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Ex Parte Reexamination Filing Data - June 30, 2008

1. Total requests filed since start of <i>ex partes</i> reexam on 07/01/81	9382 ¹
a. By patent owner	3540 38%
b. By other member of public	5677 60%
c. By order of Commissioner	165 2%
2. Number of filings by discipline	
a. Chemical Operation	2763 29%
b. Electrical Operation	3173 34%
c. Mechanical Operation	3296 35%
d. Design Patents	150 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 633	
1984 189 1992 392 2000 318 2008 487 YTD	
1985 230 1993 359 2001 296	
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.....	2533.....27%
5. Decisions on requests	9080
a. No. granted.....	8329.....92%
(1) By examiner	8216
(2) By Director (on petition)	113
b. No. denied	751.....8%
(1) By examiner	716
(2) Reexam vacated	35

¹Of the requests received in FY 2008, 17 requests have not yet been accorded a filing date, and preprocessing of 13 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).....				829
	a. Patent owner requester		441		53%
	b. Third party requester		388		47%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency			24.3 (mos.)	
	b. Median pendency			18.9 (mos.)	
8.	Reexam certificate claim analysis:	Owner	3 rd Party	Comm'r	
		Requester	Requester	Initiated	Overall
	a. All claims confirmed	23%	28%	12%	25%
	b. All claims canceled	7%	13%	21%	11%
	c. Claims changes	70%	59%	67%	64%
9.	Total ex parte reexamination certificates issued (1981 – present)				6278
	a. Certificates with all claims confirmed			1595	25%
	b. Certificates with all claims canceled			678	11%
	c. Certificates with claims changes			4005	64%
10.	Reexam claim analysis – requester is patent owner or 3 rd party; or Comm'r initiated.				
	a. Certificates – PATENT OWNER REQUESTER				2667
	(1) All claims confirmed			603	23%
	(2) All claims canceled			204	7%
	(3) Claim changes			1860	70%
	b. Certificates – 3 rd PARTY REQUESTER				3464
	(1) All claims confirmed			974	28%
	(2) All claims canceled			443	13%
	(3) Claim changes			2047	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%