

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRANCH BANKING AND TRUST COMPANY
Petitioner,
v.
MAXIM INTEGRATED PRODUCTS, INC.
Patent Owner.

Case CBM2013-00059
Patent 5,949,880

Before SALLY C. MEDLEY, MITCHELL G. WEATHERLY, and
MIRIAM L. QUINN,
Administrative Patent Judges

MOTION FOR REFUND OF POST-INSTITUTION FEES

Branch Banking and Trust Company (“BB&T”) hereby requests a refund of the \$18,000 post-institution fee that it previously paid. Petitioner BB&T filed a petition for covered business method review of U.S. Patent No. 5,949,880 on September 16, 2013, and paid the USPTO \$30,000 on that date, including a \$12,000 payment for the covered business method review request fee and a \$18,000 payment for the post-institution fee, as required by 37 C.F.R. §42.15(b). The Board denied institution of the covered business method review petition on March 20, 2014. (Paper No.12.) Based on this denial of institution, Petitioner BB&T is entitled to a refund of the post-institution fee. *See e.g.*, 78 FR 4233 (January 18, 2013) available at

<http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“if the review is not instituted at all, the portion of the fee covering the trial would be returned”).

For at least the foregoing reasons, BB&T hereby requests a refund of the \$18,000 post-institution fee that it previously paid. The refund may be deposited in Deposit Account No. 18-1945 under Order No. 109879-0001.

Dated: November 5, 2014

Respectfully submitted,

By /J. Steven Baughman/
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Refund of Post-Institution Fees in connection with Covered Business Method Review Case CBM2013-00059 was served on this 5th day of November, 2014, by United States Postal Service in an envelope addressed to:

Kenneth Weatherwax
Parham Hendifar
GOLDBERG, LOWENSTEIN & WEATHERWAX LLP
11400 West Olympic Boulevard, Suite 400
Los Angeles, CA 90064

Dated: November 5, 2014

By / Megan Raymond /
Megan F. Raymond