

**GOOGLE INC.'S MOTION TO STAY  
PENDING REEXAMINATION OF U.S. PATENT NO. 5,713,740**

**Exhibit 4**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ex Parte Reexamination Filing Data - March 31, 2010

Table with 5 main categories: 1. Total requests filed since start of ex parte reexam on 07/01/81 (10587 total); 2. Number of filings by discipline (Chemical, Electrical, Mechanical, Design); 3. Annual Ex Parte Reexam Filings (1981-2004); 4. Number known to be in litigation (3363); 5. Decisions on requests (9325 granted, 812 denied).

1Of the requests received in FY 2010, 27 requests have not yet been accorded a filing date, and preprocessing of 31 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).....				890
	a. Patent owner requester		448		50%
	b. Third party requester		442		50%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency			25.4 (mos.)	
	b. Median pendency			19.9 (mos.)	
8.	Reexam certificate claim analysis:	<u>Owner</u>	<u>3<sup>rd</sup> Party</u>	<u>Comm'r</u>	<u>Overall</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>	
	a. All claims confirmed	22%	26%	12%	24%
	b. All claims cancelled	8%	13%	23%	11%
	c. Claims changes	70%	61%	65%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....				7442
	a. Certificates with all claims confirmed			1768	24%
	b. Certificates with all claims canceled			860	11%
	c. Certificates with claims changes			4814	65%
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER .....				2893
	(1) All claims confirmed			633	22%
	(2) All claims canceled			243	8%
	(3) Claim changes			2017	70%
	b. Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....				4397
	(1) All claims confirmed			1117	26%
	(2) All claims canceled			582	13%
	(3) Claim changes			2698	61%
	c. Certificates – COMMISSIONER INITIATED REEXAM .....				152
	(1) All claims confirmed			18	12%
	(2) All claims canceled			35	23%
	(3) Claim changes			99	65%