

Board Survey Regarding Implementation of New Rules

Compiled 9/28/2007

- 1 How many "related case statements" under 37 CFR 1.78(f)(1) do you expect to prepare and file before 2/1/2008?**

Choice	Response Percent
1 Less than 1,000 statements	54.29%
2 1,000 - 10,000 statements	31.43%
3 10,000 - 50,000 statements	14.29%
4 50,000 - 100,000 statements	0.00%
5 Greater than 100,000 statements	0.00%

- 2 With regard to related case statements, at what overall cost to prepare before 2/1/2008?**

Choice	Response Percent
1 Less than \$10,000	22.86%
2 \$10,000 - \$50,000	22.86%
3 \$50,000 - \$100,000	8.57%
4 \$100,000 - \$1 million	31.43%
5 \$1 million - \$5 million	8.57%
6 Greater than \$5 million	5.71%

- 3 With regard to related case statements, at what manpower: including attorney, agents, paralegals (full time equivalents (FTE's)) for filing statements before 2/1/2008?**

Choice	Response Percent
1 Fewer than 20 people	73.53%
2 20 - 50 people	11.76%
3 50 - 100 people	2.94%
4 100 - 200 people	5.88%
5 More than 200 people	5.88%

- 4 For cases that may have a rebuttable presumption of patentably indistinct claims under 37 CFR 1.78(f)(2), what will be the percentage of cases that will have claims cancelled?**

Choice	Response Percent
1 Less than 10%	37.14%
2 10 - 25%	28.57%
3 25 - 50%	11.43%
4 50 - 75%	11.43%
5 More than 75%	11.43%

- 5 For the cases with a rebuttable presumption of patentably indistinct claims, what percent of cases filed with ESDs?**

Choice	Response Percent
1 Less than 10%	80.00%
2 10-25%	8.57%
3 25-50%	8.57%
4 50-75%	2.86%
5 More than 75%	0.00%

- 6 For cases with a rebuttable presumption of patentably indistinct claims, what percent of cases filed with rebuttals?

Choice	Response Percent
1 Less than 10%	17.14%
2 10% - 25%	11.43%
3 25% - 50%	20.00%
4 50% - 75%	11.43%
5 More than 75%	40.00%

- 7 How many papers do you expect to submit for PTO review under the section on rebuttable presumption of patentably indistinct claims before 2/1/2008?

Choice	Response Percent
1 Less than 100 submissions	40.00%
2 100 - 1,000 submissions	31.43%
3 1,000 - 5,000 submissions	25.71%
4 More than 5,000 submissions	2.86%

- 8 What will be the cost of submissions on the rebuttable presumption of patentably indistinct claims before 2/1/2008?

Choice	Response Percent
1 Less than \$10,000	25.71%
2 \$10,000 - \$50,000	22.86%
3 \$50,000 - \$100,000	20.00%
4 More than \$100,000	31.43%

- 9 In how many of your cases filed after Nov. 1, 2007 do you expect to file an ESD?

Choice	Response Percent
1 Less than 100 submissions	85.29%
2 100 - 1,000 submissions	8.82%
3 1,000 - 5,000 submissions	5.88%
4 More than 5,000 submissions	0.00%

- 10 Cost of the ESDs per year?

Choice	Response Percent
1 Less than \$10,000	28.57%
2 \$10,000 - \$50,000	20.00%
3 \$50,000 - \$100,000	22.86%
4 More than \$100,000	28.57%

- 11 In how many of your cases filed after Nov. 1, 2007 do you expect to file an SRR?

Choice	Response Percent
1 10 - 50 submissions	48.57%
2 50 - 100 submissions	14.29%
3 100 - 1,000 submissions	31.43%
4 More than 1,000 submissions	5.71%

- 12 Cost of the SRRs per year?

Choice	Response Percent
1 \$10,000 - \$50,000	48.57%
2 \$50,000 - \$100,000	31.43%
3 More than \$100,000	20.00%

- 13 Under the new continuation rules, how many more appeals do you expect to file per year?

Choice	Response Percent
1 Less than 50 appeals	42.86%
2 50 - 100 appeals	25.71%
3 100 - 500 appeals	17.14%
4 More than 500 appeals	14.29%

14 Cost of extra appeals per year?

Choice	Response Percent
1 \$10,000 - \$50,000	37.14%
2 \$50,000 - \$100,000	0.00%
3 \$100,000 - \$500,000	34.29%
4 More than \$500,000	28.57%

15 Attorney/agent/parelegal manpower per year, inside and outside, for extra appeals?

Choice	Response Percent
1 Fewer than 3 people	45.71%
2 3 - 10 people	34.29%
3 More than 10 people	20.00%

Please indicate the impact of compliance with the transition rules between Nov. 1, 2007

16 and Feb. 1 2008 on your normal, anticipated and planned IP management practices. Check all boxes that apply.

Choice	Response Percent
1 Suspending filing new patent applications	40.00%
2 Hiring temporary staff	37.14%
3 Acquiring, developing and implementing new software for compliance	74.29%
4 Changing policies and practices with outside counsel	80.00%
5 Suspending other support activities to the businesses such as work on new product introductions	45.71%
6 Other:	14.29%