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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 <sup>1</sup>	
	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		
	<u>Fiscal Yr. No.</u> <u>Fiscal Yr. No.</u> <u>Fiscal Yr. No.</u> <u>Fiscal Yr. No.</u>		
	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		
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	

<sup>1</sup>Of 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:	Owner	3 <sup>rd</sup> Party	Comm'r	
		Requester	Requester	Initiated	Overall
	a. All claims confirmed	22%	28%	12%	25%
	b. All claims canceled	8%	13%	21%	11%
	c. Claims changes	70%	59%	67%	64%
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 <sup>rd</sup> 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 <sup>rd</sup> 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%