

# EXHIBIT E



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Ex Parte Reexamination Filing Data - June 30, 2009

1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	10066 <sup>1</sup>
a. By patent owner	3615      36%
b. By other member of public	6286      62%
c. By order of Commissioner	165        2%
2. Number of filings by discipline	
a. Chemical Operation	2914      29%
b. Electrical Operation	3487      34%
c. Mechanical Operation	3503      35%
d. Design Patents	162        2%
3. Annual <i>Ex Parte</i> Reexam Filings	
Fiscal Yr. No.      Fiscal Yr. No.      Fiscal Yr. No.      Fiscal Yr. No.	
1981    78 (3 mos.)    1989    243      1997    3762005    524	
1982    187              1990    297      1998    350      2006    511	
1983    186              1991    307      1999    385      2007    643	
1984    189              1992    392      2000    318      2008    680	
1985    230              1993    359      2001    296      2009    481YTD	
1986    232              1994    379      2002    272	
1987    240              1995    392      2003    392	
1988    268              1996    418      2004    441	
4. Number known to be in litigation.....	3079.....31%
5. Decisions on requests.....	9675
a. No. granted.....	8895.....92%
(1) By examiner	8782
(2) By Director (on petition)	113
b. No. denied .....	780.....8%
(1) By examiner	745
(2) Reexam vacated	35

<sup>1</sup>Of the requests received in FY 2009, 20 requests have not yet been accorded a filing date, and preprocessing of 24 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).....				858
	a. Patent owner requester		444		52%
	b. Third party requester		414		48%
7.	Overall reexamination pendency (Filing date to certificate issue date)				
	a. Average pendency		25.1 (mos.)		
	b. Median pendency		19.5 (mos.)		
8.	Reexam certificate claim analysis:	Owner	3 <sup>rd</sup> Party	Comm'r	
		Requester	Requester	Initiated	Overall
	a. All claims confirmed	22%	27%	12%	25%
	b. All claims canceled	8%	13%	21%	11%
	c. Claims changes	70%	60%	67%	64%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....				6908
	a. Certificates with all claims confirmed		1705		25%
	b. Certificates with all claims canceled		776		11%
	c. Certificates with claims changes		4427		64%
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
	a. Certificates – PATENT OWNER REQUESTER .....				2792
	(1) All claims confirmed		621		22%
	(2) All claims canceled		228		8%
	(3) Claim changes		1943		70%
	b. Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....				3969
	(1) All claims confirmed		1066		27%
	(2) All claims canceled		517		13%
	(3) Claim changes		2386		60%
	c. Certificates – COMMISSIONER INITIATED REEXAM .....				147
	(1) All claims confirmed		18		12%
	(2) All claims canceled		31		21%
	(3) Claim changes		98		67%