

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEW BAY CAPITAL, LLC,
Petitioner,
v.

VIRNETX, INC.
Patent Owner.

Case IPR2013-00376
Patent 7,490,151

**NEW BAY CAPITAL'S REQUEST FOR REFUND OF POST-
INSTITUTION FEES**

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4211, 4233-4234 (Jan. 18, 2013), Petitioner New Bay Capital, LLC ("New Bay") requests a refund in the amount of \$14,000 to be paid to deposit account number 19-4972.

On June 23, 2013, New Bay filed a Petition for Inter Partes Review with the PTO that was assigned case number IPR2013-00376. In accordance with the fee schedule specified in 37 C.F.R. §42.15(a), New Bay paid to the PTO \$23,000 at the time of filing its Petition to cover associated fees. New Bay's payment consisted of \$9000 for the inter partes review request fee and a further \$14,000 in post-institution fees.

On November 12, 2013, the Patent Trial and Appeal Board entered judgment terminating the IPR2013-00376 proceeding prior to institution. Accordingly, New Bay requests refund of \$14,000 for the post-institution fees that it has paid to the USPTO in connection with that proceeding.

Dated: November 13, 2013

Respectfully submitted,

/Robert M. Asher, #30,445/

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03959/05002 1997512.1

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2013, the foregoing NEW BAY CAPITAL'S REQUEST FOR REFUND OF POST-INSTITUTION FEES was served as agreed via email to counsel of record for patent owner:

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Dated: November 13, 2013

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