

# EXHIBIT 5



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, 2020

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81 <sup>1</sup> .....										14185
a. By patent owner										3954 27.9%
b. by other member of the public										10056 70.9%
c. By order of Commissioner										175 1.2%
2. Number of Filings by discipline										
a. Chemical Operation										3843 27.1%
b. Electrical Operation										5279 37.2%
c. Mechanical Operation										4790 33.8%
d. Design Patents										273 1.9%
3. Annual <i>Ex Parte</i> Reexam Filings										
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305	
1982	187	1990	297	1998	348	2006	473	2014	355	
1983	186	1991	309	1999	391	2007	600	2015	244	
1984	189	1992	390	2000	312	2008	690	2016	222	
1985	230	1993	359	2001	295	2009	603	2017	191	
1986	232	1994	379	2002	272	2010	697	2018	187	
1987	240	1995	395	2003	394	2011	734	2019	163	
1988	269	1996	413	2004	436	2012	780	2020	198	
4. Number known to be in litigation.....										5428 38.3%
5. Decisions on requests <sup>2</sup> .....										14185
a. No. granted										13082 92.2%
(1) By examiner										12888
(2) By Director (on petition)										194
b. No. denied										1183 8.3%
(1) By examiner										1103
(2) Reexam vacated										80
6. Total examiner denials (includes denials reversed by Director).....										1103
a. Patent owner requester										525 47.6%
b. Third party requester										578 52.4%

7. Overall reexamination pendency (Filing date to certificate issue date).....  
 a. Average pendency 25.7 (mos.)  
 b. Median pendency 19.3 (mos.)

8. Reexam certificate claim analysis: <sup>3</sup>	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall	Numbers
a. Certificates with all claims confirmed	6%	14%	0%	20.9%	2672
b. Certificates with all claims canceled	3%	10%	0%	13.1%	1668
c. Certificates with claims changes	22%	44%	1%	66.0%	8424

9. Total ex parte reexamination certificates issued (1981 – present) ..... 12764

10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER					3960
a. All claims confirmed				809	20.4%
b. All claims canceled				396	10.0%
c. Claims changed				2755	69.6%
b. Certificates – 3rd PARTY REQUESTER					8630
a. All claims confirmed				1846	21.4%
b. All claims canceled				1226	14.2%
c. Claims changed				5558	64.4%
c. Certificates – COMMISSIONER INITIATED REEXAM					174
a. All claims confirmed				17	9.8%
b. All claims canceled				46	26.4%
c. Claims changed				111	63.8%



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, 2019

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....										13987
a. By patent owner										3919 28%
b. by other member of the public										9893 71%
c. By order of Commissioner										175 1%
2. Number of Filings by discipline										
a. Chemical Operation										3791 27%
b. Electrical Operation										5214 37%
c. Mechanical Operation										4732 34%
d. Design Patents										250 2%
3. Annual <i>Ex Parte</i> Reexam Filings										
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305	
1982	187	1990	297	1998	348	2006	473	2014	355	
1983	186	1991	309	1999	391	2007	600	2015	244	
1984	189	1992	390	2000	312	2008	690	2016	222	
1985	230	1993	359	2001	295	2009	603	2017	191	
1986	232	1994	379	2002	272	2010	697	2018	187	
1987	240	1995	395	2003	394	2011	734	2019	163	
1988	269	1996	413	2004	436	2012	780			
4. Number known to be in litigation.....										1938 14%
5. Decisions on requests <sup>2</sup> .....										14130
a. No. granted										12905 91%
(1) By examiner										12718
(2) By Director (on petition)										187
b. No. denied										1277 9%
(1) By examiner										1225
(2) Reexam vacated										52
6. Total examiner denials (includes denials reversed by Director).....										1226
a. Patent owner requester										524 43%
b. Third party requester										702 57%

7. Overall reexamination pendency (Filing date to certificate issue date).....  
 a. Average pendency 25.8 (mos.)  
 b. Median pendency 19.4 (mos.)

8. Total ex parte reexamination certificates issued (1981 - present)..... 11980

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall	Numbers
a. Certificates with all claims confirmed	6%	15%	0%	20.7%	2480
b. Certificates with all claims canceled	3%	10%	0%	12.7%	1517
c. Certificates with claims changes	19%	46%	1%	66.6%	7983

9. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER		3325
a. All claims confirmed	693	21%
b. All claims canceled	300	9%
c. Claims changed	2332	70%
b. Certificates – 3rd PARTY REQUESTER		8481
a. All claims confirmed	1769	21%
b. All claims canceled	1170	14%
c. Claims changed	5542	65%
c. Certificates – COMMISSIONER INITIATED REEXAM		174
a. All claims confirmed	18	10%
b. All claims canceled	47	27%
c. Claims changed	109	63%

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.