

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATAS INTERNATIONAL, INC.
Petitioner

v.

CENTRIA
Patent Owner

Case IPR2013-00259
Patent D527834

**ATAS INTERNATIONAL, INC.’S REQUEST FOR
REFUND OF POST-INSTITUTION FEE**

ATAS International, Inc. (“Petitioner”) hereby files its request for a refund of the \$14,000 post-institution fee that was previously paid.

On April 30, 2013, Petitioner filed a petition for *inter partes* review of U.S. Patent No. D527,834 (Paper No. 2), which is after March 19, 2013. At the time of filing, Petitioner paid the USPTO a total of \$23,000, which included a \$9,000 payment for the *inter partes* review request fee and a \$14,000 payment for the post-institution fee required by 37 C.F.R. § 42.15(a)(1)-(1).

On May 7, 2013, Petitioner filed a replacement petition for *inter partes* review of U.S. Patent No. D527,834 (“Petition”) (Paper No. 7) having corrected exhibit labels, which was accepted by the Board on May 13, 2013 (Paper No. 9).

On September 24, 2013, the Board entered its decision denying the Petition and deciding not to institute *inter partes* review (Paper No. 11).

On October 24, 2013, Petitioner filed a request for rehearing (Paper No. 12).

On January 8, 2014, the Board entered its decision denying Petitioner’s request for rehearing (Paper No. 13).

Accordingly, the Board has issued its final decision not to institute *inter partes* review, and Petitioner is entitled to request and receive a full refund of the post-institute fee that was previously paid. *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> (stating that “The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”); Patent Review Processing System (PRPS) FAQ at E7 *available at* <http://www.uspto.gov/ip/boards/bpai/prps.jsp>.

For the reasons set forth above, Petitioner hereby requests a refund of the post-institution fee in the amount of \$14,000. Petitioner prefers to have the entire amount refunded to the credit card that was used to make the original payment. If this is not possible, Petitioner requests that the entire amount be deposited to Deposit Account No. 50-3841.

Respectfully submitted,

By: /s/ Damon A. Neagle

Damon A. Neagle
Attorney for Petitioner
Reg. No. 44,964

Date: January 13, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the present REQUEST FOR REFUND OF POST-INSTITUTION FEE was made upon the patent owner by delivering a copy of the request on the date indicated below, via e-mail to the following counsel of record pursuant to 37 C.F.R. §§ 42.6(e)(1) and 42.6(e)(3):

Richard L. Byrne, Esq.
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Date: January 13, 2014

/s/ Damon Neagle
Damon Neagle