

# **Exhibit B**

**ROBERT N. FENILI**

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**EDUCATION:**

**Virginia Polytechnic Institute and State University, Blacksburg, VA**  
Ph.D. Economics, 1975

**Illinois State University, Normal, IL**  
M.S. Economics, 1971; B.S. Economics, 1970

**PROFESSIONAL EXPERIENCE:**

**Georgetown Economic Services, Washington, DC, 1987 – Present**

*Consultant on matters involving litigation and regulation, including quantitative analyses and economic theory. Matters include general economic impact analyses involving issues related to antitrust, consumer protection, advertising, intellectual property, and the impact of regulations.*

- Develop economic analysis for liability and damage claims in civil litigation cases, including antitrust, Lanham Act, RICO, consumer protection, and commercial litigation, including statistical and econometric analyses.
- Critique theories, quantitative analyses, and data offered by other experts (both for plaintiffs and defendants).
- Prepare industry studies, evidence assessments, expert witness reports and testimony.

**Synergy, Inc., Washington, DC, 1982 - 1987**

*Senior Analyst on matters involving the impact of procurements on wartime sortie capability.*

- Designed computer models to assist budget analysts in estimating the impact of budget changes on the purchases of air-to-air missiles on the U.S. Air Force sortie and mission capability.
- Assisted in the modification and updating of air-to-ground munitions sustainability models which provide estimates of the impact of changes in procurement of air-to-ground munitions to war fighting capability for the Air Force and Navy.
- Assisted programmers in developing software so that models can be used on personal computers.

**Independent Consultant, Fairfax, VA, 1981 - 1987**

*Economic consultant in matters related to competition in the gasoline marketing industry.*

- Prepared economic studies involving the impact of regulation (or its absence) on competition in the gasoline marketing industry.
- Testified in civil litigation matters related to gasoline marketing.

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**U.S. Department of Energy, Office of Competition, Washington, DC, 1978 – 1981**

*In-house expert on matters related to competition in the refining and marketing segments of the petroleum industry.*

- Co-directed a study mandated by Congress on the state of competition in gasoline marketing. The project resulted in two reports to Congress: The State of Competition in Gasoline Marketing: The Effects of Refiner Operations at Retail, Part I, DOE/PE-0019, with James B. Delaney (Washington, DC: U.S. Department of Energy, May 1980) and "Trends in Company Stores: A Preliminary Analysis," with James B. Delaney, Gasoline Marketing Practices, Part C. Hearing before the Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business, (Washington, DC: 96th Congress, 1st Session, October 1979).
- Evaluated antitrust and economic implications on competition in the gasoline industry of current and proposed policy initiatives.
- Prepared position papers involving the effect of federal energy regulations on petroleum prices and competition in the oil industry.

**U.S. Department of Energy, Energy Information Administration, Washington, DC, 1977 - 1978**

*Assisted in the development and preparation of the Financial Reporting System.*

- Assisted in development of the coal industry financial and operations section of the Financial Reporting System.
- Assessed policy issues involving the impact of horizontally integrated petroleum companies on competition and resource development in the coal industry.
- Made recommendations on including questions and data on the FRS survey of energy companies.

**U.S. General Accounting Office, Energy and Minerals Division, Washington, DC, 1976 - 1977**

*Developed economic analyses on the impact of federal energy policies on the coal industry.*

- Assessed the state of competition in the U.S. coal industry and determined whether there was significant potential for horizontally integrated petroleum companies to monopolize coal markets.
- Prepared GAO report on coal industry: The State of Competition in the Coal Industry, EMD-7822 (Washington, D.C.: U.S. General Accounting Office, December 1977).

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**U.S. Federal Trade Commission, Bureau of Economics, Washington, DC, 1975 - 1976**

*Served as economist in Division of Economic Evidence.*

- Conducted economic investigations regarding the impact upon competition of mergers and joint ventures, primarily in the chemical industry.
- Advised senior management on the benefits and costs of pursuing cases to litigation.

**TEACHING EXPERIENCE:**

**Central Michigan University, Washington DC Program, 1977 - 1987**

Labor Economics, Managerial Economics, and Economic Theory

**Virginia Polytechnic Institute and State University, Blacksburg, VA, 1973 - 1975**

Labor Economics, Principles of Economics, Transportation Economics,  
and Managerial Economics

**Illinois State University, Normal, IL, 1972 - 1973**

Principles of Economics, Economic Statistics, and Operations Research

APPENDIX

PARTICIPATION in LITIGATION and ECONOMIC STUDIES – SELECTED CASES

- Recent Cases Include:
  - *Free Speech Coalition* - prepared industry analyses of impact of proposed U.S. Department of Justice rules on small businesses in the adult entertainment industry. Prepared written comments to the DOJ.
  - *Alaska Non-Pollack Groundfish* – prepare analysis and written testimony of the impact of North Pacific Fishery Management Council’s proposed regulations on product prices and fishing fleets.
  - *Colgate Toothpaste* – prepare quantitative analyses demonstrating that Colgate’s advertising claims are not supported by clinical laboratory studies; prepare analyses and meet with Federal Trade Commission officials regarding my findings.
  - *P&G v. Ultreo* – review and assess the merits of report of expert witness regarding damage claims.
  - *Nano v. Canon* – review and assess damage case of contract dispute between parties; conducted various event studies and valuation analyses; prepare economic expert for trial.
  - *The Imaging Center et al. v. Western Maryland Health System* – Reviewed patient data bases to determine impact of hospital merger and subsequent behavior on out-patient referrals to a independent radiology clinic; estimated market definition using patient-medical facility addresses (Elzinga-Hogarty technique); assessed market shares under various product and geographic market definitions; assisted economic expert in estimating damages pertaining to monopolization and tortuous interference claims.
  - *BellSouth v. Hawk Communications* – Prepared report on BellSouth’s damages to its DSL business due to Hawk’s (false) advertising billboard campaign touting that its dial-up internet provider services were as fast as DSL.
  - *Blanchard and Company, Inc. v. Premiere Radio Networks, Inc.* – Prepared economic report assessing Blanchard’s economic expert’s opinion alleging that Blanchard’s sales were negatively affected by Premiere’s radio advertisement campaign on the *Rush Limbaugh* show.
  - *Intelli-Check, Inc. v. TriCom Card Technologies, Inc.* – Prepared economic report rebutting plaintiff’s economic expert estimates of damages; prepared estimate of the amount of damages suffered by Intelli-Check due to TriCom’s alleged patent infringement and false advertising.

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- Other Matters Include:
  - Tobacco - The federal tobacco case (*United States v. Philip Morris, Inc., et al.*), the Joe Camel case (*U.S. FTC v. R. J. Reynolds, et al.*), and the Blue Cross-Blue Shield case (*BCBS of New Jersey et al. v. Philip Morris, et al.*), among others..
    - Highlights include: Showing that federal government experts' research failed to show the relevance to teenage smoking uptake, and failed to support the proposition that tobacco companies' advertising was undertaken with the intent to create teenage smokers. Provided detailed assessments of the flaws in the research that the Federal Trade Commission's experts relied on in its case alleging that the Joe Camel advertising campaign targeted underage smokers.
    - Reviewed data bases, documents, and the quantitative analyses relied on by plaintiffs' economic, health, and social psychological experts who testified that cigarette advertising was a causal factor in teenage smoking prevalence. Assisted attorneys in the preparation for and the depositions of plaintiffs' witnesses. Assisted defendant's experts in preparation of their research and expert reports.
  - Petroleum – Involvement in a variety of antitrust and petroleum marketing practices act cases involving retail marketing of gasoline including:
    - Cumberland Farms PMPA cases - Assisted attorneys in a series of cases regarding the sale of Chevron petroleum assets to Cumberland Farms: Developed data bases, provided quantitative analyses showing that Gulf retail dealers were not damaged by the sale of Gulf brand outlets to Cumberland Farms; developed deposition outlines for plaintiff dealers; assisted in economic expert preparation.
    - Rebel v. Arco - Assisted attorneys in large scale data projects involved with the pricing of gasoline in Los Angeles and Las Vegas retail markets; developed large data bases showing the impact of refiner actions on retail prices at gasoline retail outlets in Las Vegas; provided affidavits on findings.
    - Frank's Gulf v. Cumberland Farms - Developed data bases and prepared expert report showing that Cumberland's wholesale prices to retail outlets were not consistent with price discrimination and that plaintiff was not injured by Cumberland's wholesale prices; testified at deposition.
    - Pennzoil v. Carlson - Developed economic report to show that Pennzoil's pricing was consistent with competitive pricing and that Carlson was not damaged by Pennzoil's wholesale prices; testified at trial.
    - Quality Oil – Demonstrated that Wolverine Pipeline's economic submission was based on flawed data and that its alternative shipping modes to cities located at Lake Michigan would not provide significant competition to a pipeline.

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- Sheetz Oil – Developed price data base and model to show that petroleum product prices in the Philadelphia area could not support the view that Philadelphia was part of a larger geographic market including the Gulf Coast.
- Bogosian v. Gulf Oil Corp. et al. – Consultant to Chevron and Gulf Oil in a class action lawsuit involving gasoline lessee-dealers suing their suppliers, the largest petroleum companies in the United States in a case involving allegations of tying the lease of gasoline retail outlets to the purchase of branded gasoline.
- Conoco v. Mobil – Consultant to Conoco in its antitrust case against Mobil.
- Nehi v. Kellam – A case involving price fixing on the Delmarva Peninsula. Provided expert testimony at deposition and trial.
- Prepared a study on the effect of state sales-below-cost laws on the price of self-serve and full-serve gasoline prices. "The Effect of State Sales-Below-Cost Laws on Retail Prices," Regulation, October, 1985 and Minimum Markup Laws in Gasoline Marketing: An Economic Analysis and a Legal, Economic, and Legislative Review, U.S. Department of Energy, with William C. Lane, March 1984.
- Co-authored studies examining the impact of petroleum price and allocation deregulation on rack and dealer prices. "The Impact of Decontrol on Gasoline Wholesalers and Retailers," Contemporary Policy Issues, Spring, 1985; Gasoline Marketing at the Crossroads: Competition or Regulation, Report to the American Petroleum Institute, with William C. Lane, April 1985; Gasoline Marketing in the 1980s: A Return to the Competitive Marketplace, Report to the American Petroleum Institute, February 1982; The Effects of Price Controls: State and Local Experiences, Report to the American Petroleum Institute (February 1982).
- Examined the effect of refiner geographic consolidations on competition in "Do Refiner Pullouts Threaten Rural America?" With James B. Delaney, Lundberg Letter, Vol. 8, No. 46 (September 18, 1981).
- Mergers and Acquisitions – Reviewed data, business documents, and public information to assess the likelihood of and identify potential problems with various mergers and acquisitions; assisted industry and economic experts and attorneys in the development of white papers and position papers. Clients include: Tyson Foods, Inc., Ford Motor Co., Dupont, and International Paper among others.
- Price Fixing – Provided economic and quantitative estimates showing likelihood of price fixing and resulting damages. Clients include: General Mills (related to vitamins), Masonite, North American Salt, and Olin Corp.

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- Other antitrust matters include:
  - Development of data bases to show the damages involved in United Food and Commercial Workers Union pickets of supermarkets in the Cleveland, Ohio region were significantly less than plaintiff's experts claimed.
  - Preparation of testimony regarding impact of baseball antitrust exemption on minor leagues and player development.
  - Assessing the impact of tournament pricing on chicken grower operations.
- Telecom – For GTE, assisted attorneys and prepared expert testimony on economic issues involving the 1996 Telecommunication Act.



# **Exhibit C**

[Home > Listing of Viewable PTMT Reports](#)

U.S. PATENT AND TRADEMARK OFFICE  
Electronic Information Products Division  
Patent Technology Monitoring Team (PTMT)

## Patents By Country, State, and Year - All Patent Types (December 2006)

Granted: 01/01/1977 - 12/31/2006  
*A Patent Technology Monitoring Team Report*

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### Description of the Report

This report displays the number of U.S. patents distributed by state and country of origin. The origin of a patent is determined by the residence of the first-named inventor.

This report counts documents of the following type(s):

**utility patents (i.e., "patents for invention"), design patents, plant patents, reissue patents, statutory invention registrations, defensive publications** granted by the U.S. Patent and Trademark Office during the period 01/01/1977 - 12/31/2006. These profiled documents hereafter will be referred to as "patents".

The source of the data used for this report is the TAF database maintained by the U.S. Patent and Trademark Office.

### Report Printing and the Use of Spreadsheet Software

This report can be printed from an Internet browser - for such printing, optimal results are usually obtained by printing in landscape orientation with minimal margins and a small text font. Microsoft Internet Explorer, version 7, works particularly well for printing this report using its "Shrink to Fit" option.

Additionally, a user may import this report file into spreadsheet software such as Microsoft Excel to facilitate printing. Such spreadsheet software also may facilitate sorting and further manipulation of the data.



**Number of Patents Granted as Distributed by Year of Patent Grant  
Breakout by U.S. State and Foreign Country of Origin**

*PART A1 - Table A1-1a, Breakout by Country of Origin  
Number of Patents Granted as Distributed by Year of Patent Grant.  
Granted: 01/01/1977 - 12/31/2006*

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<b>Total, U.S. And Foreign Origin</b>	1272937	109890	113704	113955	121805	124147	163205	169145	176083	184046	184424	187048	181320	157741	196436
<b>Subtotal -- U.S. Origin</b>	725823	61221	64345	64510	69419	69923	90697	94089	97011	98655	97125	98590	94129	82586	102267
<b>Subtotal -- Foreign Origin</b>	547114	48669	49359	49445	52386	54224	72508	75056	79072	85391	87299	88458	87191	75155	94169
<b>ALABAMA</b>	4262	323	338	359	336	345	422	473	395	452	441	459	412	359	430
<b>ALASKA</b>	404	59	55	49	50	60	76	66	56	58	50	43	49	36	45
<b>ARIZONA</b>	9745	930	1054	1120	1153	1162	1677	1623	1756	1701	1700	1716	1730	1598	1893
<b>ARKANSAS</b>	1661	159	159	143	164	152	184	226	247	223	213	176	160	153	185
<b>CALIFORNIA</b>	105609	9574	10406	10824	11957	12915	17827	18860	19845	20859	21235	22074	21602	19662	25043
<b>COLORADO</b>	10414	1058	1182	1207	1320	1345	1916	1987	2074	2112	2130	2305	2290	1972	2349
<b>CONNECTICUT</b>	22520	1750	1834	1768	1684	1644	2070	2026	2085	2069	1991	1844	1723	1677	1857
<b>DELAWARE</b>	5685	525	452	442	472	370	424	444	426	424	385	372	406	341	396
<b>FLORIDA</b>	21963	2117	2298	2465	2509	2552	3117	3040	3129	3149	2854	3120	2991	2707	3263
<b>GEORGIA</b>	7913	862	963	1047	1135	1112	1496	1544	1541	1600	1532	1534	1492	1358	1719
<b>HAWAII</b>	797	106	99	84	104	93	93	97	93	107	91	96	86	58	101
<b>IDAHO</b>	1793	359	370	329	393	597	897	1263	1616	1737	1877	1850	1822	1549	1717
<b>ILLINOIS</b>	46527	3321	3321	3479	3674	3539	4364	4308	4514	4272	3937	3961	3754	3297	4053
<b>INDIANA</b>	15993	1105	1166	1281	1417	1331	1561	1707	1702	1594	1745	1679	1485	1246	1499
<b>IOWA</b>	5860	434	459	486	485	450	720	817	676	815	681	711	736	629	732
<b>KANSAS</b>	4163	316	327	319	348	322	404	495	475	383	503	491	540	456	581
<b>KENTUCKY</b>	4557	323	339	341	397	350	404	509	517	547	496	497	463	377	471
<b>LOUISIANA</b>	6103	482	442	413	444	408	543	519	578	561	484	439	387	298	365
<b>MAINE</b>	1390	143	140	137	113	109	143	145	152	156	168	164	138	159	156

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
MARYLAND	12660	1086	1178	1100	1208	1264	1575	1642	1485	1641	1612	1579	1440	1284	1558
MASSACHUSETTS	29202	2502	2644	2427	2713	2831	3735	3819	3835	3973	3837	4191	3906	3303	4369
MICHIGAN	37905	3111	3218	3046	3457	3075	3824	4030	4112	4233	4234	4222	4122	3665	4179
MINNESOTA	17979	1771	1965	1943	2000	2060	2780	2902	2990	2926	2976	3260	2996	2582	3268
MISSISSIPPI	1413	141	163	138	167	182	202	225	213	230	180	185	160	127	153
MISSOURI	10028	749	759	819	762	870	1049	1087	970	968	962	946	895	732	863
MONTANA	1026	108	98	141	141	105	148	142	143	162	152	125	131	119	136
NEBRASKA	2069	190	185	150	187	185	233	229	299	253	248	241	229	205	239
NEVADA	1759	183	212	216	233	226	332	356	404	371	368	456	476	443	472
NEW HAMPSHIRE	3713	404	456	460	469	503	649	692	680	671	657	731	681	538	657
NEW JERSEY	50086	3245	3258	3065	3386	3461	4204	4371	4397	4289	4097	3922	3354	2868	3629
NEW MEXICO	2385	261	261	280	242	281	363	357	347	392	388	405	383	273	354
NEW YORK	63390	5359	5447	5266	5815	5421	7113	6903	7038	7178	7075	6919	6618	5307	6407
NORTH CAROLINA	10466	1069	1191	1255	1454	1501	1842	1956	2196	2267	2141	2171	2075	1839	2233
NORTH DAKOTA	726	67	61	63	72	50	69	76	98	107	86	62	66	81	77
OHIO	40521	2980	3101	2986	3173	3295	3897	4003	4028	3996	3973	3893	3418	2731	3295
OKLAHOMA	10206	681	621	545	542	453	542	545	616	633	518	563	490	429	584
OREGON	7383	821	782	870	965	1103	1560	1386	1463	1503	1716	1867	1967	1849	2536
PENNSYLVANIA	43335	3003	3086	2926	3226	2934	3763	4076	4007	3841	3642	3560	3224	2546	3191
RHODE ISLAND	2577	276	278	263	291	303	357	341	389	334	311	325	368	312	354
SOUTH CAROLINA	5128	502	510	521	518	499	682	654	629	644	711	651	581	539	691
SOUTH DAKOTA	563	44	47	44	49	53	57	78	98	85	90	89	88	68	79
TENNESSEE	7100	638	685	708	719	745	912	1018	963	962	1003	973	874	713	817
TEXAS	40259	3744	4269	4314	4511	4449	5980	6425	6788	6764	6341	6380	6241	5526	6717
UTAH	4304	473	483	554	603	666	731	748	793	803	747	725	784	644	800
VERMONT	1515	153	172	171	282	290	343	363	415	507	509	466	428	411	486
VIRGINIA	10401	984	972	944	967	917	1163	1151	1284	1280	1302	1246	1182	1030	1232
WASHINGTON	10984	1073	1150	1257	1330	1510	1998	2038	2047	2256	2300	2516	2442	2482	3620

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
WEST VIRGINIA	2405	182	164	151	139	165	211	166	159	161	166	141	111	98	111
WISCONSIN	15230	1339	1390	1426	1522	1527	1880	1996	2079	2253	2119	2083	1975	1756	2151
WYOMING	573	43	53	75	45	60	49	58	67	59	61	84	55	55	56
PANAL ZONE	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISTRICT OF COLUMBIA	822	61	48	63	42	59	85	63	65	73	65	50	80	59	69
GUAM	6	1	0	2	2	2	5	4	2	5	2	0	0	0	0
PURTO RICO	298	24	29	24	25	14	21	33	31	12	22	29	20	33	26
U.S. PACIFIC IS.	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
UNITED STATES	12	4	3	1	5	5	2	5	1	1	0	0	1	2	2
VIRGIN (U.S.) ISLANDS	33	3	2	3	2	2	3	2	3	3	1	3	2	4	1
NORTHERN MARIANA ISLANDS	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
JAPAN	213749	23411	23517	22871	24059	24191	32118	32514	32922	34890	36339	37248	37032	31834	39411
GERMANY	107995	7186	6989	6874	7125	7292	9582	9895	10824	11894	11957	12140	11367	9575	10889
UNITED KINGDOM	42496	2530	2472	2685	2676	2906	3729	3904	4092	4358	4202	4037	3905	3560	4329
FRANCE	40584	3155	2985	3010	3016	3202	3991	4097	4173	4456	4421	4126	3686	3106	3856
TAIWAN	5884	1510	1814	2087	2419	2597	3805	4526	5806	6545	6730	6676	7207	5993	7919
CANADA	24697	2231	2380	2447	2638	2817	3537	3678	3925	4063	3857	3894	3781	3177	4094
SOUTH KOREA	1975	830	1008	1240	1567	1965	3362	3679	3472	3763	4009	4132	4671	4591	6509
ITALY	16643	1453	1361	1242	1385	1417	1821	1686	1967	1978	1962	2022	1946	1591	1899
SWITZERLAND	20653	1198	1244	1187	1192	1179	1374	1390	1458	1557	1532	1433	1405	1106	1388
SWEDEN	13899	742	800	914	971	970	1346	1542	1738	1933	1824	1629	1388	1189	1360
NETHERLANDS	13169	944	998	894	886	895	1382	1396	1410	1494	1681	1570	1537	1200	1647
AUSTRALIA	6474	470	564	548	566	568	830	832	860	1032	992	1049	1093	1032	1538
ISRAEL	3129	358	388	432	525	577	820	792	836	1031	1108	1260	1092	976	1325
BELGIUM	4639	377	392	419	516	561	755	718	756	796	801	727	678	577	720
FINLAND	3346	311	341	387	453	468	629	695	649	769	856	944	954	751	1005
AUSTRIA	5169	340	316	359	387	393	408	505	537	632	559	639	575	492	626



	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
DENMARK	3142	261	313	314	334	432	500	588	509	556	559	611	530	473	546
CHINA,HONG KONG S.A.R.	1425	182	220	248	247	261	373	413	548	621	589	681	641	596	753
SPAIN	1658	184	172	168	187	193	308	265	318	340	358	358	312	318	381
NORWAY	1730	127	130	138	150	157	232	246	266	282	261	279	255	242	272
CHINA P.REP.	289	53	48	63	48	66	88	99	162	265	390	424	597	565	970
R.S.S.R.	3735	67	57	12	16	4	6	3	1	0	1	0	0	0	0
SINGAPORE	158	44	59	61	97	100	136	152	242	304	421	460	485	377	469
SOUTH AFRICA	1524	101	109	127	116	114	132	127	125	137	123	131	115	108	127
INDIA	223	30	28	38	37	48	94	114	131	180	267	356	376	403	506
NEW ZEALAND	904	51	54	60	78	109	145	134	136	160	173	165	192	143	173
HUNGARY	1586	62	48	51	43	25	52	39	38	61	48	72	52	48	49
IRELAND	527	50	49	55	86	76	78	100	137	164	142	182	197	169	198
RUSSIAN FEDERATION	0	3	38	99	118	112	194	185	185	239	203	203	173	154	176
BRAZIL	510	59	61	70	69	67	88	98	113	125	112	180	161	98	148
MEXICO	654	50	52	45	46	57	77	94	100	87	105	93	102	95	88
LUXEMBOURG	471	41	44	34	27	42	46	35	55	48	52	53	55	49	49
ARGENTINA	326	25	37	32	32	38	46	46	63	58	58	70	50	29	47
CZECHOSLOVAKIA	740	15	20	15	9	10	9	5	0	0	0	0	0	0	0
MALAYSIA	61	19	16	8	24	29	35	34	47	56	62	63	93	98	131
VENEZUELA	242	34	28	31	30	26	29	39	32	28	32	20	23	10	15
POLAND	312	8	9	8	16	11	19	20	13	16	13	19	19	25	31
BICHTENSTEIN	233	11	17	18	12	12	16	15	19	24	17	15	21	10	20
GREECE	188	8	16	8	18	12	17	24	18	26	22	23	15	17	23
THAILAND	28	17	8	10	11	11	21	29	30	47	61	47	28	25	42
BULGARIA	338	5	4	1	1	5	4	3	1	5	3	11	4	6	4
CZECH REPUBLIC	0	0	1	1	5	14	17	25	51	30	31	44	32	28	37
YUGOSLAVIA	227	25	15	6	6	6	4	3	4	4	4	2	1	4	2
PHILIPPINES	91	5	1	4	4	21	19	21	12	15	19	25	21	18	35

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
SAUDI ARABIA	59	4	11	10	12	14	14	13	19	12	10	19	15	18	20
MONACO	92	5	7	4	6	8	7	15	15	20	21	10	12	8	13
PORTUGAL	85	3	7	3	4	8	12	6	12	16	12	12	17	13	17
CHILE	57	10	8	7	4	6	17	12	16	16	13	15	18	12	14
UKRAINE	0	0	9	8	15	8	17	20	17	21	28	15	21	19	25
ICELAND	36	5	4	4	4	3	7	12	18	21	15	16	21	22	24
SLOVENIA	0	3	11	5	13	7	20	13	18	21	16	19	24	14	24
INDONESIA	37	5	9	7	2	13	10	5	14	10	15	12	23	23	16
COSTA RICA	61	5	7	10	6	7	5	11	8	12	8	10	10	13	26
ZOLOMBIA	77	6	5	5	6	10	4	6	11	14	8	11	11	10	7
THE BAHAMAS	69	3	2	4	3	10	10	11	14	10	13	11	8	8	7
TURKEY	37	0	2	2	3	5	2	4	6	14	18	32	19	10	25
ROMANIA	88	2	1	3	4	1	3	4	4	10	4	7	9	7	9
CROATIA	0	2	1	6	4	10	14	16	6	8	12	13	9	12	14
BRUGUAY	85	0	0	2	2	4	3	4	1	0	3	2	0	2	2
KUWAIT	18	2	1	1	2	2	6	13	8	6	8	7	4	3	7
EGYPT	24	1	4	3	3	1	1	3	8	6	5	6	4	7	4
PERU	32	2	2	3	4	2	5	3	3	6	1	4	6	3	3
BERMUDA	34	1	1	1	2	1	2	1	2	4	5	8	1	2	2
CAYMAN ISLANDS	13	1	1	2	3	6	6	2	8	4	12	6	1	2	0
CUBA	12	2	4	0	0	4	5	3	3	4	9	7	2	3	2
KENYA	4	2	1	0	2	1	1	2	3	4	1	10	16	10	3
ARAB EMIRATES	14	1	1	1	1	0	1	3	2	6	6	3	3	5	9
VIRGIN (BRITISH ISLANDS)	8	1	2	0	0	3	3	3	0	1	3	7	8	7	5
BELARUS	0	0	2	3	4	2	8	5	3	7	2	5	2	2	5
SRI LANKA	8	1	0	1	2	2	2	0	5	3	15	4	3	1	3
ECUADOR	16	1	2	0	0	1	6	4	0	4	0	5	3	2	3
LEBANON	16	1	1	1	0	1	3	2	4	2	2	6	3	1	2



	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
TRINIDAD/TOBAGO	25	0	4	0	2	1	2	1	0	4	0	2	0	0	3
SLOVAKIA	0	0	0	0	1	3	2	6	4	1	9	6	5	0	4
GUATEMALA	18	1	2	0	2	2	2	1	2	0	5	3	0	1	1
ETHIOPIA	0	0	0	1	0	2	3	2	2	4	5	1	3	5	11
CYPRUS	13	1	3	3	0	2	0	0	1	1	1	0	2	6	4
IRAN	23	1	2	2	0	1	0	1	0	2	0	0	0	1	2
MOROCCO	17	1	0	2	1	0	2	2	2	1	0	1	1	1	3
PAKISTAN	6	1	1	1	2	0	2	0	5	2	1	1	4	4	2
PANAMA	17	1	0	1	1	0	0	1	2	1	1	3	2	0	0
ESTONIA	0	0	1	2	1	0	0	1	4	2	6	3	2	5	2
NIGERIA	12	0	1	0	0	2	2	0	2	1	4	4	1	0	0
ZIMBABWE	15	1	4	1	1	0	0	1	0	1	1	1	1	1	1
JAMAICA	15	0	0	2	1	0	1	1	2	1	2	1	1	1	0
DOMINICAN REPL.	11	1	0	1	0	0	0	3	5	0	1	0	0	2	2
BARBADOS	8	0	0	0	0	0	0	1	0	4	4	2	0	0	3
EL SALVADOR	9	0	0	1	0	1	1	0	0	3	0	1	1	3	1
GEORGIA (REPUBLIC OF)	0	0	0	1	0	1	0	1	0	2	5	1	4	3	3
HONDURAS	5	0	1	1	1	1	4	2	1	0	2	1	0	1	1
JORDAN	4	0	0	0	1	4	3	1	0	3	1	1	2	0	1
MALTA	3	1	1	1	0	1	2	0	2	2	1	3	1	1	2
KAZAKHSTAN	0	0	1	0	0	1	1	1	4	3	2	1	2	2	1
SYRIA	5	0	0	0	0	0	0	1	4	1	2	0	1	0	3
LATVIA	0	0	0	0	0	0	1	3	1	1	0	4	2	2	2
TUNISIA	9	1	0	0	0	1	0	0	0	0	1	0	1	1	2
TURKS AND CAICOS ISLANDS	0	0	0	0	1	0	1	0	1	1	1	3	0	7	1
BOLIVIA	9	0	0	0	1	0	1	1	2	0	1	0	0	0	0
MACAU	0	0	0	1	1	0	0	0	1	0	2	6	0	2	2

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
NETH. ANTILLES	7	0	0	1	0	1	1	0	2	0	3	0	0	0	0
BAHRI	10	0	0	0	0	1	0	1	0	0	0	0	0	0	0
TZBEKISTAN	0	0	1	1	1	0	1	1	2	2	1	1	1	0	1
ANDORRA	1	1	0	1	0	0	2	1	0	0	1	1	1	2	0
VIET NAM	0	0	0	0	0	0	0	2	0	1	4	1	1	2	0
ARMENIA	0	0	0	1	0	0	0	1	0	1	1	2	1	1	2
MOLODOVA, REPUBLIC OF	0	0	0	0	0	0	0	3	0	0	1	1	4	1	0
ANTIGUA AND BARBUDA	3	0	1	2	2	0	0	1	0	0	0	0	0	0	0
IRAQ	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SAINT KITTS AND NEVIS	0	0	0	0	1	0	2	0	1	2	2	0	0	0	0
AZERBAIJAN	0	0	0	0	2	0	0	1	1	0	0	1	1	0	1
NORFOLK ISLAND	6	0	0	0	0	0	0	1	0	0	0	0	0	0	0
PARAGUAY	5	0	0	0	0	0	0	1	0	0	0	0	0	0	1
TURUBA	0	0	0	0	1	1	0	0	2	1	0	0	1	0	0
FIJI	0	0	0	0	0	0	0	0	0	0	1	3	1	0	1
FR. POLYNESIA	3	0	0	0	0	0	0	0	0	1	1	0	0	0	1
MAURITIUS	3	1	0	1	0	0	0	1	0	0	0	0	0	0	0
ALGERIA	1	0	0	0	0	0	1	0	0	1	0	0	1	0	1
BAHRAIN	1	0	0	0	0	1	0	2	1	0	0	0	0	0	0
QATAR	0	0	0	0	0	0	0	0	1	0	0	0	0	2	2
TANZANIA	2	0	0	0	0	0	0	0	0	1	0	2	0	0	0
UGANDA	0	2	1	0	0	0	0	0	0	1	1	0	0	0	0
IVORY COAST	3	0	0	0	0	0	0	0	0	0	0	0	1	0	0
MADAGASCAR	1	0	0	0	0	0	0	1	0	2	0	0	0	0	0
NICARAGUA	1	1	0	0	0	0	0	1	0	0	0	1	0	0	0
SENEGAL	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
DOMINICA	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0
GHANA	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0
GUAYANA	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
KYRGYZSTAN	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0
MYANMAR	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0
NEW GUINEA	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0
SURINAME	0	0	0	0	0	0	0	2	0	1	0	0	0	0	0
YEMEN	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0
ANGUILLA	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
BOSNIA AND HERZEGOVINA	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0
BRUNEI	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
CONGO, DEMOCRATIC REPUBLIC OF THE	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
GIBRALTAR	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
GREENLAND	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GUADELOUPE	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
LIBERIA	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARSHALL ISLANDS	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0
NEW CALEDONIA	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OMAN	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
PALAU	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0
SAN MARINO	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
SEYCHELLES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
ALBANIA	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
ANGOLA	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
BANGLADESH	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
CHAD	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COCOS ISLANDS	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Pre 1993	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
COOK ISLANDS	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
FAROE ISLANDS	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
FRENCH GUIANA	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
GUINEA	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
MACEDONIA, FORMER YUGOSLAV REP. OF	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
MALAWI	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARTINIQUE	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MAURITANIA	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NAMIBIA	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
NORTH KOREA	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
SOLOMON ISLANDS	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ST. VINCENT/GRENADINES	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
SWAZILAND	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TANUATU (NEW HEBRIDES)	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Patents By Country, State, and Year - All Patent Types (December 2006)**

**PARTS A1**

**Granted: 01/01/1977 - 12/31/2006**

*A Patent Technology Monitoring Team Report*

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**Contact Information -**

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FAX: (571) 273-0110  
e-mail: [oeip@uspto.gov](mailto:oeip@uspto.gov)

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*Last Modified : 12/19/2007 12:42:40*

# **Exhibit D**

**Bahr, Robert**

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**From:** Bahr, Robert  
**Sent:** Tuesday, May 15, 2007 7:37 PM  
**To:** 'Gormsen, Elizabeth'  
**Cc:** Collier, John  
**Subject:** RE: Data request

iz,

The data you requested:

job

-----Original Message-----

**From:** Gormsen, Elizabeth [mailto:EGormsen@icfi.com]  
**Sent:** Friday, May 11, 2007 2:58 PM  
**To:** Bahr, Robert  
**Cc:** Collier, John  
**Subject:** Data request

Bob,

We have thought about our data needs, and have decided that we need the following from you:

1. For 2006, the distribution of initial applications (total and small entity) by the number of independent claims
2. For 2006, the distribution of total patent filings (total and small entity) by the number of independent claims
3. For 2006, the distribution of initial applications (total and small entity) by the number of total claims
4. For 2006, the distribution of total patent filings (total and small entity) by the number of total claims

The presentation of this data may be similar to the attached file (covering 2005), which you gave us on a previous occasion.

Thanks.

Liz Gormsen  
ICF International  
ph: 703-934-3103  
fax: 703-934-3740  
[egormsen@icfi.com](mailto:egormsen@icfi.com)

7/16/07

A08255

**Total Claim Counts in U - R Applications**

FY 06 All Applications			FY 06 Initial Applications		
Total Claims	Large Entity	Small Entity	Total Claims	Large Entity	Small Entity
1	3,420	2,410	1	1,313	1,759
2	1,753	1,464	2	1,428	1,267
3	2,394	1,896	3	1,996	1,673
4	3,852	2,057	4	3,336	1,822
5	4,201	2,157	5	3,714	1,897
6	5,418	2,402	6	4,784	2,098
7	5,427	2,384	7	4,780	2,087
8	6,617	2,786	8	5,856	2,426
9	6,330	2,446	9	5,615	2,118
10	8,367	3,233	10	7,491	2,807
11	6,739	2,514	11	6,023	2,155
12	7,851	2,896	12	6,979	2,436
13	6,493	2,272	13	5,782	1,917
14	7,229	2,652	14	6,373	2,197
15	7,235	2,787	15	6,377	2,333
16	7,751	2,832	16	6,860	2,363
17	7,133	2,582	17	6,281	2,135
18	9,024	3,343	18	7,925	2,773
19	8,844	3,390	19	7,771	2,791
20	39,858	13,991	20	35,545	11,517
21	8,115	2,879	21	7,151	2,344
22	7,156	2,525	22	6,311	2,030
23	5,765	2,103	23	5,041	1,705
24	5,930	2,159	24	5,208	1,724
25	4,910	1,786	25	4,241	1,431
26	4,383	1,569	26	3,821	1,272
27	3,769	1,368	27	3,269	1,102
28	3,510	1,371	28	2,994	1,090
29	2,995	1,144	29	2,592	934
30	3,769	1,368	30	3,250	1,044
31	2,454	995	31	2,109	806
32	2,374	975	32	2,026	765
33	2,004	836	33	1,693	660
34	1,969	816	34	1,653	640
35	1,774	754	35	1,531	605



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37	1,341	615	37	1,159	495
38	1,346	553	38	1,120	441
39	1,095	556	39	933	439
40	1,290	538	40	1,061	404
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42	961	450	42	796	342
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55	294	145	55	238	112
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189	1	0		0	0
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191	1	2	191	1	1
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194	1	1		0	1
195	1	1		0	1
197	0	1		0	1
198	3	1	198	3	0
200	2	2	200	2	1
201	1	2		0	2
202	0	2		0	2
205	1	0	205	1	0
207	0	1		0	0
208	1	1	208	1	0
210	1	1	210	1	1
211	1	1		0	1
212	2	2	212	2	2
213	3	2	213	1	2
214	1	0	214	1	0
216	1	1	216	1	0
217	1	1		0	1
218	2	1	218	2	0
219	1	1	219	1	1
220	2	1	220	1	1
221	1	0		0	0
223	1	0	223	1	0
224	0	1		0	0
225	0	1		0	1
226	0	2		0	2
227	1	0	227	1	0
228	2	0	228	2	0
229	1	0	229	1	0
230	1	3		0	2
231	1	0		0	0
232	2	1	232	1	1
233	2	0	233	1	0
235	1	0	235	1	0
236	0	1	237	1	1
237	1	0		0	0
238	1	0	238	1	0
239	0	1		0	1
240	1	3	240	1	3

241	1	1	241	1	1
242	2	0	242	2	0
243	1	0	243	1	0
244	2	1	244	2	0
245	1	0		0	0
246	0	2		0	1
250	1	1		0	1
251	0	1		0	0
252	1	1	252	1	1
253	1	0	253	1	0
254	1	1		0	1
255	0	1		0	1
256	1	0	256	1	0
257	1	0		0	0
260	0	1		0	1
262	0	1		0	1
265	1	0	265	1	0
266	1	0	266	1	0
267	0	2		0	2
268	0	1		0	1
269	1	1	269	1	1
271	1	0	271	1	0
272	1	1		0	1
273	1	3	273	1	3
278	0	1		0	1
279	0	1		0	1
280	1	0		0	0
286	1	0	286	1	0
293	0	1		0	1
295	0	1		0	1
297	1	0	297	1	0
299	1	0	299	1	0
304	0	1		0	1
306	1	0	306	1	0
311	1	0	311	1	0
315	2	0		0	0
316	1	1	316	1	1
318	0	1		0	1
319	1	0	319	1	1

323	0	1		0	0
328	1	0	328	1	0
330	0	1		0	1
332	1	0	332	1	0
336	1	0		0	0
344	1	1	344	1	0
348	2	0	348	2	0
350+	18	22	374	14	17
<b>Total</b>	<b>237,758</b>	<b>95,938</b>		<b>206,274</b>	<b>79,050</b>
<b>Max =</b>	<b>1,065</b>	<b>1,247</b>		<b>1,065</b>	<b>1,247</b>