

EXHIBIT H

Bahr, Robert

From: Morse, Gregory
Sent: Wednesday, March 21, 2007 5:03 PM
To: Bahr, Robert



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Let me know what else you need - I still need to get you issued claims over 5/25.

Data Request

1. For fiscal years 2005 and 2006, the number (by entity) of—
 nonprovisional applications (UPRs, including 371s but not RCEs) (including cons, divs, CIPS?),
 continuation applications,
 continuation-in-part applications,
 divisional applications, and
 RCEs.

All UPRD

	FY 2005	FY 2006
Nonprovisionals: (Includes CON/CIP/DIV, not RCE)		
Small e :	109,642	109,838
Non-small :	244,411	260,932
RCE/CPA/R129:		
Small e :	11,172	15,347
Non-small :	44,307	59,496
CONs		
Small e :	8174	8848
Non-small :	22726	23832
CIPs		
Small e :	8000	8031
Non-small :	7604	7657
DIVs		
Small e :	4111	4555
Non-small :	15075	16057

2. For fiscal year 2006, the number of FAOMs issued. (first actions taking cases out of "new case" status, or FAOMs that get a count? First actions take cases out of pending inventory)

First actions (UPRD):

2005 317,395

2006 343,640

3. For fiscal year 2006, the number (by entity) of—

Applications containing more than 5 independent claims or more than 25 total claims (at filing, presumably, or at issue or allowance?)

At filing: 25% of small entities and 24% of non-small entities had more than 5/25. Since not all the serialized filings have claim data entered, a raw number that have this many in the database is misleading (318k/345k had data)

4. The number of applications in the backlog (as some date) and the number of applications in the backlog that contain (??) more than 5/25

As of 2/28/07, 708,321 UPR cases in the backlog. 29% of the non-small entity cases were over 5 or 25, and 30% of the small entity cases were over 5 and 25. Only about 95% have claims data, so misleading to give a raw number. In addition some cases other than the 95% have not yet been processed enough to determine large/small entity or claims.

5. For fiscal years 2000-2006, the number of applications (by entity) filed in each fiscal year in which a terminal disclaimer was filed (skewed results – TD often at end of prosecution – TDs filed with the app or within some time?)

Separate file.

6. The pendency (average) to FAOM in FY 2006 overall, in the biotech area, computer area, and business method area.

Pendency is reported to First action rather than FAOM.

**UPR: 22.6 months
1600 (biotech): 23.5 months
2100 (computer): 30.8 months
3620 and 3690: business methods: 43.9 months (approximate – weighted average of the two groups, not directly reported. TC-level data are from annual report)**

7. The number of examiners hired in fiscal years 2005 and 2006

	2005	2006
UPRD hires:	978	1218

8. The number of requests for pre-appeal brief conference (since inception), and number of applications in which the prosecutions were reopened after the conference. (decision at conference to reopen, or an action reopening that followed?)

Life of the program, there have been 7,967 conferences conducted as of 3/20/2007. 4,602 conferences resulted in a decision to proceed to the BPAI, and 3,228 conferences resulted in a decision to reopen or allow the application. The remainder identified the request as defective.

9. The number of appeal briefs filed after a pre-appeal brief conference and number of answers issued in those cases; and number of appeal briefs filed (without a pre-appeal brief conference) and number of answers issued in those cases.

Requests for a pre-appeal brief conference must accompany a notice of appeal.

For notices of appeal filed in the first half of fiscal 2006 (12,811), 2,947 were accompanied by a request for a pre-appeal brief conference. These resulted in 1,463 decisions to proceed to the BPAI at conference, 990 appeal briefs and 682 examiner's answers.

Of the 9,864 notices of appeal with no request for pre-appeal brief conference, 5,458 appeal briefs were filed and 2,267 examiner's answers were written.

10. How big will the corps be after hiring 1,200 examiner a year until 2012?

7,751 examiners UPR, 4,773 examiners UPR at the end of FY 06.

Large Entity

TC	FY 1999			FY 2000			FY 2001			FY 2002			FY 2003			FY 2004			FY 2005			FY 2006			FY 2007		
	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent
1600	17,800	1,581	8.9%	19,582	1,735	8.9%	23,712	1,845	8.0%	23,026	1,326	5.8%	21,722	819	3.7%	21,508	533	2.5%	20,867	311	1.5%	21,946	84	0.4%	10,310	2	0.0%
1700	29,138	2,119	7.3%	31,403	2,415	7.7%	35,158	2,879	8.2%	32,833	2,874	8.8%	33,214	3,391	10.2%	33,320	2,468	7.5%	33,403	1,153	3.5%	34,656	249	0.7%	14,555	2	0.0%
2100	14,315	884	6.2%	18,879	1,068	5.7%	21,036	1,204	5.7%	21,046	1,119	5.3%	20,450	1,269	6.3%	24,745	800	3.5%	25,841	500	2.3%	25,956	230	0.9%	10,829	8	0.1%
2600	25,418	1,505	4.5%	28,088	1,432	5.1%	32,650	1,581	4.9%	29,725	1,588	5.3%	28,450	1,269	4.5%	34,698	1,224	3.5%	43,871	1,118	2.7%	45,429	388	0.9%	20,432	8	0.0%
2800	40,405	1,831	4.6%	44,795	1,785	4.0%	52,583	2,008	3.8%	50,529	2,119	4.2%	51,340	2,412	4.7%	54,881	2,721	5.0%	60,414	2,327	3.9%	64,824	737	1.2%	29,208	10	0.0%
3600	16,178	715	4.4%	20,208	422	4.1%	28,342	825	3.5%	21,831	834	3.8%	21,688	904	4.1%	22,167	891	4.0%	22,827	518	2.3%	23,448	208	0.9%	10,909	1	0.0%
3700	20,287	1,243	6.1%	23,244	1,365	5.9%	28,894	1,718	6.0%	24,802	1,432	5.8%	26,268	1,293	5.1%	26,291	908	3.6%	27,380	626	2.3%	28,881	180	0.5%	14,200	0	0.0%
18100	184,305	9,379	0.41%	185,988	10,620	0.41%	221,502	11,954	0.38%	204,412	11,412	0.38%	204,112	11,112	0.37%	218,173	9,485	0.28%	232,223	6,542	0.18%	246,235	2,065	0.05%	110,023	26+06	

Small Entity

TC	FY 1999			FY 2000			FY 2001			FY 2002			FY 2003			FY 2004			FY 2005			FY 2006			FY 2007		
	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent
1600	7,807	738	9.5%	9,150	803	8.8%	8,832	705	7.9%	12,343	655	5.3%	17,252	337	2.2%	12,130	293	2.4%	12,250	177	1.5%	12,228	24	0.2%	6,099	1	0.0%
1700	8,843	548	6.2%	8,888	528	5.9%	8,023	538	6.7%	9,877	631	6.4%	18,325	730	4.0%	10,712	548	5.1%	11,071	325	2.9%	10,819	51	0.5%	3,705	0	0.0%
2100	2,728	158	5.8%	4,893	265	5.4%	4,008	151	3.8%	5,209	219	4.2%	4,750	155	3.3%	5,138	121	2.4%	5,380	68	1.3%	5,682	27	0.5%	2,183	0	0.0%
2600	4,029	251	6.2%	5,855	320	5.4%	6,333	252	4.0%	6,800	306	4.5%	6,763	235	3.4%	7,289	229	3.1%	8,653	119	1.4%	9,182	89	0.9%	3,884	1	0.0%
2800	8,457	344	4.1%	9,876	374	3.8%	8,308	380	4.6%	12,223	434	3.6%	12,885	575	4.5%	13,401	618	4.6%	14,166	490	3.5%	14,813	172	1.2%	5,813	1	0.0%
3600	15,314	533	3.5%	18,073	615	3.4%	15,078	858	5.7%	18,025	548	3.0%	18,263	620	3.4%	19,283	820	4.2%	20,249	388	1.9%	19,537	145	0.7%	8,823	3	0.0%
3700	18,728	817	4.3%	20,232	980	4.9%	18,725	888	4.7%	21,741	1,819	8.4%	23,007	957	4.2%	24,175	872	3.6%	25,038	344	1.4%	24,608	108	0.4%	8,958	0	0.0%
18100	67,603	3,481	5.15%	77,784	3,823	0.38%	68,716	3,488	0.35%	88,320	3,952	0.33%	88,748	3,572	0.28%	82,288	3,000	0.23%	90,658	1,637	0.13%	97,154	584	0.34%	35,183	8	0.01%

ALL Entity

TC	FY 1999			FY 2000			FY 2001			FY 2002			FY 2003			FY 2004			FY 2005			FY 2006			FY 2007		
	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent	Booked Flaps	Appx with 1+ Tds	Percent
1600	25,879	2,329	9.1%	28,732	2,538	8.8%	33,544	2,350	7.0%	38,008	1,881	5.5%	34,024	1,207	3.5%	33,728	826	2.4%	33,296	438	1.3%	34,163	106	0.3%	14,409	3	0.0%
1700	37,981	2,659	7.0%	40,389	2,941	7.3%	42,171	3,417	8.1%	42,718	3,025	7.1%	43,739	4,121	9.4%	44,100	3,847	8.7%	44,474	1,478	3.3%	45,229	309	0.7%	18,290	2	0.0%
2100	17,241	1,140	6.6%	22,253	1,271	5.7%	27,642	1,555	5.6%	28,335	1,368	4.8%	28,071	1,188	4.3%	30,881	931	3.0%	31,221	658	2.1%	31,638	268	0.8%	13,012	8	0.0%
2600	30,244	1,547	5.1%	34,041	1,152	3.4%	37,382	1,333	3.6%	36,525	1,884	5.2%	36,232	1,502	4.1%	42,087	1,463	3.5%	50,324	1,257	2.5%	54,688	457	0.8%	24,136	7	0.0%
2800	48,203	1,975	4.1%	54,871	1,158	2.1%	61,892	2,380	3.8%	62,752	2,653	4.2%	64,015	2,887	4.5%	69,282	3,340	4.8%	74,540	2,817	3.8%	79,807	829	1.0%	34,001	11	0.0%
3600	31,492	1,260	4.0%	34,881	1,437	4.1%	41,418	1,481	3.6%	38,858	1,382	3.5%	48,334	1,829	3.8%	41,530	1,211	2.9%	42,876	884	2.1%	42,883	333	0.8%	17,322	4	0.0%
3700	40,115	2,180	5.4%	45,478	2,348	5.2%	45,418	2,804	6.2%	48,543	2,471	5.1%	48,215	2,250	4.7%	50,608	1,840	3.7%	52,418	889	1.7%	54,738	268	0.5%	22,218	0	0.0%
18100	231,828	12,880	0.40%	263,620	14,443	0.39%	290,278	15,428	0.37%	290,732	15,364	0.37%	292,900	14,884	0.34%	310,558	12,488	0.27%	329,178	8,339	0.18%	343,388	2,678	0.05%	145,788	33	0.02%