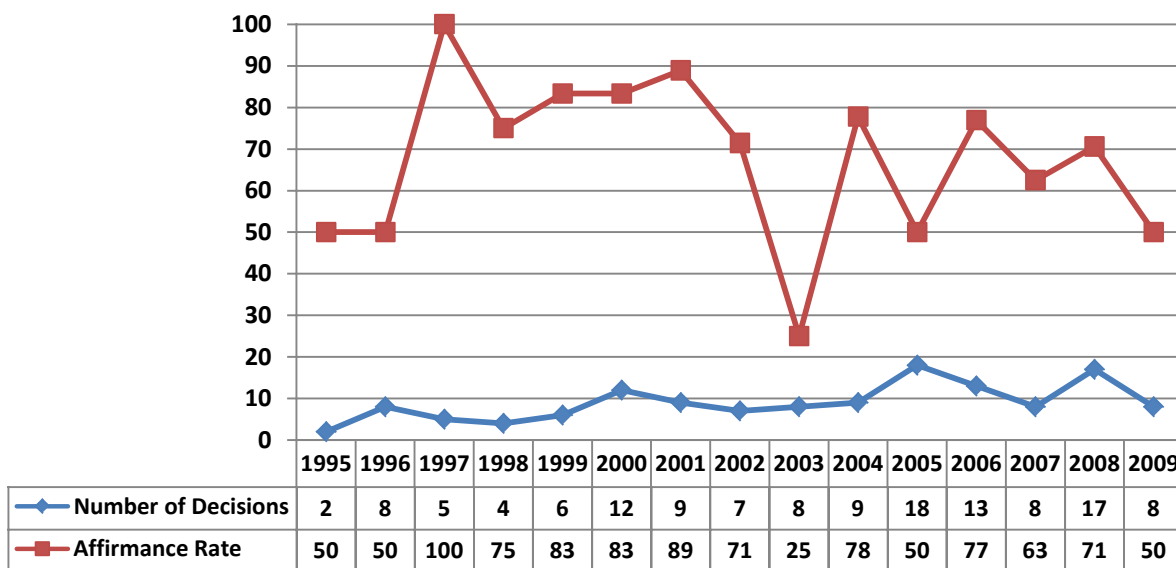


A. Attorney's Fees

The number of attorney's fees decisions and the affirmance rates for those decisions for each year from 1995 are shown in the chart below:

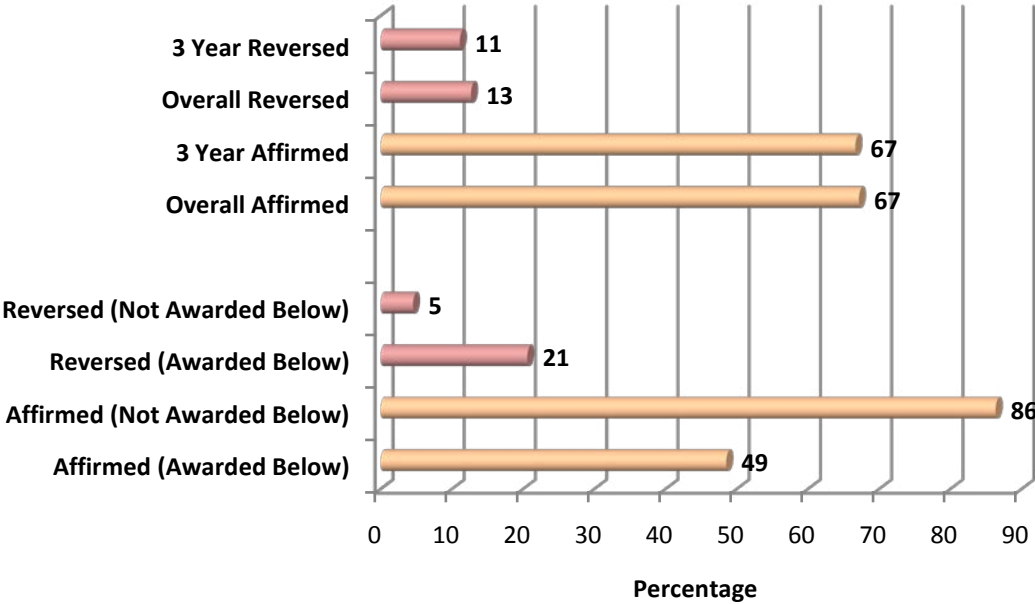
Yearly Decisions and Affirmance Rates



For the period from 1995 to May 22, 2009, the affirmance rate for rulings on attorney's fees was 67% (90 of 134), while the reversal rate was 13% (17 of 134). The affirmance rate on rulings awarding attorney's fees was 47% (32 of 68), while the reversal rate was 21% (14 of 68). The affirmance rate on rulings not awarding attorney's fees was 86% (57 of 66), while the reversal rate was 5% (3 of 66). The affirmance rate where the ruling below was by bench trial was 67% (4 of 6), while the reversal rate was 17% (1 of 6).

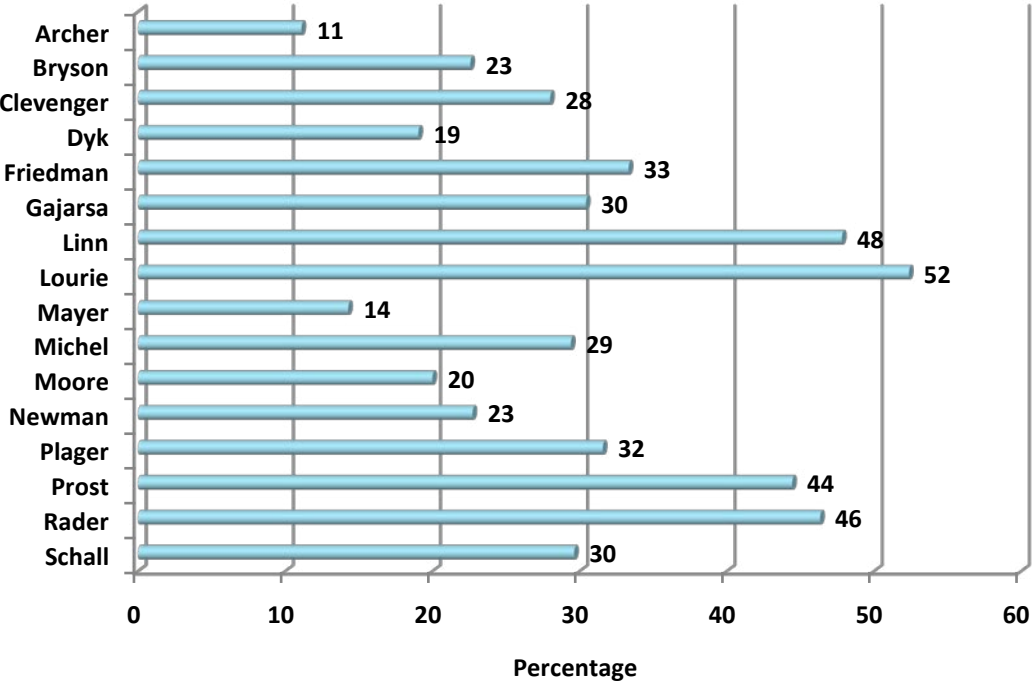
For the past three years, the affirmance rate for all attorney's fees case rulings was 67% (24 of 36), while the reversal rate was 11% (4 of 36). The three-year affirmance rate on rulings awarding attorney's fees was 52% (12 of 23), while the reversal rate was 13% (3 of 23). The three-year affirmance rate on rulings denying attorney's fees was 92% (12 of 13), while the reversal rate was 0% (0 of 13).

Affirmance and Reversal Rates



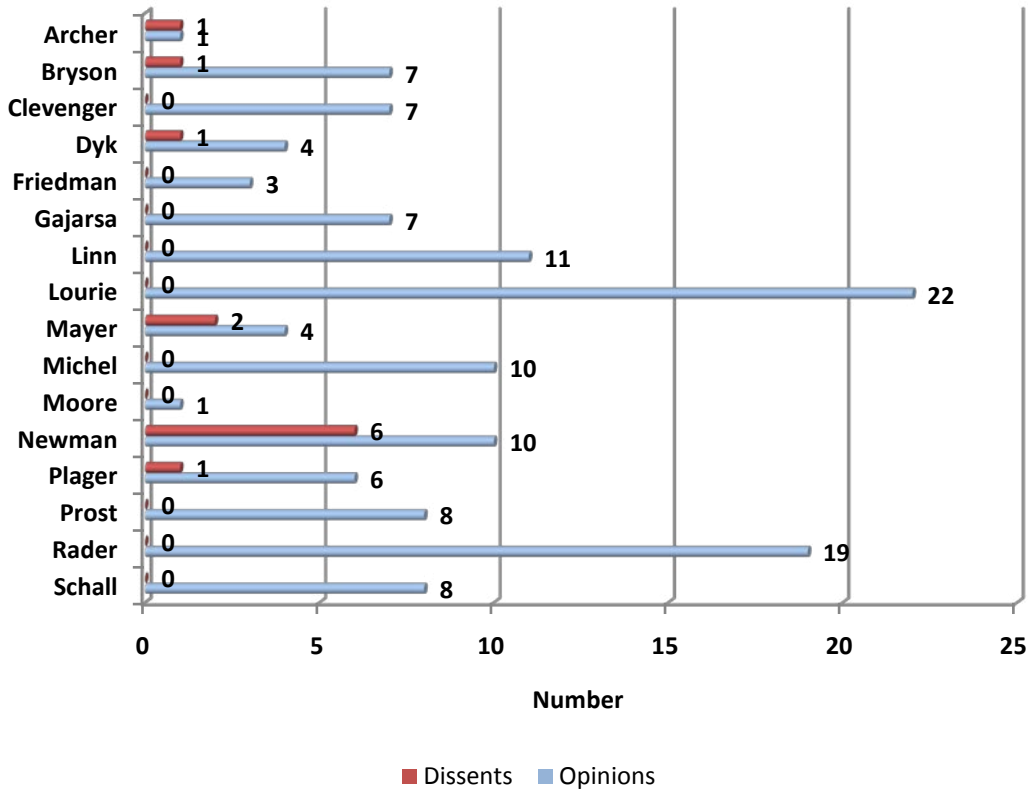
The historical likelihood of a judge on the panel writing the majority opinion on this issue is shown in the following table:

Likelihood of Selected Judge Writing Majority Opinion

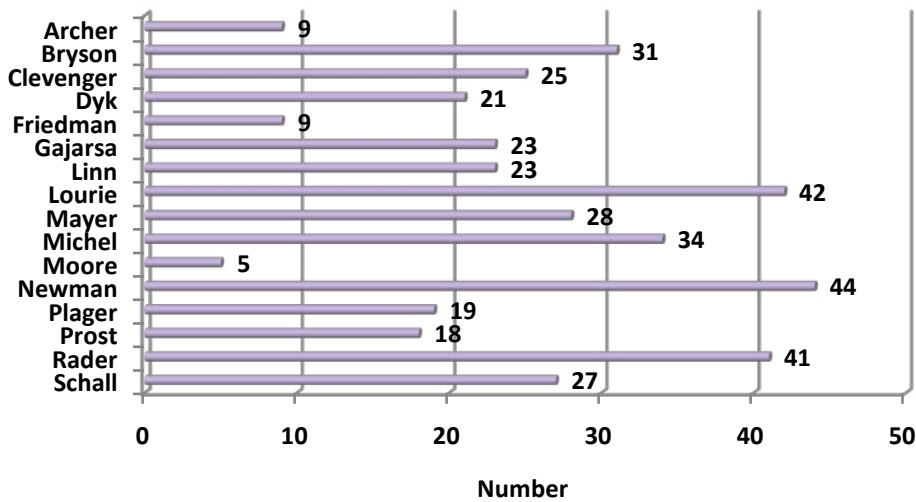


The numbers of decisions, opinions and dissents on this issue by the individual judges are illustrated in the charts below:

Opinions and Dissents, by Judge



Decisions, by Judge



<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
10/24/1995	Unisplay v. American Electronic,	Clevenger, Lourie, Schall		Affirmed
11/03/1995	Imazio v. Greenhouses,	Lourie, Mayer, Rich		Vacated, Remanded
02/12/1996	National Presto v. West Bend,	Lourie, Newman, Rader		Affirmed
02/24/1996	Exxon Chemical v. Lubrizol,	Clevenger, Plager	Nies	Vacated
03/04/1996	Baldwin Hardware v. Franksu Enterprise,	Newman, Plager, Rader		Affirmed
03/04/1996	Baldwin Hardware v. Franksu Enterprise,	Newman, Plager, Rader		Affirmed
04/09/1996	Jurgens v. CBK,	Clevenger, Mayer	Cowen	Vacated, Remanded
04/24/1996	Sensonics v. Aerosonic,	Bennett, Bryson, Newman		Remanded
06/11/1996	Maxwell v. Baker, Inc.,	Lourie, Schall, Skelton		Vacated
10/24/1996	Seal-Flex, Inc. v. Athletic Track,	Bryson, Newman, Rader		Affirmed
04/25/1997	Serrano v. Telular Corp.,	Clevenger, Lourie, Mayer		Affirmed
06/03/1997	Laitram Corp. v. NEC Corporation,	Lourie, Michel, Plager		Affirmed
07/30/1997	Motorola v. Interdigital,	Archer, Plager, Rader		Affirmed
09/08/1997	B.Braun Med. Inc. v. Abbot Lab & NP Med,	Clevenger, Michel, Plager		Affirmed
12/30/1997	Virginia v. Mac,	Archer, Lourie, Rader		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
01/15/1998	Multiform v. Medzam	Clevenger, Newman, Schall		Affirmed
01/27/1998	Gentry v. Berkline	Friedman, Lourie, Rich		Affirmed
07/20/1998	Celeritas v. Rockwell	Lourie, Mayer, Michel		Reversed
08/18/1998	Hunter Douglas v. Harmonic Design	Bryson, Clevenger, Gajarsa		Affirmed
04/01/1999	Seal-Flex v. Athletic Track & Court Construction	Bryson, Newman, Rader		Affirmed
04/13/1999	Rodime PLC v. Seagate Technology	Friedman, Lourie, Rader		Affirmed
04/23/1999	Ohio Cellular Products v. Adams USA	Michel, Plager	Newman	Affirmed
07/06/1999	Odetics v. Storage Technology	Clevenger, Schall		Affirmed
07/09/1999	Brasseler v. Stryker	Clevenger, Lourie, Plager		Vacated
09/08/1999	Seiko Epson v. Nu-Kote International	Bryson, Newman, Plager		Affirmed/Modified
01/28/2000	Automated Business Companies v. NEC America ,	Bryson, Michel, Plager		Affirmed
03/01/2000	Speedplay v. Bebop,	Bryson, Gajarsa, Skelton		Affirmed
03/01/2000	Speedplay v. Bebop,	Bryson, Gajarsa, Skelton		Affirmed
03/24/2000	Zodiac Pool Care v. Hoffinger Industries ,	Bryson, Gajarsa, Skelton		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
05/23/2000	Hoffman-La Roche v. Invamed ,	Friedman, Gajarsa, Mayer		Affirmed
06/28/2000	Embrex v. Service Engineering,	Clevenger, Lourie, Rader		Affirmed
06/28/2000	Embrex v. Service Engineering,	Clevenger, Lourie, Rader		Affirmed
08/01/2000	Tate Access Floors, Inc., et al. v. Maxcess Technologies, Inc.,	Lourie, Michel, Schall		Vacated, Remanded
08/17/2000	Prima Tek II v. A-Roo,	Clevenger, Gajarsa, Mayer		Reversed
12/06/2000	Ruiz v. A.B. Chance,	Michel, Newman, Rader		Affirmed
12/12/2000	Stryker v. Davol,	Mayer, Newman, Schall		Affirmed
12/12/2000	Stryker v. Davol,	Mayer, Newman, Schall		Affirmed
01/05/2001	Union Pacific Resources v. Chesapeake Energy,	Lourie, Michel, Rader		Affirmed
04/09/2001	Mentor v. Medical Device Alliance,	Lourie, Mayer, Schall		Affirmed
04/18/2001	Electro Scientific v. General Scanning,	Michel, Rader, Schall		Affirmed
07/10/2001	Door-Master v. Yorktowne,	Gajarsa, Linn, Rader		Affirmed
07/31/2001	Viskase v. American National Can ,	Lourie, Newman, Rader		Affirmed
09/07/2001	Schaefer Fan v. J&D Mfg. ,	Rader, Schall	Dyk	Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
10/09/2001	Brasseler v. Stryker Sales ,	Clevenger, Gajarsa, Plager		Affirmed
11/01/2001	Superior Fireplace v. Majestic Products ,	Linn, Mayer		Vacated, Remanded
11/05/2001	APTIX Corp., et al. v. Quickturn Design Systems, Inc., et al. ,	Linn, Rader	Mayer	Affirmed
02/05/2002	Vulcan Engineering v. Fata Aluminium ,	Lourie, Newman		Affirmed
04/03/2002	Pickholtz v. Rainbow Technologies ,	Dyk, Lourie, Mayer		Affirmed
04/03/2002	Pickholtz v. Rainbow Technologies ,	Dyk, Lourie, Mayer		Vacated, Remanded
04/24/2002	Fantasy Sports Properties v. Sportsline.com ,	Friedman, Lourie, Newman		Affirmed
05/21/2002	Transclean v. Bridgewood Services,	Clevenger, Lourie, Newman		Affirmed
09/09/2002	Vanguard Research, Inc. v. Peat, Inc.,	Clevenger, Linn, Newman		Vacated
09/20/2002	Union Carbide Chemicals & Plastics Technology ,	Dyk, Prost	Mayer	Affirmed
01/15/2003	Rambus v. Infineon Technologies,	Bryson, Prost, Rader		Vacated, Remanded
06/04/2003	Waner v. Ford Motor Co.,	Archer, Michel	Newman	Reversed
07/10/2003	Waymark Corporation, et al. v. Porta Systems Corporation,	Dyk, Newman, Rader		Reversed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
07/10/2003	Waymark Corporation, et al. v. Porta Systems Corporation,	Dyk, Newman, Rader		Reversed
08/01/2003	McNeil-PPC, Inc. v. L. Perrigo Company, et al.,	Archer, Lourie, Michel		Reversed
08/07/2003	Forest Laboratories, Inc. et al. v. Tokyo Tanabe Company, Ltd.,	Dyk, Lourie, Rader		Reversed
11/21/2003	Phonometrics, Inc., et al. v. Economy Inns of America, et al.	Michel, Rader	Newman	Affirmed
11/26/2003	Phonometrics, Inc., v. Westin Hotel Co.	Michel, Rader	Newman	Affirmed
01/20/2004	Golight, Inc. v. Wal-Mart Stores, Inc., et al.,	Prost, Schall	Archer	Affirmed
03/08/2004	Q-Pharma, Inc. v. The Andrew Jergens Company	Archer, Clevenger, Lourie		Affirmed
04/09/2004	Inland Steel Company v. LTV Steel Company, et al.	Bryson, Gajarsa, Michel		Reversed
08/17/2004	Power Mosfet Technologies, L.L.C., et al v. Siemens AG, et al.,	Gajarsa, Michel, Prost		Affirmed
08/17/2004	Power Mosfet Technologies, L.L.C., et al v. Siemens AG, et al.,	Gajarsa, Michel, Prost		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
09/03/2004	Lighting World, Inc. v. Birchwood Lighting, Inc.	Bryson, Linn, Plager		Affirmed
09/03/2004	Juicy Whip, Inc. v. Orange Bang, Inc., et al.,	Linn, Lourie, Newman		Affirmed
11/30/2004	Frank's Casing Crew & Rental Tools v. Weatherford International	Dyk, Friedman, Rader		Affirmed
12/29/2004	Matthew Stephens, et al. v. Tech International, et al.	Mayer, Rader, Schall		Reversed
01/04/2005	Brooks Furniture Manufacturing v. Dutailier Int'l, et al.	Dyk, Lourie, Newman		Vacated
01/19/2005	Rosco v. Mirror Lite	Clevenger, Dyk, Rader		Reversed
02/08/2005	Junker v. Eddings	Bryson, Friedman, Newman		Vacated, Remanded
02/22/2005	Evident Corp., et al. v. Church & Dwight Co., et al.	Linn, Lourie, Schall		Affirmed
03/08/2005	Bellehumeur v. Bonnett (doing business as J.B. Marketing)	Bryson, Linn, Michel		Reversed
03/16/2005	Mercexchange, L.L.C. v. eBay, Inc., et al.	Bryson, Clevenger, Michel		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
05/23/2005	Imonex Services v. W.H. Munzprufer Dietmar Trenner GMBH	Archer, Bryson, Rader		Affirmed
06/01/2005	Designing Health v. Udo Erasmus	Clevenger, Lourie, Schall		Affirmed
06/01/2005	Designing Health v. Udo Erasmus	Clevenger, Lourie, Schall		Affirmed
08/02/2005	Frazier et al v. Roessel Cine Photo Tech et al	Dyk, Linn	Bryson	Vacated, Remanded
08/22/2005	MEMC Electronic Materials v. Mitsubishi Materials Silicon	Dyk, Newman, Schall		Affirmed
08/22/2005	MEMC Electronic Materials v. Mitsubishi Materials Silicon	Dyk, Newman, Schall		Affirmed
08/31/2005	Engineered Products, Co. v. Donalson Co., Inc.	Archer, Newman, Schall		Vacated, Remanded
09/23/2005	International Rectifier Corp. v. Samsung Electronics Co.	Linn, Lourie, Prost		Vacated, Remanded
09/23/2005	International Rectifier Corp. v. Samsung Electronics Co.	Linn, Lourie, Prost		Reversed, Remanded
11/21/2005	IPXL Holdings, L.L.C. v. Amazon.com, Inc.	Clevenger, Rader, Schall		Reversed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
11/29/2005	IP Innovation, L.L.C. v. Ecollege.com, et al.	Dyk, Newman, Rader		Affirmed
12/20/2005	Perricone, M.D. v. Medicis Pharmaceutical Corp.	Bryson, Linn, Rader		Affirmed
01/05/2006	Fieldturf International, Inc., et al. v. Sprinturf, Inc., et al.	Dyk, Newman, Schall		Vacated
01/09/2006	Ncube Corp. (now C-Cor, Inc.) v. Seachange International, Inc.	Friedman, Rader		Affirmed
02/15/2006	Golden Blount, Inc. v. Robert H. Peterson, Co.	Linn, Lourie, Michel		Affirmed
02/17/2006	Forcillo v. Lemond Fitness, Inc., et al.	Bryson, Mayer, Michel		Affirmed
02/27/2006	M. Eagles Tool Warehouse v. Fisher Tooling Co.	Bryson, Lourie, Rader		Vacated, Remanded
03/22/2006	Kao Corporation, et al. v. Unilever United States, Inc., et al. [corrected]	Gajarsa, Mayer, Newman		Affirmed
03/22/2006	Exigent Technology, Inc. v. Atrana Solutions, Inc.	Dyk, Gajarsa, Prost		Vacated, Remanded
04/21/2006	Sun Coast Merchandise Corp., et al. v. CCL Products Enterprises, Inc., et al.	Linn, Michel, Prost		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
04/21/2006	Sun Coast Merchandise Corp., et al. v. CCL Products Enterprises, Inc., et al.	Linn, Michel, Prost		Affirmed
04/21/2006	Sun Coast Merchandise Corp., et al. v. CCL Products Enterprises, Inc., et al.	Linn, Michel, Prost		Affirmed
06/26/2006	AGFA Corp. v. CREO Products, Inc., et al.	Lourie, Rader	Newman	Affirmed
08/10/2006	Serio-Us Industries, Inc. v. Plastic Recovery Technologies, Corp.	Lourie, Rader, Linn		Affirmed
11/21/2006	Highway Equipment Company, Inc. v. Feco, LTD, et al.	Dyk, Linn, Schall		Affirmed
01/04/2007	Propat International Corp., et al. v. Rpost, Inc., et al.	Bryson, Mayer, Newman		Affirmed
01/04/2007	Propat International Corp., et al. v. Rpost, Inc., et al.	Bryson, Mayer, Newman		Affirmed
02/16/2007	RFR Indus. v. Century Steps	Michel, Prost, Schall		Reversed
04/23/2007	In re Omeprazole Patent Litigation	Bryson, Newman, Rader		Affirmed
05/29/2007	Haberman v. Gerber Products Company	Gajarsa, Michel, Robinson*		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
06/21/2007	International Rectifier Corporation v. Samsung Electronics Co., LTD, et al.	Gajarsa, Linn, Prost		Vacated, Remanded
06/21/2007	International Rectifier Corporation v. Samsung Electronics Co., LTD, et al.	Gajarsa, Linn, Prost		Vacated, Remanded
03/21/2008	Computer Docking Station Corp. v. Dell, Inc.	Michel, Plager, Rader		Affirmed
02/05/2008	Monsanto v. David	Bryson, Lourie, Moore		Affirmed
11/01/2007	Digeo v. Audible	Cote*, Michel, Moore		Affirmed
04/10/2008	Luma Corp. v. Striker Corp.	Lourie, Mayer, Schall		Affirmed
04/23/2008	Monsanto Co. v. Bayer Bioscience N.V.	Bryson, Gajarsa, Linn		Affirmed
05/22/2008	Taltech Ltd. v. Esquel Apparel, Inc.	Bryson, Gajarsa, Mayer		Vacated, Remanded
06/16/2008	Innovation Technologies v. Splash! Medical Devices	Friedman, Mayer, Moore		Vacated, Remanded
06/17/2008	Synthon IP v. Pfizer	Dyk, Mayer, Plager		Affirmed
06/17/2008	Nilssen v. Osram Sylvania	Lourie, Mayer	Newman	Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
06/19/2008	Scanner Tech. Corp. v. Icos Vision Systems Corp. N.V.	Clevenger, Gajarsa, Michel		Reversed
08/01/2008	Research Corp. Technologies Inc. v. Microsoft Corp.	Friedman, Newman, Rader		Vacated, Remanded
08/15/2008	Brady Construction Innovations Inc. v. Perfect Wall Inc.	Michel, Moore, Rader		Affirmed
08/29/2008	800 Adept, Inc. v. Murex Securities, Ltd.	Dyk, Gajarsa, Plager		Vacated, Remanded
09/08/2008	Hildebrand v. Steck Manufacturing Co.	Mayer, Michel, Stearns*		Affirmed
10/17/2008	Minks v. Polaris Industries	Gajarsa, Newman, Plager		Affirmed
10/28/2008	Tavory v. NTP, Inc.	Bryson, Michel, Newman		Affirmed
12/01/2008	Qualcomm Inc. v. Broadcom Corp.	Lourie, Mayer, Prost		Affirmed
12/08/2008	Takeda Chemical Industries Ltd. v. Mylan Laboratories Inc.	Bryson, Lourie, Rader		Affirmed
03/20/2009	E-Pass Technologies, Inc. v. 3Com Corp. [rule 36]	Bryson, Linn, Prost		Affirmed
03/13/2009	ICU Medical, Inc. v. Alaris Medical Systems, Inc.	Michel, Moore, Prost		Affirmed
04/29/2009	Revolution Eyewear, Inc. v. Aspex Eyewear, Inc.	Bryson, Michel, Posner*		Affirmed

<u>Decision Date</u>	<u>Case Name</u>	<u>Majority Panel</u>	<u>Dissent By</u>	<u>Decision</u>
04/24/2009	Air Turbine Tech., Inc. v. Atlas Copco AB	Prost, Schall	Plager	Reversed
04/03/2009	Heeling Sports Ltd. v. U.S. Furong International, Inc.	Bryson, Mayer, Plager		Vacated, Remanded
03/24/2009	Clearvalue, Inc. v. Pearl River Plymers, Inc.	Dyk, Newman, Schall		Affirmed
03/24/2009	Clearvalue, Inc. v. Pearl River Plymers, Inc.	Dyk, Newman, Schall		Reversed
05/20/2009	Dickson Industries, Inc. v. Patent Enforcement Team, L.L.C.	Mayer, Posner*, Rader		Vacated, Remanded

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Decision