

The Rise of Rule 12 Motions

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The numbers are familiar to every patent litigator at this point in time: The average cost of a patent litigation case through discovery is around \$1 million (depending on the amount in controversy). Taking a patent litigation case all the way through trial doubles that amount (also depending on the amount in controversy). Defendants can realistically hope to end a case early through motions to dismiss and motions for judgment on the pleadings.

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