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Ex Parte Reexamination Filing Data - September 30, 2010

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (11023 total), 2. Number of filings by discipline (3068 total), 3. Annual Ex Parte Reexam Filings (table with columns for Fiscal Yr. and No. from 1981-2010), 4. Number known to be in litigation (3568, 32%), 5. Decisions on requests (10495 total).

1Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 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).....				926
	a. Patent owner requester		451		49%
	b. Third party requester		475		51%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		25.5 (mos.)		
	b. Median pendency		20.0 (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%	25%	12%	23%
	b. All claims cancelled	8%	13%	23%	12%
	c. Claims changes	70%	62%	65%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)				7782
	a. Certificates with all claims confirmed		1817		23%
	b. Certificates with all claims canceled		893		12%
	c. Certificates with claims changes		5072		65%
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER				2947
	(1) All claims confirmed		638		22%
	(2) All claims canceled		251		8%
	(3) Claim changes		2058		70%
	b. Certificates – 3 rd PARTY REQUESTER				4681
	(1) All claims confirmed		1161		25%
	(2) All claims canceled		607		13%
	(3) Claim changes		2913		62%
	c. Certificates – COMMISSIONER INITIATED REEXAM				154
	(1) All claims confirmed		18		12%
	(2) All claims canceled		35		23%
	(3) Claim changes		101		65%