

New Policy Impacts Patent Case Assignments Filed in Waco

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As of July 25, 2022, any patent case filed in the Waco Division of the Western District of Texas will be randomly assigned to one of 12 judges in the Western District, including Judge Albright. This order changes prior practice in which patent cases filed in the Waco Division would be assigned to Judge Albright as a matter of course. As of July 25, a patent case filed in Waco could end up with a judge in Austin, San Antonio, Midland or elsewhere within the Western District.

The order does not change the assignment of any case currently assigned to Judge Albright in Waco. Currently, Judge Albright has 866 of the 906 open Western District of Texas patent cases.

This order also does not change the assignment procedure with respect to non-patent cases. Any non-patent case filed in Waco will still be assigned to Judge Albright as a matter of course. It also does not change the procedure for patent cases with respect to any other judge or division within the district. For example, a patent case filed in Midland will not be randomly assigned to one of 12 judges.

We believe that this order will cause a material decrease in patent filings in Waco for as long as the order is in place. The order has no “expiration date” and could be continued indefinitely or modified at any time. We also think it would be imprudent and unwise to draw too many conclusions about the “future” of the Waco patent docket.

1 Min Read

Author

[Thomas M. Melsheimer](#)

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Thomas M. Melsheimer

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