# Do female patent attorneys travel more?

# Evidence from 1999-2015 US Cases

Jessie Schwalb

Department of Economics

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Dr. Nazanin Khazra

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**Abstract**

From 1990 to 2017, patent attorneys enjoyed relatively unhindered freedom to forum shop. The travel demands associated with forum shopping and intellectual property litigation may pose barriers to women, who only made up 20.6% of intellectual property attorneys from 1999–2015. Using 1999–2015 patent litigation data compiled by the Office of the Chief Economist of the US Patent and Trademark Office and regression analysis, I find that, even after controlling for case size, year, and the party for which they argued, women patent attorneys were significantly less likely to litigate cases outside the district where their offices were located. Predicting attorneys' races using the DeepSeek API, I find that travel rates also varied depending on race, with Asian male attorneys traveling more on average than male peers of other races or female attorneys. However, random forest classification reveals that factors such as case duration, size, and year proved more significant predictors of attorney travel, suggesting that case demands play a larger role in driving travel than lawyers' individual characteristics. These findings underscore gaps in the patent law field and suggest that gender may influence the demands placed on attorneys.

*Keywords:* travel, intellectual property, gender

**Do female patent attorneys travel more? Evidence from 1999-2015 US Cases**

Women remain dramatically underrepresented among intellectual property attorneys. From 2009–2021, women only made up 25% of pharmaceutical patent prosecutors working for top law firms in the US (Tu et al., 2022). Along with factors such as interpersonal discrimination, the travel demands associated with patent litigation may present barriers for women (Tu et al., 2022). In the US, women tend to travel less for work compared to men (Borowski et al., 2019). Differences in travel partially stem from occupational segregation, with women tending to work in occupations requiring less travel, but may also stem from care responsibilities and socialization (Jeong et al., 2013). Heinz et al.'s 1999 survey of Chicago attorneys found that women tend to report more concerns about avoiding overnight travel and the career impacts of having children. However, I could find no papers comparing attorney travel rates across genders or estimating how work travel in the US varies by race (Borowski et al., 2019), underscoring gaps in the literature.

Using regression analysis and random forest classification, this paper examines whether patent attorneys' tendencies to travel varied depending on their gender and race. I find that, even after controlling for case size, year, and the party for which they argued, women patent attorneys were significantly less likely to litigate cases outside the district where their offices were located. Women only made up 20.6% of patent attorneys during this period but tended to work on larger cases involving more attorneys and court filings. Predicting attorneys' races using the DeepSeek API, I find that travel rates also varied depending on race, with Asian male attorneys traveling more on average than male peers of other races or female attorneys. However, case-level factors such as case size and year proved more significant predictors of attorney travel, suggesting that case demands play a larger role in driving travel than lawyers' individual characteristics or

desires. These findings underscore gaps in the patent law field and suggest that gender and race influence whether attorneys can travel and their subsequent employment outcomes.

## Literature review

Work travel can put stress on familial and community relationships (Black and Jamieson, 2007) but can also provide a respite from home life (Westman & Etzion, 2002) and expand career opportunities (Gustafson, 2006). However, multiple papers demonstrate that who can engage in work travel varies by gender (Borowski et al., 2019). Jeong et al. (2013) find that childcare responsibilities and marriage are associated with larger decreases in travel for women than for men, even after controlling for industry. The authors link this latter result to the family demands hypothesis, which asserts that socialization and gender roles increase women's perceived obligation to perform domestic labour. However, a Swedish study found that, while men living with a romantic partner tended to travel more, cohabitation did not impact women's travel (Borowski et al., 2019).

Multiple studies have found that in the US, racialized people generally spend more time providing informal care than white people (Willert and Minnotte, 2021). In particular, Black women tend to provide more burdensome informal and uncompensated care than white women (Willert and Minnotte, 2021), which Goldin (1977) traces to slavery's legacy. Both Gustafson (2006) and Jeong et al. (2013) find associations between family obligations and reduced work travel, particularly for women. However, I could find no papers examining how race mediates associations between gender and work travel in the US.

In 1990, a US Federal Circuit ruling redefined the criteria used to determine where patent plaintiffs could file their cases (Quigley, 2020). Until the ruling's 2017 reversal, plaintiffs enjoyed relatively unhindered freedom to forum shop: strategically file cases in plaintiff-friendly

courts (Leychkis, 2007). Forum shopping challenges fairness, may encourage spurious patent litigation, and potentially increases the time and effort associated with litigation (Atkinson et al., 2009). Following the 1990 ruling, US patent litigation became increasingly concentrated in particular district courts (Marco et al., 2017; Quigley, 2020). The ruling also precipitated the rise of non-practicing entities: companies that buy up patents to launch spurious litigation or claim fees and which Cohen et al. (2019) link to reduced innovation (Lemley, 2016). Forum shopping can require attorneys to travel to courts in other states or regions (Atkinson et al., 2009). The expansion of forum shopping may have increased travel among patent attorneys over this period, disproportionately harming women.

**Hypotheses**

Based on my literature review, I present two hypotheses:

1. Women attorneys litigate fewer cases outside of the districts where they reside, compared to male attorneys.
2. Women attorneys of color litigate fewer cases outside of the districts where they reside, compared to white women attorneys and male attorneys

Hypotheses 1 aligns with the family demands hypothesis, which implies that home labour crowds out work travel for women. Hypothesis 2 reflects differences in family demands across racial groups; if racialized attorneys experience more family obligations, they may exhibit less willingness to travel across districts when litigating.

## Data

To evaluate my hypotheses, I relied on three primary data sources: patent litigation data compiled by the Office of the Chief Economist of the US Patent and Trademark Office, the World Gender Name Dictionary (WGND) 2.0, and race predictions generated using the

DeepSeek API. The patent litigation data includes two case-level datasets (n=74,953 and n=74,629) describing patent cases filed in the 94 US district courts 1963–2015; attorney-level data (n=1,223,417); document-level data (n=5,186,344); and party-level data (n=561,017). I focus on the post-1999 period because the dataset includes all cases filed after 1999, while previous years remain incomplete (Marco et al., 2017). The World Gender Name Dictionary (WGND) 2.0 tracks the genders associated with first names across multiple countries (Raffo, 2023). To predict attorneys' genders, I extracted first names from the attorney-level dataset and merged these names with the WGND dataset lacking country codes (n=3,491,141), which includes names with consistent gender associations across countries. I then merged the remaining names from the attorney dataset with the country-code WGND (n=4,970,296), which I cropped to only include rows associated with the US.

My outcome variable is travel, which I operationalize as any instance where the court district associated with the location listed under attorney contact information in the attorney-level dataset differs from the district in which they litigated their case. My key explanatory variable is the attorney's gender. As additional variables, I include: year in which a case was filed, since filing rates, innovation, and gender awareness in the field vary across time; the number of lawyers involved in each case, which could reflect involvement from larger firms; the number of documents filed, which proxies trial length and cost; and the length of the trial, based on the number of years from the first to the last document filed. I define variables indicating the number of plaintiff and defendant attorneys who are women and men, respectively, and the number of other (non-plaintiff and non-defendant) attorneys involved who are women and men, respectively. I use these variables to assess how the gender make-up of attorneys differs depending on the party for which they argue, which could impact travel expectations. I also

include the total number of attorneys in each category (plaintiff, defendant, and other) because the WGND did not include all first names listed in the attorney dataset. I include a binary variable indicating whether the patent law case concerns patent infringement, as other types of intellectual property cases may operate under different rules for determining venue.

As an additional data source, I used the DeepSeek API to predict attorneys' races based on their names. Both first and last names tend to be predictive of race and ethnicity (Mishraky et al., 2022). Bayesian Improved Surname Geocoding (BISG), which uses Bayes rule to predict individuals' races based on race-name dictionaries and local racial demographics, remains the leading methodology for predicting race based on names (Rosenman et al., 2023). Although few papers use AI to generate race predictions, these tools offer benefits: AI can predict races for names that do not occur frequently enough in Census or voter rolls to appear in name dictionaries; account for interactions between first, middle, and last names; and incorporate additional information about individuals. To predict each attorney's race, I used the prompt:

> "Return a 1-2 word answer chosen from these options: White (non-Hispanic), Black, Asian, Hispanic, Other. Choose the most likely race/ethnicity for a US-based lawyer named [the attorney's name]."

The racial and ethnic categories chosen approximately correspond to those included in the US Census (Jensen et al., 2021). Due to the cost and the high processing power necessary to run the API, I predicted the race for 10,000 randomly chosen attorneys, corresponding to 37,066 out of the 414,675 attorney-case observations. Although names often reflect racial background, they do not perfectly indicate race and ethnicity: using the most complete publically available name dictionaries and BISG, Rosenman et al. (2023) only correctly classified races for approximately

87% of individuals. My inability to directly observe race and gender remains a notable limitation.

## Descriptive Statistics

Across all attorneys, women were listed 34,215 times as attorneys for the plaintiff in patent cases — far less than the 193,345 listings for men. The number of male attorneys is approximately four times the number of women attorneys. Women and male attorneys tended to work on similar proportions of patent infringement cases. Women worked on teams that included more other women, on average, compared to their male counterparts. Women attorneys were listed on cases with, on average, more document filings and involving slightly more attorneys, compared to their male counterparts. This could indicate that women attorneys tended to work on cases with bigger teams, which may be more profitable and incentivize travel to specific districts. Differences in case characteristics underscore the importance of controlling for these factors in my multiple regression analysis.

**Table 1: Attorney Summary Statistics**

| Gender | Women | Men |
|---|---|---|
| **Plaintiff attorney listings** | 34,215 | 193,345 |
| **Defendant attorney listings** | 47,664 | 216,005 |
| **Other attorneys** | 1,451 | 8,883 |
| **Proportion patent infringement cases** | 0.87 | 0.86 |
| **Average women attorneys on cases** | 4.76 | 3.22 |
| **Average number of attorneys on cases** | 19.85 | 18.23 |
| **Average documents per case** | 231.48 | 203.78 |
| **Total unique attorneys** | 23,013 | 88,764 |

Figure 1 demonstrates that, although the proportion of women among defendant attorneys increased from 1999–2015, the proportion of women attorneys decreased from 2006–2010 to 2011–2015 among all attorneys and attorneys for plaintiffs. Plaintiffs generally hired less women than defendants. Among all groups across the three time periods, the percent of women patent attorneys listed on case filings stayed below 25%, indicating their underrepresentation and justifying the study's focus on factors contributing to these gaps.

**Fig. 1: Gender make-up of patent attorneys litigating in US district courts, 1999-2015**

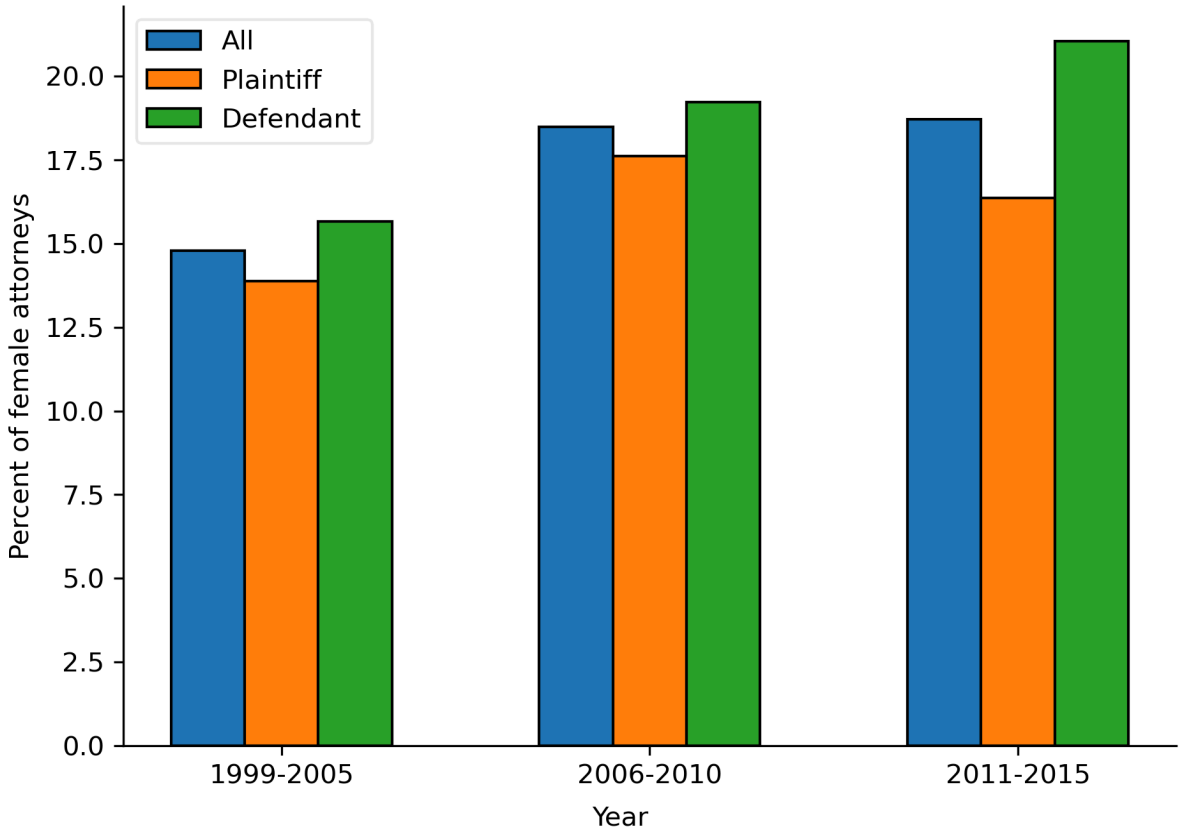



Figure 2 shows an increasing proportion of cases being filed in the 10 most filed in districts from 1999–2015. Although the proportion stayed relatively consistent until 2005, the proportion of cases filed in the 10 most filed in districts increased approximately 40 percentage points from 2006 to 2015, reaching more than 80%. This might demonstrate an increasing level of court shopping in that time period, which could relate to the rise of non-practicing entities.

The proportion of cases filed in the 50 least filed in out of the 94 court districts trended downward over this period, with less than 20% of cases filed in more than half of the districts by 2015. If court shopping encourages more travel, one would expect travel rates to increase over the period under study among all patent attorneys.

**Fig. 2: Patent cases filed in most and least filed in US district circuits, 1999-2015**

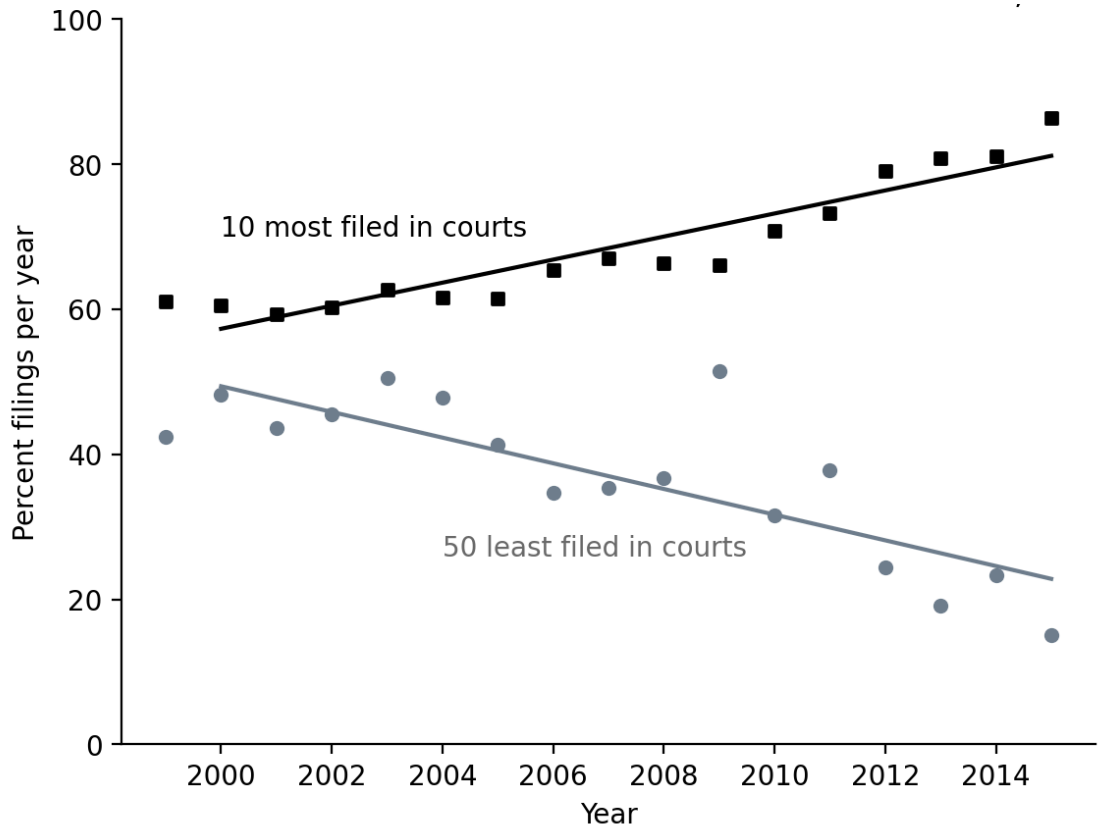
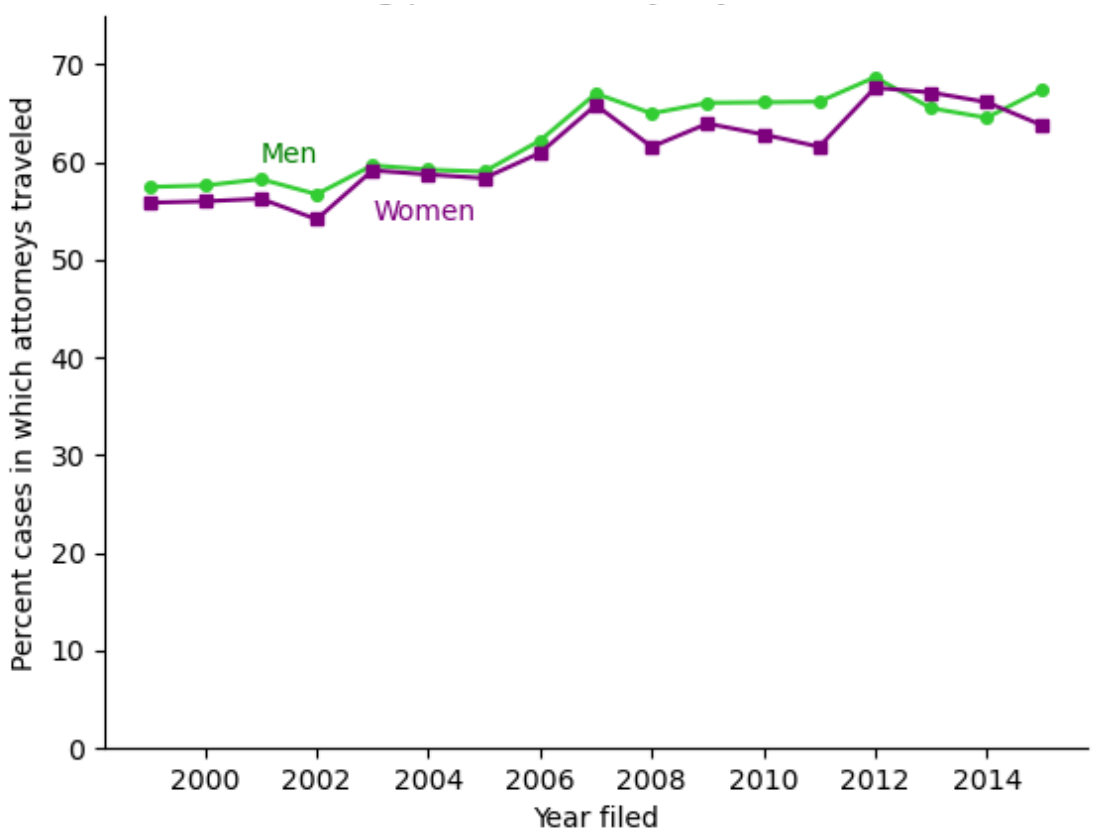



Figure 3 demonstrates that travel among patent attorneys in fact increased over this period. The graph shows that women traveled less than their male colleagues in all but two years. The persistent gap in travel supports hypothesis 1, while the increase in travel rates across filing years supports including this variable in my regression analysis.

**Fig. 3: Travel among US patent lawyers by gender, 1999-2015**




**Regression Results**

To examine my first hypothesis, I relied on regression analysis. My regression specification is:

$$travel_{ij} = \alpha + \beta_1 * woman_{ij} + \beta_2 * plaintiff_{ij} + \beta_3 * defendant_{ij} + \beta 4 * womenplaintiff_{ij} + \beta_5 * plaintiffxattorneys_{ij} + X_j + \varepsilon_{ij}$$

Both the primary explanatory variable — whether an attorney is a woman — and the outcome variable of interest are binary variables. As such, the OLS regression shows differences between groups. $Plaintiff_{ij}$ and $defendant_{ij}$ are binary variables indicating whether an attorney argued for the plaintiff and defendant, respectively, while $attorneys_j$ indicates the number of attorneys involved in the case. $X_j$ represents case-level controls including the number of documents filed,

the number of lawyers involved, case length, a binary variable indicating whether a case concerned patent infringement, and year-filed dummies.

**Table 2: Gender and Travel Among Patent Attorneys**

Table 1: Gender and Travel among Patent Attorneys

| | *Dependent variable: travel* | | | | |
|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | (5) |
| Woman | -0.011*** | -0.035*** | -0.039*** | -0.039*** | -0.042*** |
| | (0.002) | (0.003) | (0.003) | (0.003) | (0.003) |
| Plaintiff attorney | | -0.047*** | 0.028*** | 0.016*** | 0.017*** |
| | | (0.005) | (0.005) | (0.005) | (0.005) |
| Defendant attorney | | 0.069*** | 0.101*** | 0.094*** | 0.097*** |
| | | (0.005) | (0.005) | (0.005) | (0.005) |
| Woman plaintiff attorney | | 0.044*** | 0.033*** | 0.035*** | 0.036*** |
| | | (0.004) | (0.004) | (0.004) | (0.004) |
| Logged attorneys involved | | | 0.197*** | 0.272*** | 0.258*** |
| | | | (0.002) | (0.003) | (0.003) |
| Plaintiff x Total attorneys | | | 0.000*** | 0.001*** | 0.001*** |
| | | | (0.000) | (0.000) | (0.000) |
| Logged number of documents | | | | -0.050*** | -0.050*** |
| | | | | (0.003) | (0.003) |
| Case length (years) | | | | -0.010*** | -0.006*** |
| | | | | (0.000) | (0.000) |
| Patent infringement | | | | | 0.025*** |
| | | | | | (0.002) |
| Year filed | | | | | 0.005*** |
| | | | | | (0.000) |
| Constant | 0.640*** | 0.626*** | 0.366*** | 0.413*** | -9.047*** |
| | (0.001) | (0.005) | (0.006) | (0.006) | (0.344) |
| Observations | 414675 | 414675 | 414675 | 414654 | 414654 |
| $R^2$ | 0.000 | 0.013 | 0.041 | 0.045 | 0.047 |
| Adjusted $R^2$ | 0.000 | 0.013 | 0.041 | 0.045 | 0.047 |
| Residual Std. Error | 0.481 | 0.478 | 0.471 | 0.470 | 0.469 |
| F Statistic | 33.966*** | 1344.577*** | 2928.668*** | 2450.672*** | 2056.924*** |
| *Note:* | | | | | *p<0.1; **p<0.05; ***p<0.01 |

The regression results in table 2 indicate that, across all patent attorneys filing in US district courts from 1999–2015, women were significantly less likely to participate in cases litigated outside the district where their offices were located. The relationship between gender and travel becomes stronger — reaching a 4.2 percentage point difference — when controlling for the party for which the attorney argued; the number of documents associated with their case, which proxies each case's size; whether the case concerned patent infringement; the total number

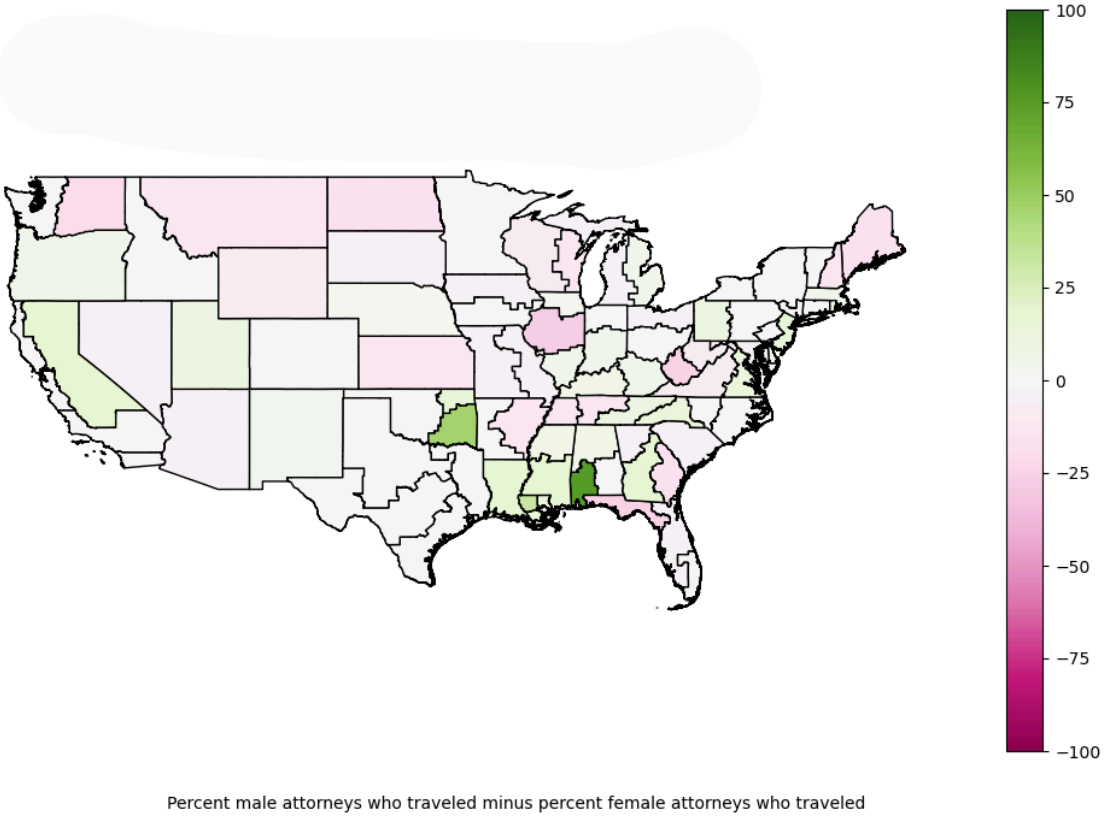
of attorneys involved, which proxies the case's size; the case length; and year in which the case was filed. Female patent attorneys' tendency to participate in cases within their district aligns with previous literature demonstrating that women generally travel less for work and supports my first hypothesis (Jeong et al., 2013).

When including full controls, attorneys for the plaintiff tended to travel more than attorneys representing neither plaintiffs or defendants (e.g. mediators and witnesses). Although the patent venue statute requires plaintiffs to file cases based on defendant location, attorneys for the defendant tended to travel far more than any other category of attorney, suggesting that plaintiffs tend to choose venues more familiar to themselves and less familiar to defendant attorneys (Quigley, 2020). Although women traveled less, women plaintiff attorneys traveled significantly more than male plaintiff attorneys, suggesting that they may engage in more forum shopping. Attorneys proved less likely to travel for longer cases and cases including more documents, which likely proceeded to trial. This could indicate that attorneys strategically file outside their home district when they expect cases to settle out of court or anticipate that the case will not require them to travel for protracted periods. Finally, attorneys litigating larger cases involving more parties — as proxied by the number of attorneys involved — tended to travel more.

To test that outliers did not drive my regression results, I mapped differences in men and women attorneys' travel rates across US court districts. Figure 4 shows that, in the majority of districts, the difference in travel rates comparing male and female attorneys remained smaller than 20 percentage points. In both the Eastern District of Oklahoma and the Southern District of Alabama, men attorneys traveled significantly more than their female colleagues. However, these districts accounted for relatively few observations; 105 attorneys litigated in the two districts

over the time period, while the average district included 3,947 attorneys. This suggests that outlier districts do not drive the regression results. States in the northern US tended to feature higher travel rates among women attorneys compared to men, while the opposite held true in the southern and western US. The reasons for this regional divide remain unclear.

**Fig. 4: Gender difference in patent attorney travel across US district courts**




## Race and Travel

Across a random sample of 37,066 patent attorney-case observations from 1999-2015, the DeepSeek model predicted that the vast majority were white, with people of color making up approximately 20.9% of all attorney-case observations. These findings align with Goodman et al.'s (2024) observation that lawyers of color delivered approximately 15% of all arguments in patent cases considered by the U.S. Court of Appeals for the Federal Circuit.

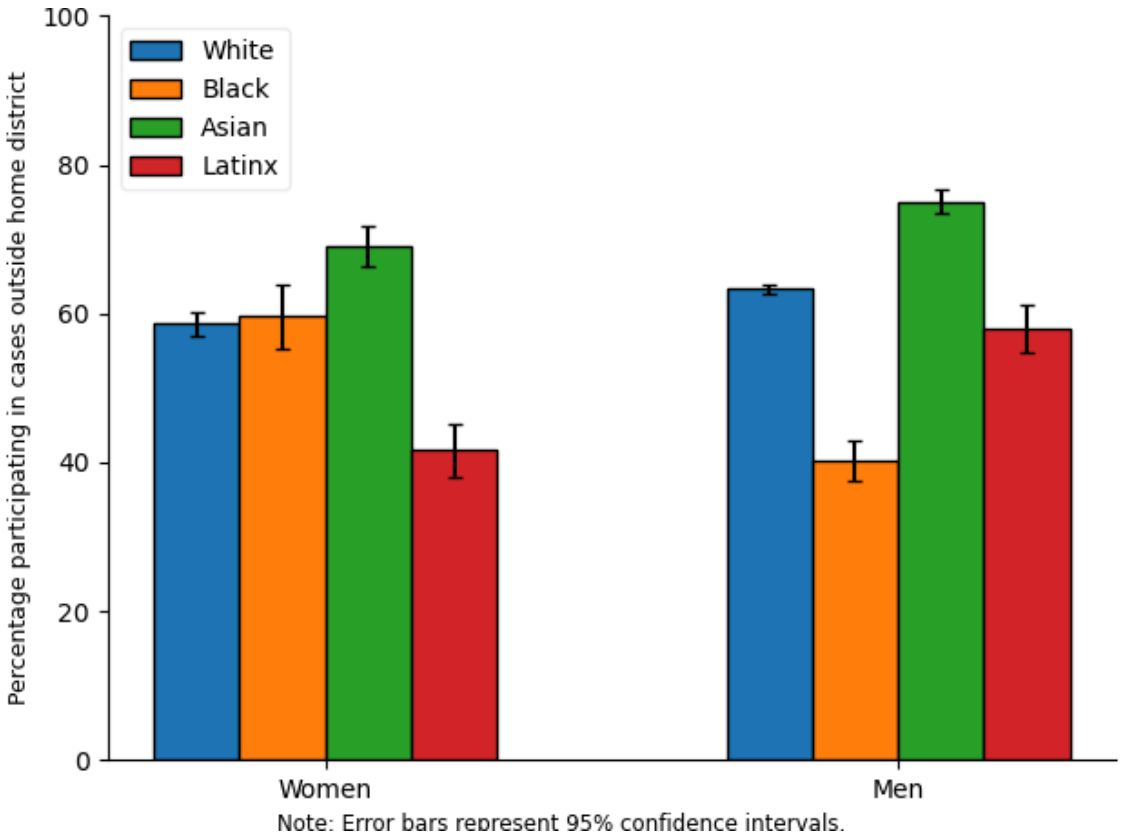
Black and Latinx attorneys appear highly underrepresented. According to the 2010 Census, Black and Latinx people made up 12.6% and 16.3% of the US population, respectively — far higher than their respective 4.9% and 4.4% representation among patent attorney-case pairs (Humes et al., 2011). Women tended to be better represented among attorneys of color than among white attorneys, which aligns with Goodman et al.'s (2024) findings that lawyers of color exhibited more gender parity than white attorneys presenting oral arguments in patent cases litigated in the Federal Circuit.

**Table 3: Race and gender among attorney-case pairs**

| Race | Percent women | Total | Percent of all attorneys |
|---|---|---|---|
| **White, non-Hispanic** | 11.85 | 29,322 | 79.11 |
| **Asian** | 30.33 | 3,610 | 9.74 |
| **Black** | 28.31 | 1,819 | 4.91 |
| **Latinx** | 43.46 | 1,643 | 4.43 |
| **Other** | 17.41 | 672 | 1.81 |
| **Total** | 15.96 | 37,066 | 100.00 |

Figure 5 displays travel rates among attorneys using race predictions taken from the DeepSeek AI. Asian male attorneys traveled significantly more than other male attorneys or any racial category of female attorneys, litigating 75.1% of cases outside their home district. Travel rates remained more consistent across racial groups among women than among men, with Latina women traveling the least. Asian, Latino, and white men traveled more than their female counterparts, on average. Surprisingly, Black male attorneys traveled less than Black female attorneys and the least of any group included. These results defy my second hypothesis that racialized women, who tend to take on more caregiving responsibilities, would travel less for work.

**Fig. 5: Travel among US patent lawyers depending on race and gender, 1999-2015**



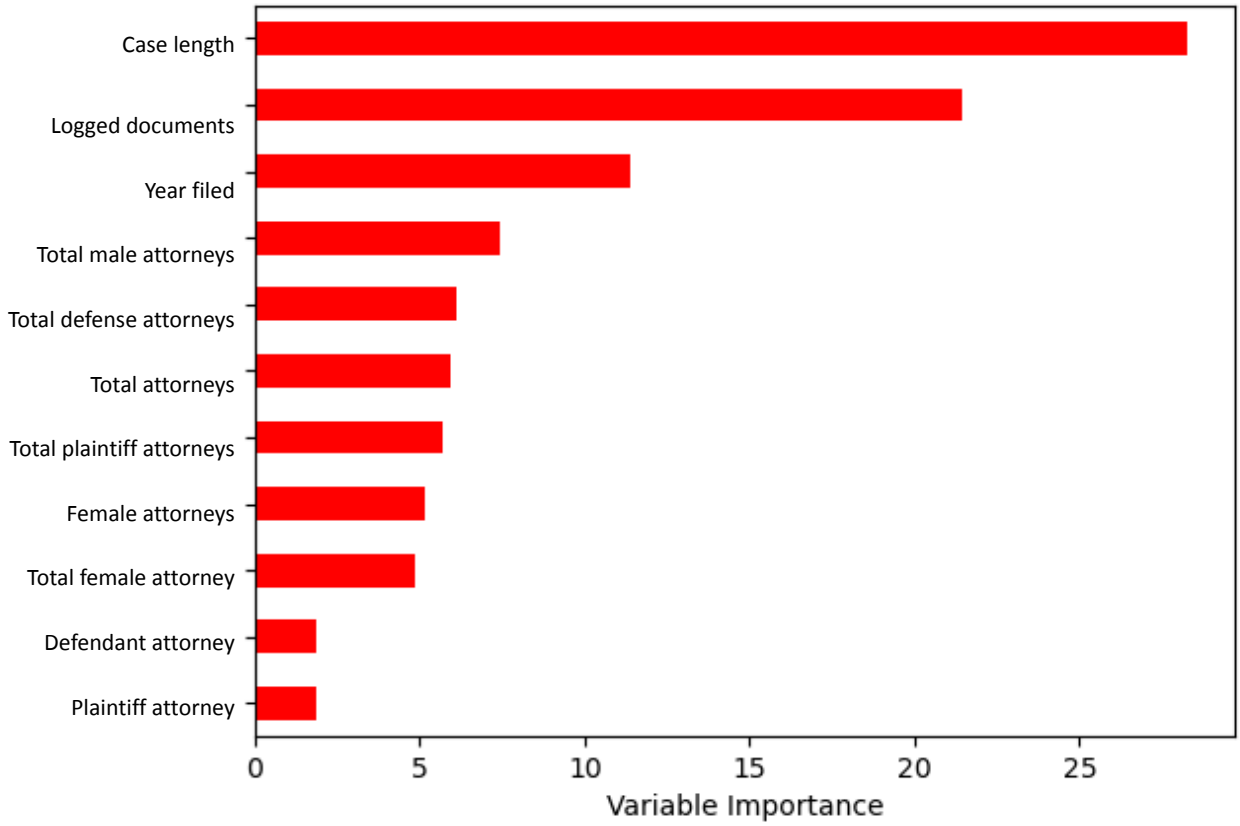

## Machine Learning Results

In addition to regressions, I also used a classification random forest to estimate which variables most impacted whether an attorney traveled, including gender but not race given the race dataset's limited size. Using a random forest model also allows me to account for non-linear relationships. With 10 explanatory variables, I set the max number of features per node to four and the random state at one.

The results suggest that the case length and size of cases, as proxied by the number of documents and number of attorneys, best predicted whether an attorney traveled. However, variables related to the number of attorneys collectively accounted for a large percentage of the importance. Given the correlation between these variables, including them all in the model could reduce the relative importance assigned to each. The attorney's gender was the eight most

important variable in predicting whether they traveled across districts in a given case. Although the regressions showed an economically and statistically significant association between gender and whether an attorney traveled, the random forest suggests that gender and other factors specific to the attorney, such as the party for which they argued, played a smaller role in predicting travel than case characteristics such as size. This presents an important caveat to my first hypothesis. The accuracy rate associated with the random forest model is 0.734, which suggests that other variables also drive variation in attorneys' travel.

**Fig. 6: Importance of Variables in Predicting whether a Patent Attorney Traveled**




## Conclusion

This paper demonstrates that, from 1999–2015, women tended to litigate fewer cases outside the district where their offices were located. The gender gap in travel remained

significant even after controlling for the party that the attorney represented and case characteristics such as size, duration, and the filing year. In addition, I found significant differences in travel rates among patent lawyers depending on their race and gender, with Asian male attorneys traveling significantly more on average than female attorneys or male attorneys belonging to other racial groups. However, Black male attorneys traveled the least of any race-gender group included in my analysis, defying my expectations. These results suggest that family demands impact women and racialized people in professional fields, shaping their participation in specific cases and potentially their broader job outcomes and legal specializations.

Women plaintiff attorneys tended to argue in larger courts and primarily work on larger cases involving more documents and more attorneys. Although gender and race impact travel, case-level factors such as case length and the number of documents associated with each case more strongly predicted whether an attorney traveled outside their home district than their gender. These results suggest that travel is largely driven by the demands associated with each case instead of attorneys' choices. Given the stresses that work travel can place on familial relationships, particularly for women, understanding which professionals travel can help in identifying individuals who may face higher risk of burnout (Borowski et al., 2019). Finally, the data show that, from 1999-2015, patent filings became increasingly concentrated in a limited number of federal court districts. These findings align with previous studies suggesting that court shopping increased during this period, raising important questions about fairness and consistency in the patent legal system (Alan C. Marco et al., 2017; Leychkis, 2007).

As Tu et al. (2022) note, intellectual property litigation, specifically in the pharmaceutical industry, can generate enormous revenue for both companies and the attorneys who represent

them. When companies fail to account for how gender and race shape care expectations, they create barriers for marginalized attorneys and reproduce inequalities in awards and career advancement (Tu et al., 2022). As such, the authors highlight expanded parental leave, providing more flexible working conditions, and tying awards to diversity targets as methods to increase women's representation in the field.

Future research should focus on understanding racial gaps in work travel and how these gaps intersect with gender. Borowski et al. (2019) note the importance of considering how race and ethnicity impact experiences of work travel. However, their review finds that, of the 42 empirical papers discussing work-related travel that they identified, many used majority White and higher class samples. Although they highlight numerous papers that incorporate gender, the authors did not note any papers examining how overnight travel rates vary depending on race. In 2018, Black and Hispanic people in the US tended to be underrepresented in management and professional positions (*Labor Force Characteristics by Race and Ethnicity*). Given the potential for work travel to provide career benefits and the demands for work travel in many high-paying professions, understanding how caregiving responsibilities, sense of safety, and other factors mediated by race impact travel may help determine barriers to economic advancement for women and other people of color in professional fields.

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