

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU NETWORK COMMUNICATIONS, INC.
Petitioner

v.

THOMAS SWAN & CO. LTD.
Patent Owner

Case No. IPR2014-01381
Patent 8,335,033

**PETITIONER'S REQUEST FOR REFUND
OF POST-INSTITUTION FEES**

Petitioner Fujitsu Network Communications, Inc. (“FNC”) requests a refund of \$17,200 post-institution fees paid by FNC in connection with this proceeding.

On August 26, 2014, FNC filed a petition for *inter partes* review of claims 1, 22, 24, 26, 27, 29, 39, 43, 45, 47, 48, 51, 57, 58, 64, 65, 76, 79, 80, 81, 89 and 90 of U.S. Patent No. 8,335,033 (Paper No. 1), accompanied by a total payment of \$26,200 for the fee required under 37 C.F.R. § 42.103 and set forth in 37 C.F.R. § 42.15(a). FNC’s payment consisted of: (i) \$9,000 for the request fee under 37 C.F.R. § 42.15(a)(1); (ii) \$14,000 for the post-institution fee under 37 C.F.R. § 42.15(a)(2); and (iii) \$3,200 for the post-institution excess claim fee under 37 C.F.R. § 42.15(a)(4). Thus, FNC paid \$17,200 in post-institution fees in connection with this proceeding.

On November 10, 2014, before rendering a decision on the merits regarding whether to institute a trial and before the Patent Owner filed a response to the petition, the Patent Trial and Appeal Board (“PTAB”) entered a judgment of a termination of the proceeding (Paper No. 9) based on a settlement between the parties.

Accordingly, FNC respectfully requests that the PTAB grant this request for refund of the post-institution fees and credit a refund in the amount of \$17,200 to Petitioner by depositing the refund into Deposit Account No. 13-3250.

Respectfully submitted,
MILBANK, TWEED, HADLEY & MCCLOY
LLP

Dated: November 13, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 13, 2014, a complete
and entire copy of

**PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION
FEES**

was served via electronic mail on the following counsel of record for the Patent

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