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Alexandria, VA 22313-1450

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Ex Parte Reexamination Filing Data - September 30, 2017

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13641	
a. By patent owner	3912	29%
b. by other member of the public	9686	71%
c. By order of Commissioner	43	0%
2. Number of Filings by dicipline		
a. Chemical Operation	3670	27%
b. Electrical Operation	5148	38%
c. Mechanical Operation	4596	34%
d. Design Patents	227	2%
3. Annual <i>Ex Parte</i> Reexam Filings		
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No		
1981 78 (3 mos.) 1989 242 1997 380 2005 520 2013 305		
1982 187 1990 297 1998 348 2006 473 2014 355		
1983 186 1991 309 1999 391 2007 601 2015 243		
1984 189 1992 390 2000 312 2008 691 2016 219		
1985 230 1993 359 2001 295 2009 605 2017 191		
1986 232 1994 379 2002 272 2010 698		
1987 240 1995 395 2003 394 2011 736		
1988 269 1996 413 2004 436 2012 781		
4. Number known to be in litigation.....	4648	34%
5. Decisions on requests.....		13147
a. No. granted	12047	92%
(1) By examiner	11913	
(2) By Director (on petition)	134	
b. No. denied	1100	8%
(1) By examiner	1054	
(2) Reexam vacated	46	
6. Total examiner denials (includes denials reversed by Director).....		1056
a. Patent owner requester	494	47%
b. Third party requester	562	53%
7. Overall reexamination pendency (Filing date to certificate issue date).....		
a. Average pendency	26.4 (mos.)	
b. Median pendency	19.4 (mos.)	

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2016

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All calims canceled	3%	9%	0%	12%
c. Claims changed	21%	46%	0%	67%
9. Total ex parte reexamination certificates issued (1981 – present)				11403
a. Certificates with all claims confirmed			2391	21%
b. Certificates with all claims canceled			1404	12%
c. Certificates with claims changes			7608	67%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3296
a. All claims confirmed			690	21%
b. All calims canceled			293	9%
c. Claims changed			2313	70%
b. Certificates – 3rd PARTY REQUESTER				7917
a. All claims confirmed			1681	21%
b. All calims canceled			1062	13%
c. Claims changed			5174	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				41
a. All claims confirmed			2	5%
b. All calims canceled			23	56%
c. Claims changed			16	39%



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Ex Parte Reexamination Filing Data - September 30, 2016

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13450	
a. By patent owner	3887	29%
b. by other member of the public	9520	71%
c. By order of Commissioner	43	0%
2. Number of Filings by dicipline		
a. Chemical Operation	3632	27%
b. Electrical Operation	5085	38%
c. Mechanical Operation	4521	34%
d. Design Patents	212	2%
3. Annual <i>Ex Parte</i> Reexam Filings		
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No		
1981 78 (3 mos.) 1989 242 1997 380 2005 520 2013 305		
1982 187 1990 297 1998 348 2006 473 2014 355		
1983 186 1991 309 1999 391 2007 601 2015 243		
1984 189 1992 390 2000 312 2008 691 2015 219		
1985 230 1993 359 2001 295 2009 605		
1986 232 1994 379 2002 272 2010 698		
1987 240 1995 395 2003 394 2011 736		
1988 269 1996 413 2004 436 2012 781		
4. Number known to be in litigation.....	4350	32%
5. Decisions on requests.....		12929
a. No. granted	11835	92%
(1) By examiner	11704	
(2) By Director (on petition)	131	
b. No. denied	1094	8%
(1) By examiner	1048	
(2) Reexam vacated	46	
6. Total examiner denials (includes denials reversed by Director).....		1048
a. Patent owner requester	492	47%
b. Third party requester	556	53%
7. Overall reexamination pendency (Filing date to certificate issue date).....		
a. Average pendency	25.77 (mos.)	
b. Median pendency	20.2 (mos.)	

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2016

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All calims canceled	3%	9%	0%	12%
c. Claims changed	21%	45%	0%	66%
9. Total ex parte reexamination certificates issued (1981 – present)				10979
a. Certificates with all claims confirmed			2337	21%
b. Certificates with all claims canceled			1339	12%
c. Certificates with claims changes			7303	67%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3270
a. All claims confirmed			685	21%
b. All calims canceled			291	9%
c. Claims changed			2294	70%
b. Certificates – 3rd PARTY REQUESTER				7519
a. All claims confirmed			1631	22%
b. All calims canceled			999	13%
c. Claims changed			4889	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				41
a. All claims confirmed			2	5%
b. All calims canceled			23	56%
c. Claims changed			16	39%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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Ex Parte Reexamination Filing Data - September 30, 2015

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13136	
a. By patent owner	3957	30%
b. by other member of the public	9014	69%
c. By order of Commissioner	165	1%
2. Number of Filings by dicipline		
a. Chemical Operation	3569	27%
b. Electrical Operation	5265	40%
c. Mechanical Operation	4418	34%
d. Design Patents	220	2%
3. Annual <i>Ex Parte</i> Reexam Filings		
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No		
1981 78 (3 mos.) 1989 243 1997 376 2005 524 2013 296		
1982 187 1990 297 1998 350 2006 511 2014 342		
1983 186 1991 307 1999 385 2007 643 2015 240		
1984 189 1992 392 2000 318 2008 680		
1985 230 1993 359 2001 296 2009 658		
1986 232 1994 379 2002 272 2010 780		
1987 240 1995 392 2003 392 2011 759		
1988 268 1996 418 2004 441 2012 787		
4. Number known to be in litigation.....	4819	37%
5. Decisions on requests.....		12641
a. No. granted	11623	92%
(1) By examiner	11492	
(2) By Director (on petition)	131	
b. No. denied	1018	8%
(1) By examiner	980	
(2) Reexam vacated	38	
6. Total examiner denials (includes denials reversed by Director).....		1118
a. Patent owner requester	496	44%
b. Third party requester	622	56%
7. Overall reexamination pendency (Filing date to certificate issue date).....		
a. Average pendency	26.5 (mos.)	
b. Median pendency	19.6 (mos.)	

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2015

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All calims canceled	3%	9%	0%	12%
c. Claims changed	21%	45%	1%	67%
9. Total ex parte reexamination certificates issued (1981 – present)				10951
a. Certificates with all claims confirmed			2331	21%
b. Certificates with all claims canceled			1334	12%
c. Certificates with claims changes			7286	67%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3268
a. All claims confirmed			685	21%
b. All calims canceled			291	9%
c. Claims changed			2292	70%
b. Certificates – 3rd PARTY REQUESTER				7513
a. All claims confirmed			1628	22%
b. All calims canceled			998	13%
c. Claims changed			4887	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				170
a. All claims confirmed			18	11%
b. All calims canceled			45	26%
c. Claims changed			107	63%



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Ex Parte Reexamination Filing Data - September 30, 2014

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13217	
a. By patent owner	3833	29%
b. by other member of the public	9217	70%
c. By order of Commissioner	167	1%
2. Number of Filings by dicipline		
a. Chemical Operation	3516	27%
b. Electrical Operation	5167	39%
c. Mechanical Operation	4330	33%
d. Design Patents	204	2%
3. Annual <i>Ex Parte</i> Reexam Filings		
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No		
1981 78 (3 mos.) 1989 243 1997 376 2005 524 2013 305		
1982 187 1990 297 1998 350 2006 511 2014 343		
1983 186 1991 307 1999 385 2007 643		
1984 189 1992 392 2000 318 2008 680		
1985 230 1993 359 2001 296 2009 658		
1986 232 1994 379 2002 272 2010 780		
1987 240 1995 392 2003 392 2011 759		
1988 268 1996 418 2004 441 2012 787		
4. Number known to be in litigation.....	4362	33%
5. Decisions on requests.....		12429
a. No. granted	11402	92%
(1) By examiner	11271	
(2) By Director (on petition)	131	
b. No. denied	1027	8%
(1) By examiner	990	
(2) Reexam vacated	37	
6. Total examiner denials (includes denials reversed by Director).....		1067
a. Patent owner requester	665	62%
b. Third party requester	621	58%
7. Overall reexamination pendency (Filing date to certificate issue date).....		
a. Average pendency	22.3 (mos.)	
b. Median pendency	15.9 (mos.)	

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2014

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	22%
b. All calims canceled	3%	9%	0%	12%
c. Claims changed	21%	44%	1%	66%
9. Total ex parte reexamination certificates issued (1981 – present)				10698
a. Certificates with all claims confirmed			2303	22%
b. Certificates with all claims canceled			1301	12%
c. Certificates with claims changes			7094	66%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3256
a. All claims confirmed			685	21%
b. All calims canceled			289	9%
c. Claims changed			2282	70%
b. Certificates – 3rd PARTY REQUESTER				7272
a. All claims confirmed			1600	22%
b. All calims canceled			967	13%
c. Claims changed			4705	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				170
a. All claims confirmed			18	11%
b. All calims canceled			45	26%
c. Claims changed			107	63%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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Ex Parte Reexamination Filing Data - September 30, 2013

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	12874	
a. By patent owner	3833	30%
b. by other member of the public	8874	69%
c. By order of Commissioner	167	1%
2. Number of Filings by dicipline		
a. Chemical Operation	3435	27%
b. Electrical Operation	5001	39%
c. Mechanical Operation	4234	33%
d. Design Patents	204	2%
3. Annual <i>Ex Parte</i> Reexam Filings		
Fiscal Yr. No	Fiscal Yr. No	Fiscal Yr. No
1981 78 (3 mos.	1989 243	1997 376
1982 187	1990 297	1998 350
1983 186	1991 307	1999 385
1984 189	1992 392	2000 318
1985 230	1993 359	2001 296
1986 232	1994 379	2002 272
1987 240	1995 392	2003 392
1988 268	1996 418	2004 441
2005 524	2006 511	2007 643
2008 680	2009 658	2010 780
2011 759	2012 787	2013 305
4. Number known to be in litigation.....	4167	32%
5. Decisions on requests.....	12016	
a. No. granted	11013	92%
(1) By examiner	10891	
(2) By Director (on petition)	122	
b. No. denied	1003	8%
(1) By examiner	968	
(2) Reexam vacated	35	
6. Total examiner denials (includes denials reversed by Director).....	1067	
a. Patent owner requester	498	47%
b. Third party requester	606	57%
7. Overall reexamination pendency (Filing date to certificate issue date)		
a. Average pendency	27.8 (mos.)	
b. Median pendency	20.1 (mos.)	

1 Total decisions on requests does not include requests that have been vacated or are pending.

updated as of 11/22/13

8. Reexam certificate claim analysis:	Owner Requeste	3rd Party Requeste	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All calims canceled	3%	8%	0%	11%
c. Claims changed	21%	40%	1%	62%
9. Total ex parte reexamination certificates issued (1981 – present)				9991
a. Certificates with all claims confirmed			2241	22%
b. Certificates with all claims canceled			1205	12%
c. Certificates with claims changes			6545	66%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3279
a. All claims confirmed			682	21%
b. All calims canceled			283	9%
c. Claims changed			2239	68%
b. Certificates – 3rd PARTY REQUESTER				7174
a. All claims confirmed			1541	21%
b. All calims canceled			882	12%
c. Claims changed			4201	59%
c. Certificates – COMMISSIONER INITIATED REEXAM				164
a. All claims confirmed			18	11%
b. All calims canceled			40	24%
c. Claims changed			105	64%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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Ex Parte Reexamination Filing Data - September 30, 2012

1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	12569
a. By patent owner	3872 31%
b. by other member of the public	8532 68%
c. By order of Commissioner	165 1%
2. Number a. Chemical Operation	3373 27%
b. Electrical Operation	4831 38%
c. Mechanical Operation	4178 33%
d. Design Patents	187 1%
3. Annual <i>Ex Parte</i> Reexam Filings	
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No	
1981 78 (3 mos.) 1989 243 1997 376 2005 524	
1982 187 1990 297 1998 350 2006 511	
1983 186 1991 307 1999 385 2007 643	
1984 189 1992 392 2000 318 2008 680	
1985 230 1993 359 2001 296 2009 658	
1986 232 1994 379 2002 272 2010 780	
1987 240 1995 392 2003 392 2011 759	
1988 268 1996 418 2004 441 2012 788	
4. Number known to be in litigation.....	3994 32%
5. Decisions on requests.....	11737
a. No. granted.....	10755 92%
(1) By examiner	10762
(2) By Director (on petition)	122
b. No. denied.....	982 8%
(1) By examiner	961
(2) Reexam vacated	35
6. Total examiner denials (includes denials reversed by Director).....	1078
a. Patent owner requester	496 46%
b. Third party requester	582 54%
7. Overall reexamination pendency (Filing date to certificate issue date)	
a. Average pendency	27.9 (mos.)
b. Median pendency	20.5 (mos.)

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	21%	22%	11%	21%
b. All calims canceled	8%	12%	24%	11%
c. Claims changed	71%	66%	65%	68%
9. Total ex parte reexamination certificates issued (1981 – present)				9328
a. Certificates with all claims confirmed			2029	22%
b. Certificates with all claims canceled			1063	11%
c. Certificates with claims changes			6236	67%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3176
a. All claims confirmed			669	21%
b. All calims canceled			280	9%
c. Claims changed			2227	70%
b. Certificates – 3rd PARTY REQUESTER				6026
a. All claims confirmed			1348	22%
b. All calims canceled			745	12%
c. Claims changed			3933	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				164
a. All claims confirmed			18	11%
b. All calims canceled			38	23%
c. Claims changed			108	66%



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Ex Parte Reexamination Filing Data - September 30, 2011

1. Total requests filed since start of *ex parte* reexam on 07/01/81.....11782¹
 - a. By patent owner 3801 33%
 - b. By other member of public 7815 66%
 - c. By order of Commissioner 166 1%
2. Number of filings by discipline
 - a. Chemical Operation 3211 27%
 - b. Electrical Operation 4405 37%
 - c. Mechanical Operation 3987 34%
 - d. Design Patents 179 2%
3. Annual *Ex Parte* Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392	2011	759
1988	268	1996	418	2004	441		
4. Number known to be in litigation.....3894.....33%
5. Decisions on requests.....11262
 - a. No. granted.....10333.....92%
 - (1) By examiner 10213
 - (2) By Director (on petition) 120
 - b. No. denied929.....8%
 - (1) By examiner 894
 - (2) Reexam vacated 35

¹Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 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).....	1014		
a.	Patent owner requester	476	47%	
b.	Third party requester	538	53%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.6 (mos.)		
b.	Median pendency	19.9 (mos.)		
8.	Reexam certificate claim analysis:			
		<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	21%	24%	11%
b.	All claims cancelled	9%	12%	23%
c.	Claims changes	70%	64%	66%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)			8578
a.	Certificates with all claims confirmed		1943	23%
b.	Certificates with all claims canceled		974	11%
c.	Certificates with claims changes		5661	66%
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER			3040
	(1) All claims confirmed		651	21%
	(2) All claims canceled		264	9%
	(3) Claim changes		2125	70%
b.	Certificates – 3 rd PARTY REQUESTER			5380
	(1) All claims confirmed		1274	24%
	(2) All claims canceled		674	12%
	(3) Claim changes		3432	64%
c.	Certificates – COMMISSIONER INITIATED REEXAM			158
	(1) All claims confirmed		18	11%
	(2) All claims canceled		36	23%
	(3) Claim changes		104	66%



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Ex Parte Reexamination Filing Data - September 30, 2010

1. Total requests filed since start of *ex parte* reexam on 07/01/81..... 11023¹
 - a. By patent owner 3697 34%
 - b. By other member of public 7161 65%
 - c. By order of Commissioner 165 1%
2. Number of filings by discipline
 - a. Chemical Operation 3068 28%
 - b. Electrical Operation 4010 36%
 - c. Mechanical Operation 3771 34%
 - d. Design Patents 174 2%
3. Annual *Ex Parte* Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4. Number known to be in litigation..... 3568.....32%
5. Decisions on requests.....10495
 - a. No. granted.....9648.....92%
 - (1) By examiner 9534
 - (2) By Director (on petition) 114
 - b. No. denied847.....8%
 - (1) By examiner 812
 - (2) Reexam vacated 35

¹Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 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).....	926		
a.	Patent owner requester	451	49%	
b.	Third party requester	475	51%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.5 (mos.)		
b.	Median pendency	20.0 (mos.)		
8.	Reexam certificate claim analysis:			
		<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	25%	12%
b.	All claims cancelled	8%	13%	23%
c.	Claims changes	70%	62%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)	7782		
a.	Certificates with all claims confirmed	1817	23%	
b.	Certificates with all claims canceled	893	12%	
c.	Certificates with claims changes	5072	65%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2947		
	(1) All claims confirmed	638	22%	
	(2) All claims canceled	251	8%	
	(3) Claim changes	2058	70%	
b.	Certificates – 3 rd PARTY REQUESTER	4681		
	(1) All claims confirmed	1161	25%	
	(2) All claims canceled	607	13%	
	(3) Claim changes	2913	62%	
c.	Certificates – COMMISSIONER INITIATED REEXAM	154		
	(1) All claims confirmed	18	12%	
	(2) All claims canceled	35	23%	
	(3) Claim changes	101	65%	



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Ex Parte Reexamination Filing Data - September 30, 2009

1. Total requests filed since start of *ex parte* reexam on 07/01/81..... 10243¹
 - a. By patent owner 3634 35%
 - b. By other member of public 6444 63%
 - c. By order of Commissioner 165 2%
2. Number of filings by discipline
 - a. Chemical Operation 2931 29%
 - b. Electrical Operation 3596 35%
 - c. Mechanical Operation 3554 34%
 - d. Design Patents 162 2%
3. Annual *Ex Parte* Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4. Number known to be in litigation.....3221.....31%
5. Decisions on requests.....9833
 - a. No. granted.....9041.....92%
 - (1) By examiner 8928
 - (2) By Director (on petition) 113
 - b. No. denied792.....8%
 - (1) By examiner 757
 - (2) Reexam vacated 35

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>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	26%	12%
b.	All claims cancelled	8%	13%	23%
c.	Claims changes	70%	61%	65%
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 rd 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 rd 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%	



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Ex Parte Reexamination Filing Data - September 30, 2008

1.	Total requests filed since start of <i>ex partes</i> reexam on 07/01/81	9585 ¹																																																																										
	a. By patent owner	3567	37%																																																																									
	b. By other member of public	5853	61%																																																																									
	c. By order of Commissioner	165	2%																																																																									
2.	Number of filings by discipline																																																																											
	a. Chemical Operation	2811	29%																																																																									
	b. Electrical Operation	3261	34%																																																																									
	c. Mechanical Operation	3357	35%																																																																									
	d. Design Patents	156	2%																																																																									
3.	Annual Ex Parte Reexam Filings																																																																											
	<table><tr><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th></tr><tr><td>1981</td><td>78 (3 mos.)</td><td>1989</td><td>243</td><td>1997</td><td>376</td><td>2005</td><td>524</td></tr><tr><td>1982</td><td>187</td><td>1990</td><td>297</td><td>1998</td><td>350</td><td>2006</td><td>511</td></tr><tr><td>1983</td><td>186</td><td>1991</td><td>307</td><td>1999</td><td>385</td><td>2007</td><td>643</td></tr><tr><td>1984</td><td>189</td><td>1992</td><td>392</td><td>2000</td><td>318</td><td>2008</td><td>680</td></tr><tr><td>1985</td><td>230</td><td>1993</td><td>359</td><td>2001</td><td>296</td><td></td><td></td></tr><tr><td>1986</td><td>232</td><td>1994</td><td>379</td><td>2002</td><td>272</td><td></td><td></td></tr><tr><td>1987</td><td>240</td><td>1995</td><td>392</td><td>2003</td><td>392</td><td></td><td></td></tr><tr><td>1988</td><td>268</td><td>1996</td><td>418</td><td>2004</td><td>441</td><td></td><td></td></tr></table>	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	1981	78 (3 mos.)	1989	243	1997	376	2005	524	1982	187	1990	297	1998	350	2006	511	1983	186	1991	307	1999	385	2007	643	1984	189	1992	392	2000	318	2008	680	1985	230	1993	359	2001	296			1986	232	1994	379	2002	272			1987	240	1995	392	2003	392			1988	268	1996	418	2004	441					
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1988	268	1996	418	2004	441																																																																							
4.	Number known to be in litigation.....	2849.....	30%																																																																									
5.	Decisions on requests.....	9219																																																																										
	a. No. granted.....	8467.....	92%																																																																									
	(1) By examiner	8354																																																																										
	(2) By Director (on petition)	113																																																																										
	b. No. denied	752.....	8%																																																																									
	(1) By examiner	717																																																																										
	(2) Reexam vacated	35																																																																										

¹Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 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 reserved by Director).....	830		
a.	Patent owner requester	441	53%	
b.	Third party requester	389	47%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	24.5 (mos.)		
b.	Median pendency	19.0 (mos.)		
8.	Reexam certificate claim analysis:			
		<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	28%	12%
b.	All claims cancelled	8%	13%	21%
c.	Claims changes	70%	59%	67%
9.	Total ex parte reexamination certificates issued (1981 – present)	6457		
a.	Certificates with all claims confirmed	1624	25%	
b.	Certificates with all claims canceled	721	11%	
c.	Certificates with claims changes	4112	64%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party; or Comm'r initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2722		
	(1) All claims confirmed	611	22%	
	(2) All claims canceled	214	8%	
	(3) Claim changes	1897	70%	
b.	Certificates – 3 rd PARTY REQUESTER	3588		
	(1) All claims confirmed	995	28%	
	(2) All claims canceled	476	13%	
	(3) Claim changes	2117	59%	
c.	Certificates – COMM'R INITIATED REEXAM	147		
	(1) All claims confirmed	18	12%	
	(2) All claims canceled	31	21%	
	(3) Claim changes	98	67%	