

Forum Shopping and Forum Selling in German Patent Litigation: A Quantitative Analysis

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Using a data set on all patent cases in front of German courts between 2010 and 2015 we find that plaintiffs in patent infringement cases mainly chose the venue where to sue by the speed with which courts dispose of their cases. We also find that quality – measured as the fraction of cases challenged in the next instance – has an impact on court choice by patent plaintiffs. We can further show that merely three German courts participate in the competition for patent cases, namely Duesseldorf, Munich and Mannheim. Moreover, we find that once one of these three courts introduces an additional panel of three judges, thereby working faster, the other two courts increase their working speed, too. This indicates that, indeed, courts actively compete for cases. Both, Mannheim and Munich seem to improve quality in response to an increase in competitive pressure. We do not find evidence, however, for courts reacting to a competitor's increase in speed by deciding in the plaintiffs favor more often.

(The paper is a joint work with Sibylle Lehmann-Hasemeyer.)