80,000		
25th Percentile	$58,155		-								
All Corporate IP or Legal Department											
Number Reporting	503	1 0%	10 2%	19 4%	16 3%	38 8%	22 4%	26 5%	17 3%	15 3%	27 5%
75th Percentile	$140,001		$75,000	$71,997	$88,250	$87,995	$110,004	$100,000	$119,998	$120,002	$127,997
Median	$114,005		$57,500	$65,005	$77,900	$77,350	$97,338	$85,002	$95,004	$94,000	$107,000
25th Percentile	$89,004		$43,000	$62,004	$65,000	$67,500	$81,000	$80,004	$86,397	$87,004	$95,004
Head Corporate IP or Legal Department											
Number Reporting	127	0 -	1 1%	2 2%	0 -	5 4%	5 4%	3 2%	2 2%	4 3%	6 5%
75th Percentile	$179,958	-			-	$107,056	$115,056				$128,000
Median	$139,981	-			-	$95,000	$110,000	$93,300		$145,500	$112,500
25th Percentile	$115,098	-			-	$71,944	$99,944				$93,000
Other Corporate IP or Legal Department											
Number Reporting	376	1 0%	9 2%	17 5%	16 4%	33 9%	17 5%	23 6%	15 4%	11 3%	21 6%
75th Percentile	$131,001		$75,004	$70,006	$88,250	$86,004	$107,004	$100,997	$114,997	$105,997	$121,004
Median	$104,004		$60,000	$65,005	$77,900	$75,700	$87,500	$85,000	$94,997	$90,004	$106,000
25th Percentile	$83,800		$49,997	$62,997	$65,000	$67,497	$79,997	$79,998	$85,504	$77,004	$100,997

OTHER CORPORATE IP OR LEGAL DEPARTMENT

Income by Years of Intellectual Property Law Experience

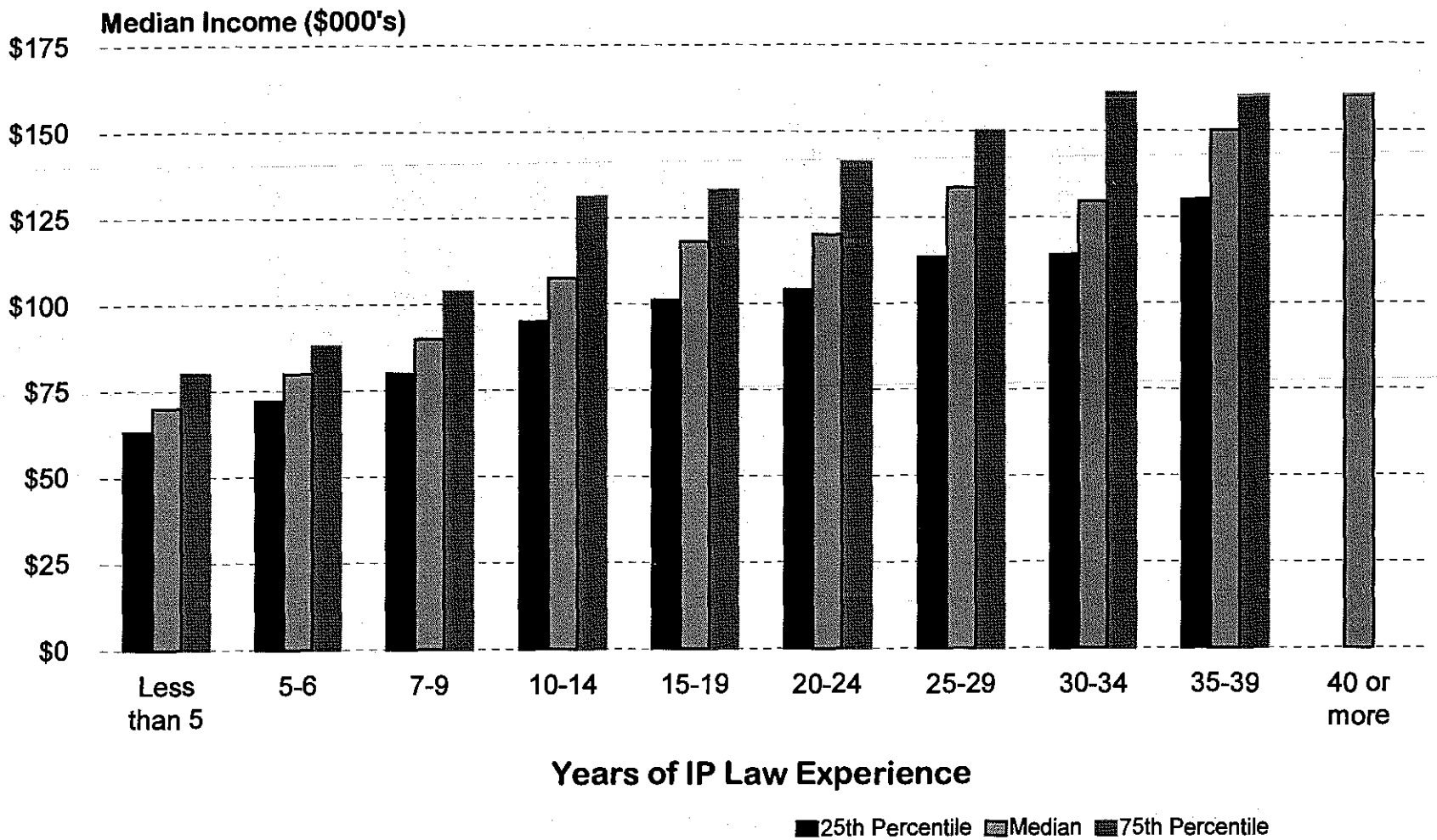


Chart 5
The AIPLA 1995 Economic Survey

SOLE PRACTITIONERS

Income by Years of Intellectual Property Law Experience

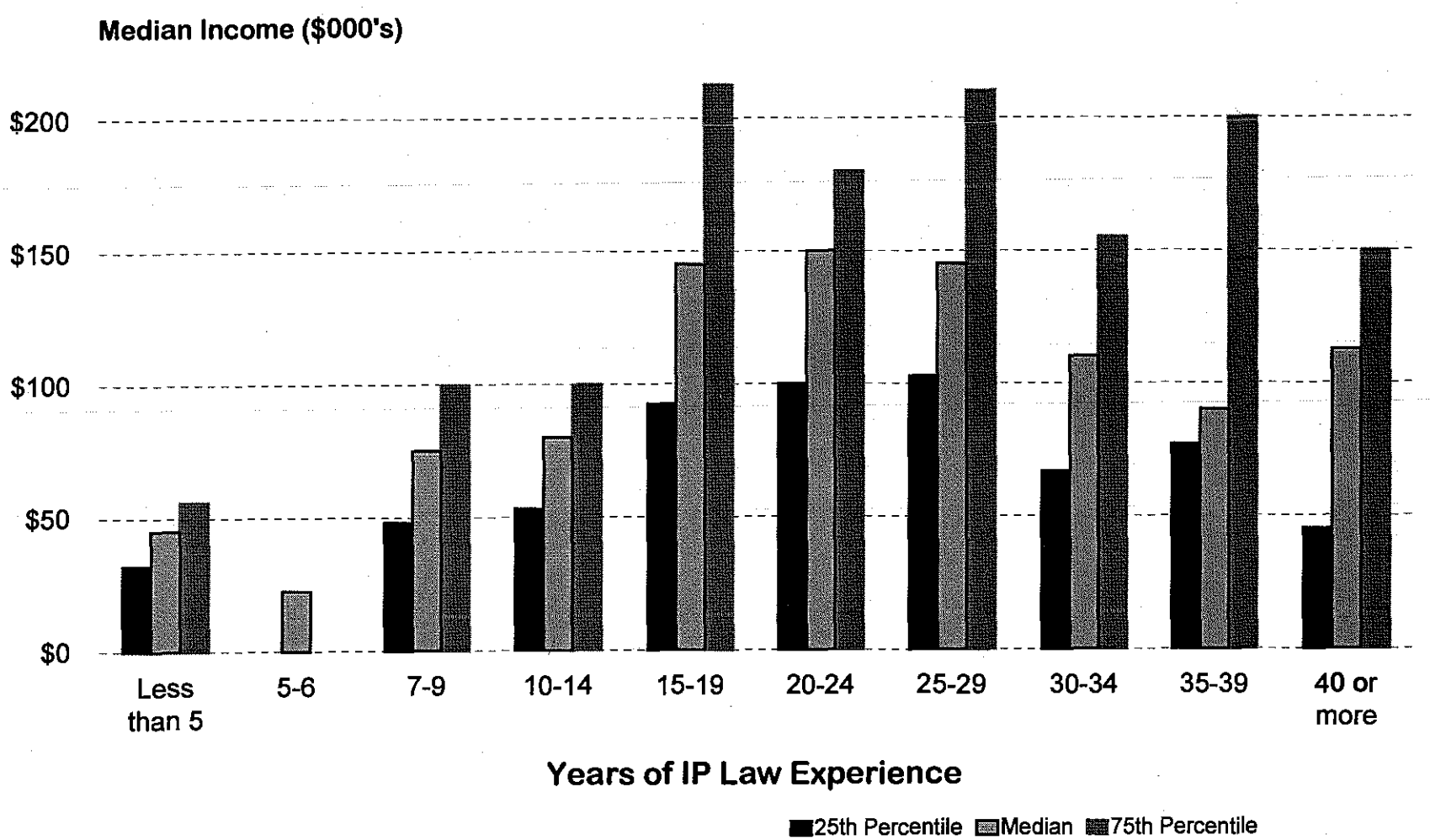


Chart 3
The AIPLA 1995 Economic Survey

Table 4a. Income by Type of Practice and Years of Experience (continued)

		Respondent's Years of Intellectual Property Law Experience									
	Total Survey	Less than 5	5-6 Years	7-9 Years	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30-34 Years	35-39 Years	40 or More
Sole Practitioner											
Number Reporting	87	6	4	7	11	12	10	9	13	5	10
		7%	5%	8%	13%	14%	11%	10%	15%	6%	11%
75th Percentile	$154,845	$56,000		$99,845	$99,845	$212,500	$180,000	$210,155	$155,155	$200,155	$150,000
Median	$99,948	$45,000	$22,500	$75,000	$80,000	$145,000	$150,000	$145,000	$110,155	$90,000	$112,500
25th Percentile	$58,155	$32,000		$48,155	$53,155	$92,500	$100,000	$102,845	$66,845	$76,845	$45,000
All Corporate IP or Legal Department											
Number Reporting	503	46	60	58	77	76	64	61	42	14	3
		9%	12%	12%	15%	15%	13%	12%	8%	3%	1%
75th Percentile	$140,001	$79,995	$99,838	$106,000	$136,004	$139,500	$159,998	$170,004	$174,000	$165,000	
Median	$114,005	$68,000	$81,000	$92,963	$110,003	$124,000	$132,250	$140,000	$142,500	$150,000	$160,000
25th Percentile	$89,004	$62,000	$72,016	$83,004	$95,002	$105,000	$113,500	$124,994	$122,626	$130,000	
Head Corporate IP or Legal Department											
Number Reporting	127	3	10	9	19	22	23	21	15	4	0
		2%	8%	7%	15%	17%	18%	17%	12%	3%	-
75th Percentile	$179,958		$115,000	$161,056	$139,944	$181,550	$191,944	$190,056	$189,944		-
Median	$139,981	$52,000	$103,500	$130,000	$119,944	$138,000	$150,000	$171,000	$164,000	$152,500	-
25th Percentile	$115,098		$95,000	$93,676	$102,056	$125,000	$129,944	$129,544	$145,056		-
Other Corporate IP or Legal Department											
Number Reporting	376	43	50	49	58	54	41	40	27	10	3
		11%	13%	13%	15%	14%	11%	11%	7%	3%	1%
75th Percentile	$131,001	$79,994	$88,002	$103,704	$131,000	$133,000	$141,004	$150,000	$160,997	$160,000	
Median	$104,004	$69,995	$80,001	$90,000	$107,500	$118,000	$120,000	$133,500	$129,500	$150,000	$160,000
25th Percentile	$83,800	$63,004	$72,000	$80,004	$94,997	$101,000	$103,997	$113,500	$114,004	$130,000	

Table 3b. Employer Contributions to Pension and Savings Plans by Type of Practice and Age of Respondent (continued)

		Respondent's Age								
	Total Survey	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 or Older
Sole Practitioner										
Number Reporting	24	0	2	0	3	3	3	6	3	4
		-	8%	-	13%	13%	13%	25%	13%	17%
75th Percentile	$21,000	-		-				$78,000		
Median	$11,000	-		-	$3,600	$15,000	$10,000	$21,250	$12,000	$10,450
25th Percentile	$3,700	-		-				$4,025		
All Corporate IP or Legal Department										
Number Reporting	209	5	20	46	38	37	27	24	10	1
		2%	10%	22%	18%	18%	13%	11%	5%	0%
75th Percentile	$9,000	$10,066	$4,600	$8,000	$9,999	$8,501	$9,999	$15,000	$19,999	
Median	$4,999	$9,297	$3,999	$3,125	$5,650	$7,001	$6,999	$7,000	$8,500	
25th Percentile	$2,999	$1,899	$1,850	$1,819	$3,100	$3,499	$4,000	$4,000	$5,000	
Head Corporate IP or Legal Department										
Number Reporting	67	0	4	7	17	13	11	10	4	0
		-	6%	10%	25%	19%	16%	15%	6%	-
75th Percentile	$9,295	-		$9,995	$9,995	$9,005	$8,003	$15,005		-
Median	$7,000	-	$2,490	$1,500	$6,300	$8,000	$5,000	$10,500	$8,500	-
25th Percentile	$3,105	-		$998	$3,095	$7,493	$3,005	$4,000		-
Other Corporate IP or Legal Department										
Number Reporting	142	5	16	39	21	24	16	14	6	1
		4%	11%	27%	15%	17%	11%	10%	4%	1%
75th Percentile	$8,512	$10,066	$5,000	$7,999	$9,001	$8,250	$10,250	$14,000	$19,999	
Median	$4,450	$9,297	$4,000	$3,250	$5,000	$4,100	$7,700	$5,500	$8,385	
25th Percentile	$2,880	$1,899	$2,000	$1,999	$3,499	$2,765	$4,000	$3,999	$5,000	

Table 3a. Income by Type of Practice and Age of Respondent (continued)

		Respondent's Age								
	Total Survey	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 or Older
Sole Practitioner										
Number Reporting	87	0	6	6	9	14	15	17	9	11
		-	7%	7%	10%	16%	17%	20%	10%	13%
75th Percentile	$154,845	-	$63,000	$90,000	$140,155	$210,000	$150,155	$225,155	$110,155	$159,845
Median	$99,948	-	$51,500	$53,000	$100,000	$137,500	$125,000	$110,000	$80,000	$103,000
25th Percentile	$58,155	-	$40,000	$45,000	$79,845	$53,000	$79,923	$70,077	$74,845	$30,155
All Corporate IP or Legal Department										
Number Reporting	503	16	60	96	79	83	75	64	27	2
		3%	12%	19%	16%	17%	15%	13%	5%	0%
75th Percentile	$140,001	$72,500	$91,000	$119,997	$137,997	$148,997	$164,999	$152,000	$164,997	
Median	$114,005	$65,600	$80,000	$100,500	$116,000	$130,000	$136,000	$131,500	$148,000	
25th Percentile	$89,004	$61,500	$67,850	$82,000	$100,998	$99,990	$105,006	$111,000	$125,001	
Head Corporate IP or Legal Department										
Number Reporting	127	0	8	17	27	26	23	16	9	0
		-	6%	13%	21%	20%	18%	13%	7%	-
75th Percentile	$179,958	-	$153,500	$154,056	$184,444	$190,000	$181,494	$195,000	$165,056	-
Median	$139,981	-	$105,000	$110,056	$135,000	$139,500	$155,056	$160,000	$160,000	-
25th Percentile	$115,098	-	$88,866	$92,944	$110,056	$129,925	$129,656	$125,056	$139,944	-
Other Corporate IP or Legal Department										
Number Reporting	376	16	52	79	52	57	52	48	18	2
		4%	14%	21%	14%	15%	14%	13%	5%	1%
75th Percentile	$131,001	$72,500	$87,997	$114,994	$127,150	$135,005	$150,000	$148,027	$161,000	
Median	$104,004	$65,600	$79,995	$97,620	$110,500	$116,000	$125,500	$129,250	$132,500	
25th Percentile	$83,800	$61,500	$65,004	$80,004	$94,775	$93,999	$99,000	$102,000	$124,997	

Table 2. Age, Experience, and Income of Respondents in Full-time* Practice

		Type Of Practice								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Years Of Age										
Number Reporting	1448	501	299	90	918	127	378	505	20	5
		35%	21%	6%	63%	9%	26%	35%	1%	0%
75th Percentile	53	57	36	58	54	53	52	52	54	60
Median	44	49	32	52	44	47	44	45	45	43
25th Percentile	35	41	30	45	34	41	36	37	40	41
Years Of Experience										
Number Reporting	1446	501	298	90	917	127	377	504	20	5
		35%	21%	6%	63%	9%	26%	35%	1%	0%
75th Percentile	26	30	7	33	27	26	22	24	26	12
Median	14	21	5	20	14	20	14	15	12	8
25th Percentile	7	13	3	12	6	12	7	7	4	5
Income in 1994										
Number Reporting	1427	490	294	87	899	127	376	503	20	5
		34%	21%	6%	63%	9%	26%	35%	1%	0%
75th Percentile	$189,993	$300,006	$98,006	$154,997	$225,995	$179,997	$131,001	$140,001	$89,000	$80,004
Median	$120,004	$210,750	$77,996	$99,999	$134,998	$139,999	$104,004	$114,005	$76,000	$73,000
25th Percentile	$84,994	$149,998	$66,000	$58,004	$82,006	$115,006	$83,800	$89,004	$65,500	$64,997

*Table 1 includes all respondents and is comparable with Table 1 and other income-reporting tables in AIPLA's 1993 Economic Survey Report. This Table 2, and all following income-reporting tables, includes only respondents who reported they devote five days a week (100% of time) to their practice.

Table 1. Comparison of Age, Experience, and Income with Previous Economic Survey

		Type Of Practice								
	Total Survey	Partner in a Private Firm	Associate in a Private Firm	Sole Practitioner	All in Private Practice	Head of Corporate IP or Legal	Other Corporate IP or Legal	All Corporate Lawyers	Government Lawyer	All Others
Total Survey	1,545	517	308	116	979	140	398	538	21	7
% of total		33%	20%	8%	63%	9%	26%	35%	1%	0%
Years Of Age										
Median in 1994	45	49	32	55	44	48	44	45	45	60
Median in 1992	46	48	33	57	46	48	43	46	43	
Years Of Experience										
Median in 1994	15	22	5	22	15	20	13	15	10	12
Median in 1992	16	20	5	29	15	20	15	15	15	
Income In 1994										
75th Percentile	$181,778	$300,004	$98,005	$149,997	$224,998	$179,994	$131,002	$140,003	$88,998	$87,997
Median	$119,996	$209,997	$77,006	$80,004	$129,996	$139,996	$104,001	$113,500	$76,004	$73,000
25th Percentile	$83,003	$149,995	$65,005	$44,995	$79,006	$114,996	$83,604	$89,995	$65,997	$58,004
Income In 1992										
75th Percentile	$186,000	$276,000	$109,000	$130,000	$225,000	$158,000	$120,000	$130,000	$85,000	
Median	$111,000	$188,000	$85,000	$80,000	$130,000	$130,000	$96,000	$109,000	$75,000	
25th Percentile	$85,000	$130,000	$74,000	$43,000	$85,000	$110,000	$84,000	$85,000	$63,000	
Percent Increase In Median Income										
1992 to 1994	8%	12%	(9%)	-	-	8%	8%	4%	1%	
Prior Years Median Income										
1990	$103,000	$168,000	$75,000	$86,000	$121,000	$119,000	$91,000	$95,000	$66,000	
1988	$96,000	$159,000	$70,000	$74,000	$114,000	$109,000	$82,000	$89,000	$53,000	
1986	$82,000	$124,000	$53,000	$63,000	$92,000	$101,000	$73,000	$78,000	$65,000	
1984	$74,000	$104,000	$49,000	$60,000	$86,000	$86,000	$67,000	$70,000	$58,000	
1982	$64,000	$89,000	$41,000	$51,000	$76,000	$75,000	$58,000	$62,000	$55,000	
1980	$55,000	$81,000	$36,000	$47,000	$68,000	$64,000	$49,000	$52,000	$51,000	

by "through discovery" and "complete") and of ADR procedures (differentiated by procedures in which effective and ineffective results were reached). The mid-range of these estimated costs is reported by location of primary place of work in Table 22.

Respondents also reported, for each of the types of suit and ADR procedure, estimates of the average values at risk in the activities on which their cost estimates were based. These estimates are reported in Table 23. In the majority of cases, the value at risk is within a range of $1 to $10 million.

Tables 24a and 24b report estimates of total cost in a patent infringement suit within each of four intervals of estimated value at risk. This table is included in the report as an example of the variance of costs by values at risk. Any of the other types of suit would also have served for this purpose, with similar results.

ADR Procedures, Cost and Effectiveness. Although no significant difference in effectiveness, for resolving a patent infringement suit, could be demonstrated between different types of ADR procedures, the data suggest some enhancement of ADR effectiveness with increased experience (among respondents with seven or more ADR involvements). Overall, ADR appears to have been effective in approximately one-half of respondents' experiences, including ADR procedures of all types. The median cost of various ADR procedures for a patent infringement claim was generally 5-15 percent of the median cost of patent infringement litigation through trial and appeal.

Table 25 reports the total number of cases underlying estimated costs when some form of alternative dispute resolution is involved.

Tables 26a and 26b compare, with each practice group and by number of disputes, the total number of ADR involvements, or disputes, over the past five years with the number of disputes in which ADR was effective in achieving or expediting resolution of the dispute.

Characteristics of Firms. Although each member of AIPLA received a copy of the two-page questionnaire directed to firms, members were instructed to complete only one questionnaire per firm. In addition, all responses from firms were compared on four demographic characteristics, to ensure there was no duplication of responses among the firms reporting. Tables 27-40 report the responses, by number of attorneys in the firm in 1994, of the 283 firms participating in the survey. In most cases, the firm's response was prepared or directed by a partner.

Although one-half of the firms responding consisted of 6 or fewer attorneys in 1994, the average number of attorneys among the 283 firms was 33, skewed by a relatively small number of extremely large firms. The largest firms, those with more than 100 attorneys, generally have IP practices that represent less than 10 percent of their total practices. Among firms with 100 or fewer attorneys, the majority of the practice is intellectual property law.

economic survey reports. Table 2 establishes a new baseline for comparing the incomes of full-time practitioners. All other income-reporting tables in this 1995 report include full-time practitioners only. At 1994 median incomes, the difference between all survey respondents and the sub-group of full-time respondents is only $8 ($119,996 compared with $120,004). Within various practice groups, however, the differences in these medians are substantial.

Other tables in this section report income by age of respondent (Table 3a), employer contributions to pension and savings plans by age of respondent (Table 3b), income by years of experience (Table 4a), and income in the first 10 years of experience (Table 4b). This latter table is new to the report and is especially interesting for its illustration of the year-to-year increase in median incomes among associates in the first 10 years of practice.

Tables 5a and 5b, reporting income of private practitioners and corporate lawyers by years of experience within levels of technical education, are also new to the report and suggest that an M.S. degree commands some premium in the first 10-15 years of private practice and the first six years of corporate practice. The number of respondents with technical education beyond the M.S. is not sufficient to make a similar comparison.

Tables 6 through 9 report income by areas of technical specialization, by size of professional staff, by location of primary place of work, and by number of corporate lawyers supervised or managed.

Work Activities. The majority of respondents, and especially corporate lawyers, reported their workload increased in 1994, compared with 1993. Almost three-fourths of corporate lawyers reported their workloads increased by an average of 20 percent.

Respondents reported their work activities from three perspectives: the percent of practice time devoted to various types of work such as IP protection, licensing, and litigation; the percent of practice time spent in various areas of technical specialization; and the percent of practice time devoted to the four generic IP areas of copyrights, patents, trade secrets, and trademarks. Tables 11, 12a, and 12b report the responses. In general, partners' activities are most varied. Associates, sole practitioners, and corporate lawyers other than department heads are more likely to devote the majority of their time to developing IP protection. With regard to technical specialization, corporate lawyers are most likely to spend significant amounts of practice time in the Chemical area. Attorneys in private practice are more likely to spend time in the Mechanical area. For all respondents, Patents is the generic IP area to which most practice time is devoted.

Table 13 reports, for respondents who devote at least one-half of their practice time to developing IP protection, the number of new U.S. and PCT patent applications prepared and filed in 1994, PCT applications filed in 1994, and Non-PCT foreign application "families" filed in 1994 ("family" refers to a parallel filing of an application in multiple countries). Partners filed the most patent applications, with a median of 24 applications filed among the 150 partners reporting. Other groups of

responses of one or more sub-groups of respondents. These sub-groups are generally identified by a heading immediately preceding the base row. In most tables, immediately following the base row, row percentages report the proportion of all responses represented by each of the column categories. When a table reports, in succession, the responses of two or more sub-groups of respondents (e.g., Table 3a), each successive sub-group of respondents is identified by a base row labeled "Number Reporting," followed by row percents that report the proportion of sub-group respondents or responses in each column category.

In tables that report categorical responses (e.g., Table 10), each response category, or possible answer, is represented by two rows. The first row reports the number of respondents who gave that answer. The second row reports the percent of all respondents, in that column category, who gave that answer.

In tables that report income, billing rates, typical charges, and similar distributions of numbers (the great majority of tables in the report), responses are summarized and described by percentiles: the 75th percentile, the median, and the 25th percentile. Percentiles are measures of location within a distribution of values and do not necessarily represent actual reported values. When all reported values are listed from highest to lowest, for example, the 75th percentile identifies the point on the list that is equal to or greater than 75 percent of the listed values and equal to or less than 25 percent of those values. A percentile may fall between actual reported values; the precise location may be interpolated.

The 75th percentile, the median (equivalent to the 50th percentile), and the 25th percentile divide a list of values into four sections, with each section containing approximately one-fourth of the reported values. The 75th and 25th percentiles bracket the middle 50 percent, or mid-range, of reported values. A fourth of the reported values are equal to or smaller than the lowest value in the mid-range, a fourth are equal to or larger than the highest value in the mid-range. The median locates the point on the list that is equal to or greater than one-half of the reported values and equal to or less than one-half. The median is calculated and reported when there are three or more values in the distribution. The 75th and 25th percentiles are calculated and reported when there are five or more values.

Percentiles and medians based on the values reported by the survey respondents are estimates of the percentiles and medians that could be calculated if the characteristics of the entire population represented by the survey respondents were known. Given the qualification that volunteer survey responses (compared to the responses of a random sample) may be biased by an assumed greater interest of respondents in the topics being surveyed, generally, the more values that are reported within a given category, the more accurately the percentiles estimate the distribution of that characteristic in the surveyed population. Percentiles based on fewer than 50 responses should be assumed to have relatively wider margins of error.

Other definitions helpful in interpreting the information presented in the tables are:

corporate intellectual property law or legal departments. Only 21 respondents (1%) are employed by government, mostly in government IP offices other than PTO. Another 7 respondents are employed in other professional positions, mostly in academia. In tables that break out responses by type of practice (e.g., Tables 1 and 2), respondents who are Of Counsel are not broken out separately but are included in the "All in Private Practice" column. All other practice categories are separately reported in these tables.

Years of Age—Respondents are, on average, 45 years of age although the largest group of respondents, 30 percent, are in their thirties. Another 27 percent of respondents are ages 40-59, 24 percent are ages 50-59, and 12 percent are age 60 or older. Only 6 percent of respondents are younger than age 30. As a group, partners average 49 years of age, associates average 34 years of age. Sole practitioners are oldest, as a group, averaging 55 years of age. Heads of corporate departments average 47 years of age and other corporate lawyers average 44 years of age.

Years of Experience—Respondents have, on average, 17 years of intellectual property law experience. Partners and sole practitioners average 22 and 24 years of experience, respectively, followed closely by heads of corporate departments, with an average of 19 years of experience. Associates in private firms average 6 years of experience. Other corporate lawyers average 15 years of experience. Only 14 percent of survey respondents, primarily associates, have fewer than five years of IP law experience. Nine percent of respondents, including almost one-fourth of sole practitioners, have 35 or more years of IP law experience.

Technical Education—Approximately 71 percent of respondents reported their highest completed technical education is a B.S. degree. Another 19 percent reported an M.S. degree and 7 percent reported a Ph.D. or post-doctorate study. Three percent of respondents did not report their technical education.

Areas of Technical Specialization—Virtually all respondents reported one or more areas of technical specialization. Although most respondents reported more than one such technical area, the largest group, 26 percent of all respondents, reported that they spend one-half or more of their practice time in the Mechanical technical area. Another large group, 22 percent of all respondents, spends one-half or more of practice time in the Chemical technical area. Another 22 percent of respondents reported three or more technical areas, with no one area accounting for more than 40 percent of practice time. Smaller numbers of respondents, generally 10 percent or less of the sample, spend one-half or more of practice time in the Biotechnology, Computer Hardware, Computer Software, or Electrical technical areas, or split their practice time 50-50 between two technical areas. In Table 6, which reports income within each area of technical specialization, the small number of respondents in the "Other Areas" column spends one-half or more of practice time in areas such as optics, metallurgy, ceramics, textiles, and medical equipment.

Size of Professional Staff—Although there are on average 29 intellectual property lawyers and patent agents employed by the firm, corporation, or agency that employs each respondent, most respondents (57%) work in firms and corporations that

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Appendix A. Survey Questionnaire

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