IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMEBASE PTY LTD.,	)	
	)	Case No. 07 C 0460
Plaintiff,	)	
	)	Honorable George W. Lindberg
vs.	)	
	)	
THE THOMSON CORPORATION,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

DECLARATION OF ARTHUR A. GASEY

I, Arthur A. Gasey, declare:

1. I am one of the attorneys for TimeBase Pty Ltd. in this case.

2. The documents attached are accurate copies of PTO data as of September 30, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 5, 2008.

/s/ Arthur A. Gasey
Arthur A. Gasey

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 - September 30, 2008

1. Total requests filed since start of *ex partes* reexam on 07/01/81 ..... 9585[1]

a. By patent owner	3567	37%
b. By other member of public	5853	61%
c. By order of Commissioner	165	2%

2. Number of filings by discipline

a. Chemical Operation	2811	29%
b. Electrical Operation	3261	34%
c. Mechanical Operation	3357	35%
d. Design Patents	156	2%

3. Annual Ex Parte Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	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		
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……..……..... .2849…….…….....30%

5. Decisions on requests……...9219

   a. No. granted…… …8467……....92%

(1) By examiner	8354
(2) By Director (on petition)	113

   b. No. denied ……752…….....8%

(1) By examiner	717
(2) Reexam vacated	35

[1]Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 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 reserved by Director)…….....830

a. Patent owner requester	441	53%
b. Third party requester	389	47%

7. Overall reexamination pendency (Filing date to certificate issue date)

a. Average pendency	24.5 (mos.)
b. Median pendency	19.0 (mos.)

8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiated	Overall
a. All claims confirmed	22%	28%	12%	25%
b. All claims cancelled	8%	13%	21%	11%
c. Claims changes	70%	59%	67%	64%

9. Total ex parte reexamination certificates issued (1981 – present) ……6457

a. Certificates with all claims confirmed	1624	25%
b. Certificates with all claims canceled	721	11%
c. Certificates with claims changes	4112	64%

10. Reexam claim analysis – requester is patent owner or 3rd party; or Comm'r initiated.

a. Certificates – PATENT OWNER REQUESTER ……..2722

(1) All claims confirmed	611	22%
(2) All claims canceled	214	8%
(3) Claim changes	1897	70%

b. Certificates – 3rd PARTY REQUESTER ……..3588

(1) All claims confirmed	995	28%
(2) All claims canceled	476	13%
(3) Claim changes	2117	59%

c. Certificates – COMM'R INITIATED REEXAM …….……..147

(1) All claims confirmed	18	12%
(2) All claims canceled	31	21%
(3) Claim changes	98	67%