

ONLINE APPENDIX

Appendix A

Table A1. Conditional Fixed-effects Logit Predicting Judge Assignment to the Focal Case*

	(1)	(2)
	DV: 1=A focal judge is assigned as the presiding judge	
Number of judges	-.054** (.003)	-.053** (.006)
Potential BA contemporaneous affiliations	-.044 (.073)	-.001 (.127)
Potential BA asynchronous affiliations	-.007 (.014)	-.034 (.025)
Potential JD contemporaneous affiliations	-.018 (.059)	-.047 (.111)
Potential JD asynchronous affiliations	-.002 (.007)	.004 (.015)
Potential clerkship affiliations	.109 (.093)	.066 (.160)
	With plaintiff fixed effects	With plaintiff–defendant dyadic fixed effects
No. of cases	1032	917
No. of observations	31,067	21,673

+ $p < .10$; * $p < .05$; ** $p < .01$; two-tailed tests.

* Standard errors are in parentheses.

Appendix B

Table B1. Summary Statistics and Correlations

A. Using all observations

	Variable	Mean	S.D.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
(1)	Choice of venue	0.01	0.10													
(2)	Plaintiff's win	0.14	0.35	0.00												
(3)	Potential BA contemporaneous affiliations	0.04	0.22	0.10	-0.02											
(4)	Potential BA asynchronous affiliations	0.39	1.25	0.16	-0.01	0.30										
(5)	Potential JD contemporaneous affiliations	0.06	0.28	0.08	-0.01	0.19	0.23									
(6)	Potential JD asynchronous affiliations	0.94	2.77	0.17	0.01	0.25	0.58	0.41								
(7)	Potential clerkship affiliations	0.00	0.07	0.20	0.00	0.05	0.14	0.04	0.16							
(8)	Number of revised complaints	0.46	0.93	0.00	0.14	0.00	0.03	0.03	0.03	0.00						
(9)	Judicial vacancy	0.52	0.89	0.04	-0.03	0.09	0.17	0.10	0.19	0.02	-0.03					
(10)	Local patenting activity	2.47	4.26	0.21	0.00	0.18	0.33	0.20	0.36	0.08	0.00	0.29				
(11)	Average case duration	406.36	126.18	0.05	0.03	0.00	-0.01	0.02	0.00	0.00	0.02	-0.05	0.07			
(12)	Percentage of cases favoring plaintiffs	53.31	29.98	0.03	0.00	0.01	0.04	0.02	0.04	0.02	-0.02	0.06	0.15	0.04		
(13)	Percentage of Democratic judges in a court	41.59	19.12	-0.04	-0.01	0.00	0.02	0.03	0.02	0.00	-0.02	0.07	-0.02	0.04	0.03	
(14)	Plaintiff-to-court distance	6.85	1.05	-0.12	0.03	-0.09	-0.13	-0.05	-0.11	-0.04	-0.01	-0.03	-0.25	-0.05	-0.04	0.00
(15)	Lawyer-to-court distance	6.69	0.88	-0.26	-0.01	-0.10	-0.18	-0.07	-0.17	-0.07	0.06	-0.08	-0.41	-0.06	-0.04	0.02
(16)	Plaintiff-to-lawyer distance	5.78	1.99	0.00	-0.04	0.00	0.02	0.01	0.05	0.01	0.06	0.04	0.00	-0.05	-0.02	-0.03
(17)	Pr(plaintiff engages in a litigation)	0.01	0.01	0.00	0.08	-0.03	-0.03	0.00	-0.03	-0.01	-0.07	-0.08	0.01	0.16	0.10	0.13
(18)	Public company	0.66	0.47	0.00	0.03	0.02	0.00	0.01	-0.01	0.00	-0.13	-0.02	0.00	0.02	0.00	0.02
(19)	Pr(baseline for BA affiliation)	1.93	1.52	0.00	-0.10	0.11	0.26	0.11	0.26	0.05	0.08	0.01	-0.01	-0.02	-0.03	-0.02
(20)	Pr(baseline for JD affiliation)	2.64	2.03	0.00	0.00	0.08	0.19	0.15	0.30	0.04	0.04	0.01	0.00	-0.02	-0.02	-0.03
(21)	Number of judges	11.10	8.40	0.09	0.00	0.20	0.40	0.23	0.43	0.06	0.01	0.42	0.60	-0.05	0.10	0.11
(22)	Number of lawyers from elite law schools	2.25	2.29	0.00	0.01	0.09	0.23	0.13	0.31	0.05	0.05	0.00	0.00	-0.01	-0.02	-0.02
(23)	Number of lawyers with clerkship experience	1.51	1.53	0.00	0.02	0.05	0.16	0.07	0.21	0.07	0.07	0.00	-0.01	-0.04	-0.04	-0.04
(24)	Lawyers' age	44.97	6.40	0.00	-0.10	0.05	-0.06	0.03	-0.08	-0.03	-0.18	0.02	-0.01	-0.01	0.00	0.01
(25)	Number of lawyers' previous appearances in focal court	0.24	2.68	0.45	0.00	0.09	0.10	0.06	0.11	0.07	0.00	0.04	0.18	0.02	0.03	-0.03
(26)	Number of lawyers' previous appearances before presiding judge	0.04	1.21	0.33	0.00	0.04	0.03	0.03	0.04	0.05	0.00	0.01	0.09	0.02	0.01	-0.02
(27)	Number of documents submitted	5.11	8.55	0.00	0.11	0.02	0.10	0.04	0.14	0.02	0.25	-0.02	-0.01	-0.01	-0.05	-0.06
(28)	Number of claims	3.62	1.03	0.00	0.01	0.01	0.02	0.00	0.05	0.01	0.07	0.02	0.00	-0.04	-0.01	-0.03

Table B1. Summary Statistics and Correlations (continued)

Variable	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
(1) Choice of venue														
(2) Plaintiff's win														
(3) Potential BA contemporaneous affiliations														
(4) Potential BA asynchronous affiliations														
(5) Potential JD contemporaneous affiliations														
(6) Potential JD asynchronous affiliations														
(7) Potential clerkship affiliations														
(8) Number of revised complaints														
(9) Judicial vacancy														
(10) Local patenting activity														
(11) Average case duration														
(12) Percentage of cases favoring plaintiffs														
(13) Percentage of Democratic judges in a court														
(14) Plaintiff-to-court distance														
(15) Lawyer-to-court distance	0.45													
(16) Plaintiff-to-lawyer distance	0.30	0.07												
(17) Pr(plaintiff engages in a litigation)	0.02	-0.01	-0.22											
(18) Public company	0.02	-0.01	-0.10	0.11										
(19) Pr(baseline for BA affiliation)	-0.07	0.05	0.05	-0.14	-0.03									
(20) Pr(baseline for JD affiliation)	-0.01	0.05	0.16	-0.12	-0.04	0.72								
(21) Number of judges	-0.11	-0.17	0.01	-0.02	0.00	0.01	0.00							
(22) Number of lawyers from elite law schools	-0.02	0.05	0.10	-0.06	-0.02	0.79	0.84	0.00						
(23) Number of lawyers with clerkship experience	-0.01	0.03	0.15	-0.22	-0.02	0.53	0.54	0.01	0.58					
(24) Lawyers' age	0.00	-0.07	-0.15	-0.01	0.16	-0.16	-0.22	0.00	-0.19	-0.27				
(25) Number of lawyers' previous appearances in focal court	-0.11	-0.16	0.00	-0.04	0.01	0.02	0.02	0.08	0.02	0.03	0.03			
(26) Number of lawyers' previous appearances before presiding judge	-0.05	-0.08	0.00	-0.02	0.01	0.02	0.01	0.01	0.01	0.01	0.01	0.66		
(27) Number of documents submitted	0.03	0.04	0.11	-0.21	-0.01	0.28	0.27	0.01	0.35	0.37	-0.14	0.00	0.01	
(28) Number of claims	0.01	0.03	0.12	-0.10	-0.09	0.09	0.16	0.01	0.16	0.11	-0.16	0.00	0.00	0.16

B. Using observations where the choice of venue has the value of 1

Variable	Mean	S.D.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(1) Realized BA contemporaneous affiliations	0.01	0.10									
(2) Realized BA asynchronous affiliations	0.08	0.33	0.26								
(3) Realized JD contemporaneous affiliations	0.01	0.08	-0.01	0.05							
(4) Realized JD asynchronous affiliations	0.26	0.64	0.20	0.21	0.12						
(5) Realized clerkship affiliations	0.01	0.08	-0.01	-0.02	-0.01	0.01					
(6) Unrealized BA contemporaneous affiliations	0.24	0.63	0.16	0.07	0.00	0.03	0.17				
(7) Unrealized BA asynchronous affiliations	2.22	3.64	0.03	0.07	0.03	0.10	0.04	0.30			
(8) Unrealized JD contemporaneous affiliations	0.26	0.67	0.09	0.07	0.04	0.12	0.16	0.31	0.23		
(9) Unrealized JD asynchronous affiliations	0.13	0.41	0.04	0.10	0.09	0.24	0.19	0.36	0.64	0.48	
(10) Unrealized clerkship affiliations	1.20	0.60	-0.03	0.02	0.06	0.04	0.07	-0.02	0.22	0.02	0.31

Appendix C

Table C1. Conditional Logit Predicting Plaintiff's Choice of Venue with Plaintiff–Defendant Dyadic Fixed Effects*

	(1) Excluding lawyers with an in-state principal office	(2) Excluding lawyers <i>not</i> employed by large law firms	(3) Excluding lawyers who work only in a single court	(4) Excluding lawyers with in-state BA and JD degrees	(5) Excluding (1)–(4)
Average case duration	0.003** (0.000)	0.004** (0.000)	0.003** (0.000)	0.003** (0.000)	0.004** (0.000)
Percentage of cases favoring plaintiffs	0.013** (0.001)	0.012** (0.001)	0.011** (0.001)	0.011** (0.001)	0.013** (0.001)
Percentage of Democratic judges	–0.030** (0.001)	–0.032** (0.002)	–0.026** (0.001)	–0.023** (0.001)	–0.030** (0.002)
Plaintiff-to-court distance	–0.548** (0.033)	–0.490** (0.034)	–0.476** (0.030)	–0.388** (0.037)	–0.482** (0.035)
Lawyer-to-court distance	–0.761** (0.037)	–0.896** (0.030)	–0.839** (0.024)	–1.423** (0.032)	–0.602** (0.035)
Plaintiff-to-lawyer distance	–0.279** (0.050)	0.305** (0.027)	0.225** (0.023)	0.416** (0.039)	0.123** (0.037)
Pr(plaintiff engages in a litigation)	–33.154+ (18.372)	19.413** (7.104)	41.292** (7.625)	72.943** (12.274)	3.462 (11.211)
Public company	–1.084** (0.269)	–0.452** (0.127)	–0.219** (0.077)	–0.473** (0.182)	–0.451** (0.164)
Pr(baseline for BA affiliation)	0.692** (0.097)	–0.042 (0.044)	0.058* (0.027)	0.320** (0.063)	0.102* (0.042)
Pr(baseline for JD affiliation)	0.461** (0.058)	0.050 (0.031)	–0.042+ (0.025)	0.085+ (0.050)	0.060+ (0.031)
Number of judges	0.023** (0.003)	0.008* (0.003)	0.031** (0.002)	0.009** (0.003)	0.025** (0.003)
Number of lawyers from elite law schools	–0.370** (0.045)	–0.208** (0.041)	–0.014 (0.048)	–0.171** (0.053)	–0.093** (0.031)
Number of lawyers with clerkship experience	–1.258** (0.079)	–0.097* (0.040)	–0.211** (0.057)	–0.471** (0.054)	–0.423** (0.041)
Lawyers' age	–0.081** (0.011)	–0.029** (0.007)	–0.035** (0.006)	–0.038** (0.010)	–0.043** (0.007)
Number of lawyers' previous appearances in a focal court	0.175** (0.010)	0.214** (0.015)	0.162** (0.010)	0.203** (0.013)	0.192** (0.011)
Number of claims	0.238** (0.059)	0.017 (0.038)	–0.004 (0.027)	0.019 (0.043)	0.135** (0.043)
Potential BA contemporaneous affiliations	0.014 (0.019)	0.099** (0.021)	–0.089** (0.024)	–0.013 (0.019)	0.506** (0.085)

Table C1. Conditional Logit Predicting Plaintiff's Choice of Venue with Plaintiff–Defendant Dyadic Fixed Effects (continued)*

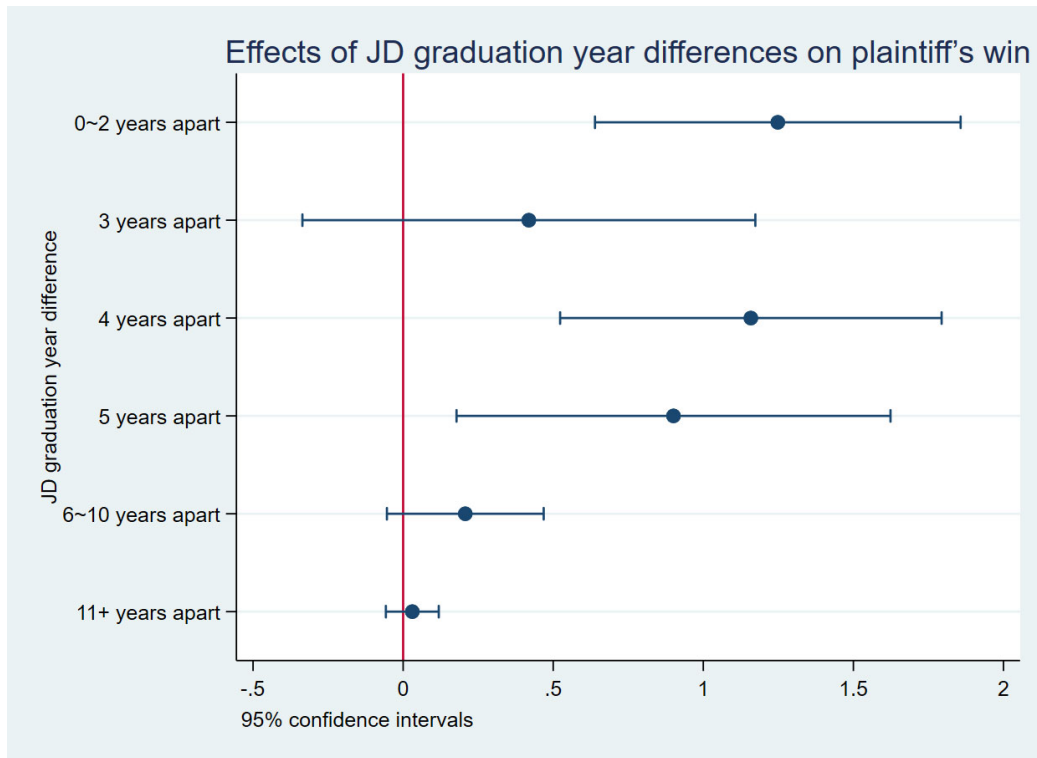
Potential BA asynchronous affiliations	0.339** (0.086)	0.212* (0.098)	0.551** (0.093)	0.565** (0.075)	0.017 (0.020)
Potential JD contemporaneous affiliations	0.043** (0.009)	0.051** (0.008)	0.011 (0.013)	0.047** (0.009)	0.018 (0.075)
Potential JD asynchronous affiliations	0.047 (0.074)	0.240** (0.075)	0.159+ (0.081)	0.149+ (0.081)	0.051** (0.008)
Potential clerkship affiliations	1.403** (0.263)	1.829** (0.141)	1.966** (0.176)	2.244** (0.139)	1.919** (0.164)
Observations	253,991	229,642	276,118	331,116	190,788
Log-likelihood	−6,892	−6,405	−8,230	−7,204	−5,651

+ $p < .10$; * $p < .05$; ** $p < .01$; two-tailed tests.

* Robust standard errors are in parentheses, clustered by plaintiff–defendant dyads.

Appendix D

Figure D1. Effects of JD graduation year differences on plaintiff's win*



* Markers denote point estimates of the regression coefficients, and lines represent 95% confidence intervals. Estimates are calculated based on models that included all variables shown in the figure in addition to all independent and control variables used in models 1a and 1b of Table 3.

Appendix E

On May 22, 2017, in the *TC Heartland LLC v. Kraft Foods Group Brand LLC* decision, the Supreme Court of the United States ruled that for domestic corporations, the proper legal venue in patent infringement lawsuits would be in the defendant's state of incorporation. Although this decision maintained the opportunity to choose among multiple district courts in some states, it can limit venue shopping dynamics in patent litigation. On February 13, 2020, in the *In re: Google LLC* ruling, the Court of Appeals for the Federal Circuit ruled that the regular presence of an employee or agent conducting the business of the defendant is required to establish venue (in contrast, the presence of servers in a data center in the locale is insufficient). This ruling can stymie a broad interpretation of the venue statute, further limiting venue shopping dynamics. The extent to which these decisions will change the actual practice of venue choice, however, remains an open question. For example, even though the Supreme Court considered a case involving limited liability companies, it extended its ruling only to corporations, which leaves open how federal district courts will treat cases involving noncorporate entities (e.g., LLCs, LPs, or individuals) that are featured frequently in patent litigation. Moreover, the Supreme Court's decision extends only to domestic corporations, leaving ambiguous venue selection practices in cases that involve foreign defendants. Likewise, the Court of Appeals for the Federal Circuit left it up to the district courts to evaluate who qualifies as an agent and who does not (e.g., lawyers, accountants, end users, etc.). We predict that following these decisions, the strategic considerations of venue choice may lead some plaintiffs to consider carefully the choice of defendants in situations involving multiple infringers and/or those with dispersed and virtual presence across jurisdictions. Future work can examine whether and to what extent these court rulings affect the practice of venue shopping and the role social structures play in it.