

Does appealing more make you better at appealing?

What 10 years of USPTO data say about ex-parte appeal practice

My hypothesis

More appeals = more reps = better at appealing.

Reality check from 116,617 ex-parte appeal briefs filed since 2016:

More appeals doesn't make you better.

Selectivity does.

How I built this

Pulled the entire ex-parte appeal record from USPTO ODP and ranked it

Appeal briefs analyzed

116,617

Unique attorneys/agents

12,529

Top filers studied in depth

Top 100

Time window

**2016 — May
2026**

Then ranked the top 100 filers across 3 metrics ↓

PTAB win rate

Reversal or partial reversal = win. Affirmance = loss.

Rejection win rate

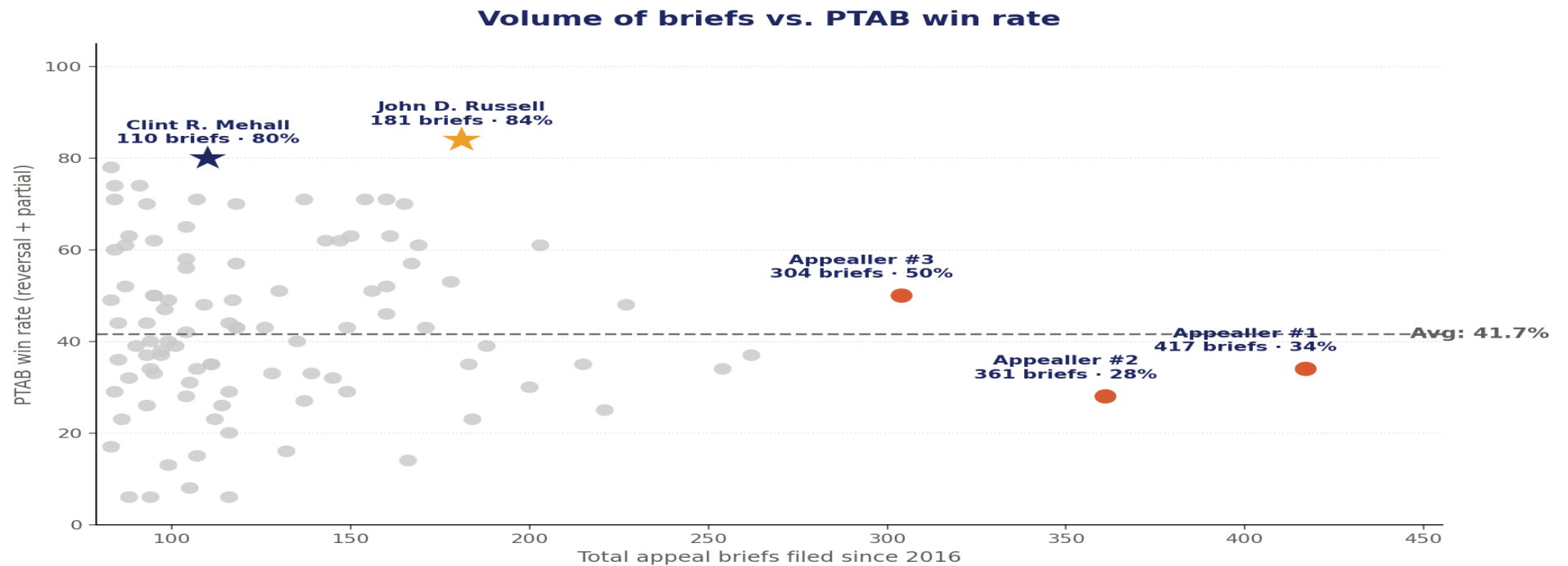
Anything that gets the applicant past the rejection — examiner reopens, NOA, or PTAB reversal — counts as a win. Only an affirmance counts as a loss.

Allowance rate

Of the disposed applications, how many ended up issued as patents?

Volume of briefs vs. PTAB win rate

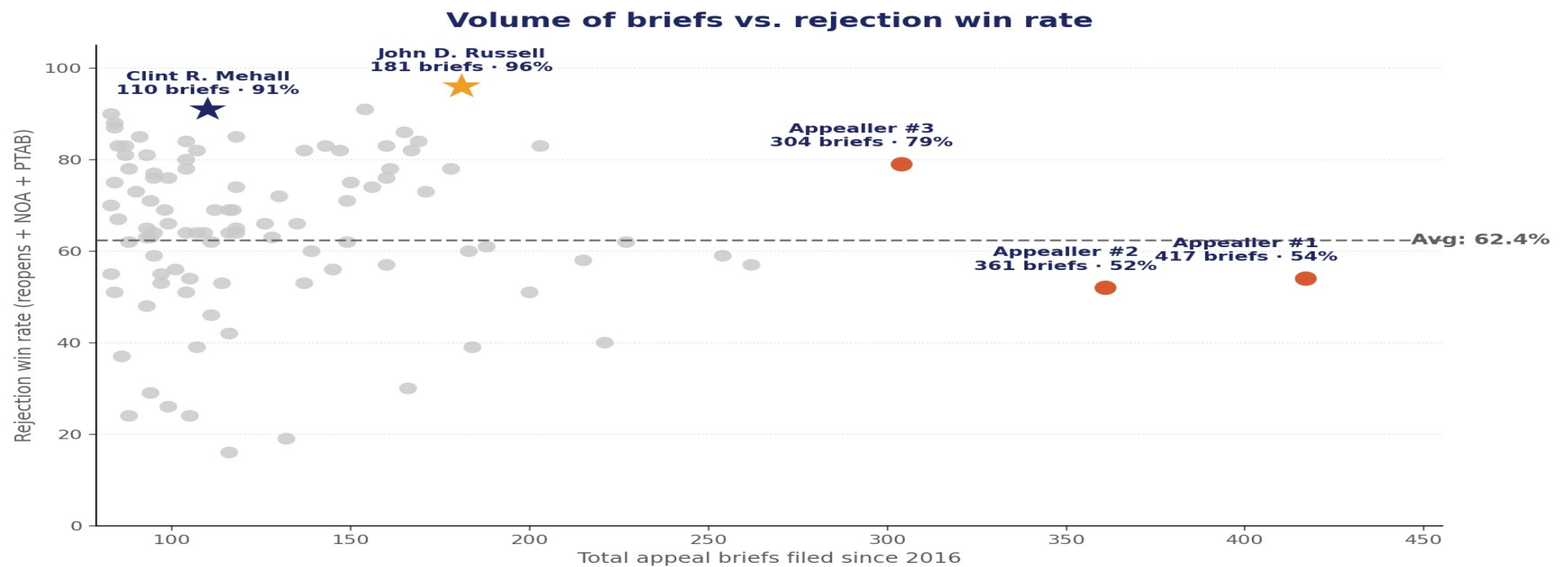
Each dot = one of the top 100 filers · star = standout



No correlation. The 3 highest-volume filers all sit in the bottom half of PTAB win rate.

Volume of briefs vs. rejection win rate

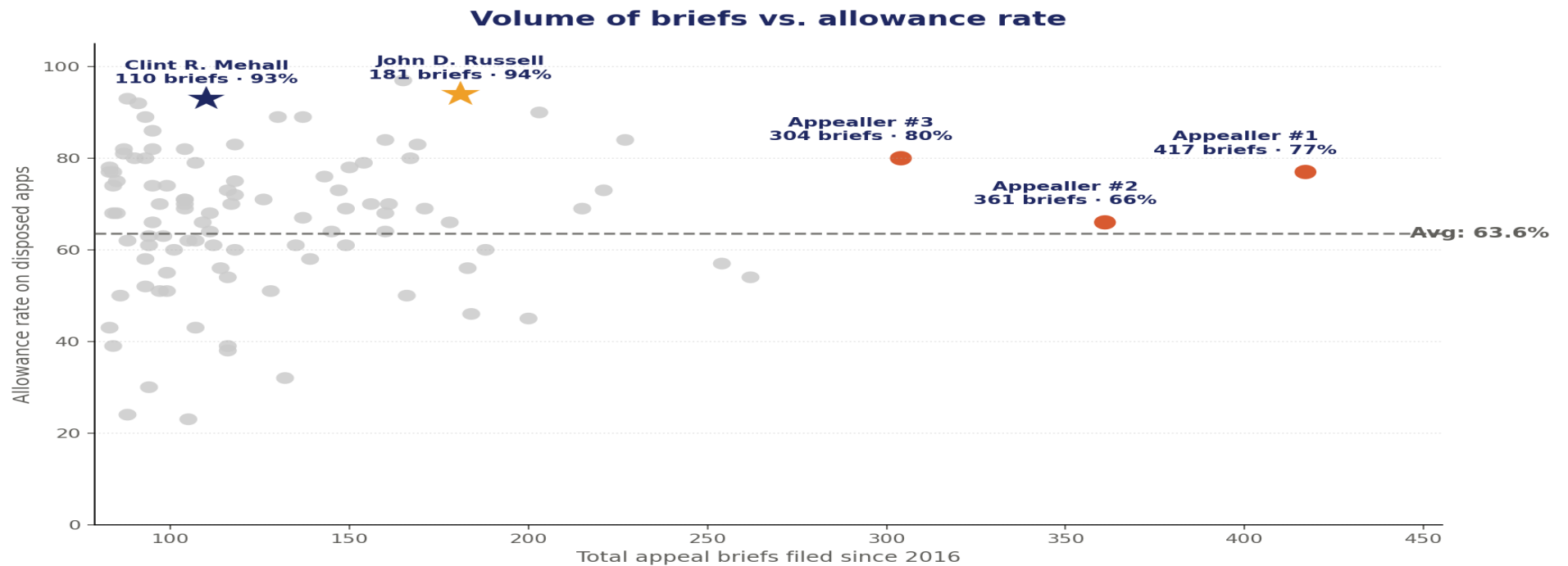
Reopens + NOAs + reversals all count as wins



Same shape. Russell and Mehall sit at the top of the chart; high-volume filers cluster in the middle.

Volume of briefs vs. allowance rate

Did the application eventually issue?



Same again. The top of the leaderboard does not also sit at the top of the allowance leaderboard.

The top 3 by volume

High output. Mediocre results.

Attorney	Briefs	PTAB win rate	Rejection win rate	Allowance rate
Appeller #1	417	34% #68 of 100	54% #79 of 100	77% #30 of 100
Appeller #2	361	28% #84 of 100	52% #79 of 100	66% #83 of 100
Appeller #3	304	50% #35 of 100	79% #24 of 100	80% #20 of 100

The top of the volume leaderboard is NOT the top of the results leaderboard.

So who IS the best appealer?

John D. Russell

"Mr. IP Law himself" · Reg. No. 47,048

Volume rank

#14

181 briefs

PTAB win rate

84%

#1 of top 100

Rejection win rate

96%

#1 of top 100

Allowance rate

94%

#2 of top 100

How I stack up

My numbers — for what it's worth

Clint R. Mehall

Reg. No. 62,380 · patent attorney

Volume rank

#54

110 briefs

PTAB win rate

80%

#2 of top 100

Rejection win rate

91%

#2 of top 100

Allowance rate

93%

#3 of top 100

So what actually drives appeal success?

John and I compared notes. Two common threads.

1

Selectivity.

Wait until a case is in proper position to appeal. If the brief isn't going to be a heavy hitter, don't file it. Most of the value of a strong appeal record comes from the cases you DIDN'T appeal.

2

Full guns blazing when you do.

When the case is right, commit. Strongest legal arguments, cleanest written record, no hedging. Half-hearted briefs lose; well-prepared ones either reverse on the merits or shake an allowance loose before the PTAB has to decide.

Coming next

**Deep dives into the strategies of the
top performers in the top 100.**

Follow for the next post.