

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,
v.
SMARTFLASH LLC,
Patent Owner.

Case CBM2014-00111
Patent 8,336,772

Before JENNIFER S. BISK, RAMA G. ELLURU, NEIL T. POWELL,
JEREMY M. PLENZLER, and MATTHEW R. CLEMENTS,
Administrative Patent Judges.

MOTION FOR REFUND OF POST-INSTITUTION FEES

Apple Inc. hereby requests a refund of the \$18,000 post-institution fee that it previously paid. Petitioner Apple filed a petition for covered business method review of U.S. Patent No. 8,336,772 on April 3, 2014, 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 September 30, 2014. (Paper No. 7.) Based on this denial of institution, Petitioner Apple Inc. 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, Apple hereby requests a refund of the \$18,000 post-institution fee that it previously paid.

The refund may be deposited in Deposit Account No. 061075 under Order No. 104677-5008.

Dated: October 15, 2014

Respectfully submitted,

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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 CBM2014-00111 was served on this 15th day of October, 2014, by electronic mail, pursuant to the parties' agreement concerning electronic service, upon Davidson Berquist Jackson & Gowdey, LLP, counsel for Patent Owner, at mcasey@dbjg.com, jsd@dbjg.com, and docket@dbjg.com.

Dated: October 15, 2014

By / Megan F. Raymond /
Megan F. Raymond