

# **EXHIBIT 9**

DECLARATION OF J. CHRISTOPHER CARRAWAY IN SUPPORT  
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING  
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT



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Ex Parte Reexamination Filing Data - June 30, 2006

- 1. Total requests filed since start of ex parte reexam on 07/01/81 ..... 8084
  - a. By patent owner ..... 3313 41%
  - b. By other member of public ..... 4606 57%
  - c. By order of Commissioner ..... 165 2%

- 2. Number of filings by discipline
  - a. Chemical Operation ..... 2496 31%
  - b. Electrical Operation ..... 2608 32%
  - c. Mechanical Operation ..... 2980 37%

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	340
1983	186	1991	307	1999	385		
1984	189	1992	392	2000	318		
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.....1895 23%
- 5. Determinations on requests ..... 7852
  - a. No. granted .....7160.....91%
    - (1) By examiner ..... 7054
    - (2) By Director (on petition) ..... 106
  - b. No. denied .....692.....9%
    - (1) By examiner ..... 657
    - (2) Order vacated ..... 35

6. Total examiner denials (includes denials reversed by Director) .....				763
a. Patent owner requester		430		56%
b. Third party requester		333		44%
7. Overall reexamination pendency (Filing date to certificate issue date)				
a. Average pendency			22.8 (mos.)	
b. Median pendency			17.6 (mos.)	
8. Reexam certificate claim analysis:	<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>	<u>Overall</u>
	<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>	
a. All claims confirmed	23%	29%	13%	26%
b. All claims cancelled	7%	12%	19%	10%
c. Claims changes	70%	59%	68%	64%
9. Total ex parte reexamination certificates issued (1981 - present).....				5433
a. Certificates with all claims confirmed			1410	26%
b. Certificates with all claims canceled			554	10%
c. Certificates with claims changes			3469	64%
10. Reexam claim analysis - requester is patent owner or 3rd party; or Comm'r initiated.				
a. Certificates _ PATENT OWNER REQUESTER .....				2360
(1) All claims confirmed			543	23%
(2) All claims canceled			174	7%
(3) Claim changes			1643	70%
b. Certificates _ 3rd PARTY REQUESTER .....				2934
(1) All claims confirmed			849	29%
(2) All claims canceled			353	12%
(3) Claim changes			1732	59%
c. Certificates _ COMM'R INITIATED REEXAM .....				139
(1) All claims confirmed			18	13%
(2) All claims canceled			27	19%
(3) Claim changes			94	68%