

DOCKET NO.: 0107131-00273US4

Filed on behalf of Intel Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION

Petitioner

v.

Zond, LLC, Patent Owner of
U.S. Patent No. 7,604,716 to Roman Chistyakov

IPR Trial No. 2014-00523

**REQUEST FOR REFUND OF POST-INSTITUTION
FEE**

Intel Corporation ("Petitioner" or Intel") hereby files its request for a refund of the \$23,000 post-institution fee that was previously paid.

On March 27, 2013, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 7,604,716 and paid the USPTO a total of \$23,000 at the time of filing this petition, 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)-(2). The filed *inter partes* review petition was granted a filing date on April 9, 2013. (Paper No. 5). The parties subsequently reached a settlement and filed a joint motion to terminate the proceedings on September 12, 2014. On September 15, 2014, the Board entered a Judgment, Termination of the Proceeding under 37 C.F.R. § 42.73 (Paper No. 8) in which the Board granted the parties' joint motion to terminate the proceeding and thereby terminated the proceeding. The Board terminated the proceeding before institution of the *inter partes* review and the petition to institute the *inter partes* review was filed on March 27, 2013. The Petitioner is entitled to request a refund of the post-institution fee that was previously paid and is entitled to this refund. *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 at least the reasons sets forth above, Intel hereby files its request for a refund of the post-institution fee that was previously paid and hereby requests a refund of the \$23,000 post-institution fee previously paid by Intel.

The refund may be deposited in Deposit Account No. 080219 under attorney reference number 0107131-00273US4.

Respectfully submitted,

Dated: October 30, 2014

By: /David L. Cavanaugh/

Case No. IPR2013-00523

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CERTIFICATE OF SERVICE ON PATENT OWNER

The undersigned certifies that on the 30th day of October 2014 a complete and entire copy of this REQUEST FOR REFUND OF POST-INSTITUTION FEE was provided by email to the Patent Owner by serving counsel of record for the Patent Owner:

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