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Ex Parte Reexamination Filing Data - September 30, 2011

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (11782 total), 2. Number of filings by discipline (Chemical, Electrical, Mechanical, Design), 3. Annual Ex Parte Reexam Filings (1981-2011), 4. Number known to be in litigation (3894), 5. Decisions on requests (11262 total).

1Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 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).....				1014
	a. Patent owner requester		476		47%
	b. Third party requester		538		53%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		25.6 (mos.)		
	b. Median pendency		19.9 (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	21%	24%	11%	23%
	b. All claims cancelled	9%	12%	23%	11%
	c. Claims changes	70%	64%	66%	66%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)				8578
	a. Certificates with all claims confirmed		1943		23%
	b. Certificates with all claims canceled		974		11%
	c. Certificates with claims changes		5661		66%
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER				3040
	(1) All claims confirmed		651		21%
	(2) All claims canceled		264		9%
	(3) Claim changes		2125		70%
	b. Certificates – 3 rd PARTY REQUESTER				5380
	(1) All claims confirmed		1274		24%
	(2) All claims canceled		674		12%
	(3) Claim changes		3432		64%
	c. Certificates – COMMISSIONER INITIATED REEXAM				158
	(1) All claims confirmed		18		11%
	(2) All claims canceled		36		23%
	(3) Claim changes		104		66%