

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. IPR2014-01384
Patent 7,664,395

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

Petitioner Fujitsu Network Communications, Inc. (“FNC”) requests a refund of \$14,000 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, 2, 5, 16, 17, 20, 24, 26, and 27 of U.S. Patent No. 7,664,395 (Paper No. 1), accompanied by a total payment of \$23,000 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); and (ii) \$14,000 for the post-institution fee under 37 C.F.R. § 42.15(a)(2). Thus, FNC paid \$14,000 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. 11) 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 \$14,000 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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