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Ex Parte Reexamination Filing Data - December 31, 2008

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	9739 ¹	
	a. By patent owner	3592	37%
	b. By other member of public	5982	61%
	c. By order of Commissioner	165	2%
2.	Number of filings by discipline		
	a. Chemical Operation	2838	29%
	b. Electrical Operation	3332	34%
	c. Mechanical Operation	3411	35%
	d. Design Patents	158	2%
3.	Annual <i>Ex Parte</i> 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 2009 154YTD		
	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.....	2939.....	30%
5.	Decisions on requests.....	9382	
	a. No. granted.....	8620.....	92%
	(1) By examiner	8507	
	(2) By Director (on petition)	113	
	b. No. denied	762.....	8%
	(1) By examiner	727	
	(2) Reexam vacated	35	

¹Of the requests received in FY 2009, 12 requests have not yet been accorded a filing date, and preprocessing of 4 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).....				840
	a. Patent owner requester		443		53%
	b. Third party requester		397		47%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		24.9 (mos.)		
	b. Median pendency		19.5 (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%	28%	12%	25%
	b. All claims cancelled	8%	13%	21%	11%
	c. Claims changes	70%	59%	67%	64%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)				6595
	a. Certificates with all claims confirmed		1643		25%
	b. Certificates with all claims canceled		739		11%
	c. Certificates with claims changes		4213		64%
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER				2755
	(1) All claims confirmed		613		22%
	(2) All claims canceled		222		8%
	(3) Claim changes		1920		70%
	b. Certificates – 3 rd PARTY REQUESTER				3693
	(1) All claims confirmed		1012		28%
	(2) All claims canceled		486		13%
	(3) Claim changes		2195		59%
	c. Certificates – COMMISSIONER INITIATED REEXAM				147
	(1) All claims confirmed		18		12%
	(2) All claims canceled		31		21%
	(3) Claim changes		98		67%