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Ex Parte Reexamination Filing Data - June 30, 2009

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (10066 total), 2. Number of filings by discipline (2914 total), 3. Annual Ex Parte Reexam Filings (1981-2009), 4. Number known to be in litigation (3079), 5. Decisions on requests (9675 total).

1Of the requests received in FY 2009, 20 requests have not yet been accorded a filing date, and preprocessing of 24 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).....				858
	a. Patent owner requester		444		52%
	b. Third party requester		414		48%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		25.1 (mos.)		
	b. Median pendency		19.5 (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%	27%	12%	25%
	b. All claims cancelled	8%	13%	21%	11%
	c. Claims changes	70%	60%	67%	64%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....				6908
	a. Certificates with all claims confirmed		1705		25%
	b. Certificates with all claims canceled		776		11%
	c. Certificates with claims changes		4427		64%
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER .....				2792
	(1) All claims confirmed		621		22%
	(2) All claims canceled		228		8%
	(3) Claim changes		1943		70%
	b. Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....				3969
	(1) All claims confirmed		1066		27%
	(2) All claims canceled		517		13%
	(3) Claim changes		2386		60%
	c. Certificates – COMMISSIONER INITIATED REEXAM .....				147
	(1) All claims confirmed		18		12%
	(2) All claims canceled		31		21%
	(3) Claim changes		98		67%