NITED STATES	
BEFORE THE PA	ATENT TRIAL AND APPEAL BOARD
	NETFLIX, INC.,
	Petitioner,
	V.
	OPENTV, INC.,
	Patent Owner.
	Case IPR2014-00274
	Patent 6,018,768

Paper No. _____

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE



Petitioner hereby files its request for a refund of the \$16,000 post-institution fee that was previously paid.

On December 19, 2013, Petitioner Netflix, Inc. filed a petition for *inter* partes review of U.S. Patent No. 6,018,768 and paid the USPTO a total of \$25,000, which included a \$9,000 payment for the *inter partes* review request fee and a \$16,000 payment for the post-institution fee (\$14,000, plus \$400 per claim in excess of 15).

The petition was granted a filing date of December 19, 2013. (Paper No. 3). On June 30, 2014, the Board entered a Decision – Denying *Inter Partes* Review (Paper No. 12) in which the Board denied institution of the requested *inter partes* review. The Board subsequently entered a Decision on Rehearing (Paper No. 14), in which the Board declined to modify the previous decision to deny institution. Accordingly, the *inter partes* review was never instituted.

Therefore, because the petition to institute *inter partes* review was filed after March 19, 2013, and the proceeding did not institute, Petitioner Netflix, Inc. is entitled to request a refund of the post-institution 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 ("The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.").



Petitioner Netflix, Inc. hereby requests a refund of the \$16,000 post-institution fee previously paid by Netflix, Inc. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 50796.4.

Respectfully submitted,

Date: September 24, 2014

/Andrew S. Ehmke/

Lead Counsel For Petitioner Andrew S. Ehmke Registration No. 50,271

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Attorney Docket No.: 50796.4



CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.105, that service was made on the Patent Owner as detailed below.

Date of service September 24, 2014

Manner of service Electronic Mail

Document served Petitioner's Request for Refund of Post-Institution Fee

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