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Ex Parte Reexamination Filing Data - March 31, 2009

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (9893 total); 2. Number of filings by discipline (Chemical, Electrical, Mechanical, Design); 3. Annual Ex Parte Reexam Filings (1981-2009); 4. Number known to be in litigation (2992); 5. Decisions on requests (9525 total).

1Of the requests received in FY 2009, 26 requests have not yet been accorded a filing date, and preprocessing of 12 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).....				849
	a. Patent owner requester		444		52%
	b. Third party requester		405		48%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		24.8 (mos.)		
	b. Median pendency		19.3 (mos.)		
8.	Reexam certificate claim analysis:	<u>Owner</u>	<u>3rd 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 ex parte reexamination certificates issued (1981 – present)				6743
	a. Certificates with all claims confirmed		1681		25%
	b. Certificates with all claims canceled		756		11%
	c. Certificates with claims changes		4306		64%
10.	Reexam claim analysis – requester is patent owner or 3 rd party; or Comm'r initiated.				
	a. Certificates – PATENT OWNER REQUESTER				2790
	(1) All claims confirmed		619		22%
	(2) All claims canceled		228		8%
	(3) Claim changes		1943		70%
	b. Certificates – 3 rd PARTY REQUESTER				3806
	(1) All claims confirmed		1044		27%
	(2) All claims canceled		497		13%
	(3) Claim changes		2265		60%
	c. Certificates – COMM'R INITIATED REEXAM				147
	(1) All claims confirmed		18		12%
	(2) All claims canceled		31		21%
	(3) Claim changes		98		67%