

Exhibit 3

List of Materials Considered

USPTO Performance and Accountability Report for Fiscal Year 2007

PowerPoint presentation by Robert J. Spar Director of the Office of Patent Legal Administration, USPTO, entitled: "*Revised Accelerated Examination Program and Petition to Make Special Procedures*"

National Academy of Public Administration report, entitled: "*US Patent and Trademark Office: Transforming to Meet the Challenges of the 21st Century,*" dated August, 2005

U.S. Patent 7,469,381 and its prosecution history

U.S. Provisional Patent Application 60/883,801

The *ex parte* reexamination file history of U.S. patent 7,469,381

U.S. Patent 7,786,975 and its file history

PCT application WO 01/29702 (Van den Hoven)

U.S. Patent 7,152,210 (Van den Hoven)

The declaration of Andries Van Dam