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Ex Parte Reexamination Filing Data - September 30, 2009

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (10243 total), 2. Number of filings by discipline (Chemical, Electrical, Mechanical, Design), 3. Annual Ex Parte Reexam Filings (table with columns for Fiscal Yr. and No. from 1981-2009), 4. Number known to be in litigation (3221, 31%), 5. Decisions on requests (9833 total, 92% granted, 8% denied).

1Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

|     |   |                  |                             |                  |                |
|-----|---|------------------|-----------------------------|------------------|----------------|
| 6.  | Total examiner denials (includes denials reversed by Director).....                                   |                  |                             |                  | 870            |
|     | a. Patent owner requester   |                  | 445                         |                  | 51%            |
|     | b. Third party requester  |                  | 425                         |                  | 49%            |
| 7.  | Overall reexamination pendency (Filing date to certificate issue date)                                |                  |                             |                  |                |
|     | a. Average pendency   |                  | 25.2 (mos.)                 |                  |                |
|     | b. Median pendency  |                  | 19.7 (mos.)                 |                  |                |
| 8.  | Reexam certificate claim analysis:  | <u>Owner</u>     | <u>3<sup>rd</sup> Party</u> | <u>Comm'r</u>    | <u>Overall</u> |
|     |   | <u>Requester</u> | <u>Requester</u>            | <u>Initiated</u> |                |
|     | a. All claims confirmed   | 22%              | 26%                         | 12%              | 25%            |
|     | b. All claims cancelled   | 8%               | 13%                         | 23%              | 11%            |
|     | c. Claims changes   | 70%              | 61%                         | 65%              | 64%            |
| 9.  | Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....                        |                  |                             |                  | 7089           |
|     | a. Certificates with all claims confirmed   |                  | 1725                        |                  | 25%            |
|     | b. Certificates with all claims canceled  |                  | 807                         |                  | 11%            |
|     | c. Certificates with claims changes   |                  | 4557                        |                  | 64%            |
| 10. | Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated. |                  |                             |                  |                |
|     | a. Certificates – PATENT OWNER REQUESTER .....  |                  |                             |                  | 2827           |
|     | (1) All claims confirmed  |                  | 625                         |                  | 22%            |
|     | (2) All claims canceled   |                  | 233                         |                  | 8%             |
|     | (3) Claim changes   |                  | 1969                        |                  | 70%            |
|     | b. Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....   |                  |                             |                  | 4111           |
|     | (1) All claims confirmed  |                  | 1082                        |                  | 26%            |
|     | (2) All claims canceled   |                  | 540                         |                  | 13%            |
|     | (3) Claim changes   |                  | 2489                        |                  | 61%            |
|     | c. Certificates – COMMISSIONER INITIATED REEXAM .....   |                  |                             |                  | 151            |
|     | (1) All claims confirmed  |                  | 18                          |                  | 12%            |
|     | (2) All claims canceled   |                  | 34                          |                  | 23%            |
|     | (3) Claim changes   |                  | 99                          |                  | 65%            |