

EXHIBIT D



Commissioner for Patents
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Inter Partes Reexamination Filing Data - June 30, 2009

| | | | |
|----|---|------------------|-----|
| 1. | Total requests filed since start of <i>inter partes</i> reexam on 11/29/99..... | 671 ¹ | |
| 2. | Number of filings by discipline | | |
| | a. Chemical Operation | 142 | 21% |
| | b. Electrical Operation | 293 | 43% |
| | c. Mechanical Operation | 225 | 34% |
| | d. Design Patents | 11 | 2% |
| 3. | Annual Reexam Filings | | |
| | <u>Fiscal Yr.</u> <u>No.</u> <u>Fiscal Yr.</u> <u>No.</u> <u>Fiscal Yr.</u> <u>No.</u> <u>Fiscal Yr.</u> <u>No.</u> | | |
| | 2000 0 2003 21 2006 70 2009 195 YTD | | |
| | 2001 1 2004 27 2007 126 | | |
| | 2002 4 2005 59 2008 168 | | |
| 4. | Number known to be in litigation..... | 446 | 66% |
| 5. | Decisions on requests | 583 | |
| | a. No. granted | 556 | 95% |
| | (1) By examiner | 555 | |
| | (2) By Director (on petition) | 1 | |
| | b. No. not granted | 31 | 5% |
| | (1) By examiner | 27 | |
| | (2) Reexam vacated | 4 | |
| 6. | Overall reexamination pendency (Filing date to certificate issue date) | | |
| | a. Average pendency | 36.1 (mos.) | |
| | b. Median pendency | 33.0 (mos.) | |
| 7. | Total <i>inter partes</i> reexamination certificates issued (1999 - present) | 77 | |
| | a. Certificates with all claims confirmed | 4 | 5% |
| | b. Certificates with all claims canceled (or disclaimed) | 46 | 60% |
| | c. Certificates with claims changes | 27 | 35% |

¹Of the requests received in FY 2009, 14 requests have not yet been accorded a filing date, and 8 requests have had preprocessing terminated, for failure to comply with the requirements of 37 CFR 1.915. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).