

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BOREALIS AG,  
Petitioner

v.

BERRY PLASTICS CORPORATION,  
Patent Owner

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Case IPR2016-00235  
Patent 8,883,280

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**REQUEST FOR REFUND OF POST-INSTITUTION FEES FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,883,280**

On November 30, 2015, Borealis AG (Petitioner) filed a petition for *inter partes review* of claims 1-14, 36-42, 44-48, 51-54, 61, 62, 65, and 66 of U.S. Patent No. 8,883,280 (Paper No. 2). In view of the Patent Owner's statutory disclaimer of all of the claims sought to be cancelled (Ex. 2003), the Board issued an order denying the institution of the *inter partes review* (Paper No. 11, dated March 24, 2016). In accordance with 37 C.F.R. §42.15(a)(2) and (4), the post-

institution fee of \$14,000 and the fee of \$7,600 for requesting review of each claim in excess of 15, paid at the time of filing, should be returned. Petitioner hereby requests a refund of \$21,600 for the post-institution fees in the case of IPR2016-00235.

The payment was provided via Finnegan's deposit account and processed in PRPS on November 30, 2015. Upon review and approval of this request, we respectfully request the Board credit the requested amount to Petitioner. The amount may be deposited into PTO Deposit Account No. 06-0916. If more information is necessary to provide payment, please contact counsel listed below.

Respectfully submitted,

Dated: May 31, 2016

By: /Hojung Cho/  
Hojung Cho, Reg. No. 72,755

ATTORNEY FOR PETITIONER  
BOREALIS AG

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a copy of the foregoing **REQUEST FOR REFUND OF POST-INSTITUTION FEES FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,883,280** was served on May 31, 2016 to counsel of record for the Patent Owner via electronic mail at the following:

John Hobgood  
Young-Hoon Ha  
Wilmer Cutler Pickering Hale & Dorr LLP  
E-mail:  
[john.hobgood@wilmerhale.com](mailto:john.hobgood@wilmerhale.com)  
[yung-hoon.ha@wilmerhale.com](mailto:yung-hoon.ha@wilmerhale.com)  
[WHIPDocketstaff@wilmerhale.com](mailto:WHIPDocketstaff@wilmerhale.com)

Dated: May 31, 2016

/Bradley J. Moore/  
Bradley J. Moore  
Litigation Legal Assistant

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP