

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 IPR2016-00564  
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 February 12, 2016, Borealis AG (Petitioner) filed a petition for *inter partes* review of claims 1, 15–36, 40, 42, 43, 54–61, 63, and 64 of U.S. Patent No. 8,883,280 (Paper No. 1). In view of the Patent Owner’s statutory disclaimers of all of the claims sought to be reviewed (Exs. 2101, 2102, 2103), the Board issued an order denying the institution of the *inter partes* review (Paper No. 8, dated June 16, 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 \$8,400 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 \$22,400 for the post-institution fees in the case of IPR2016-00564.

The payment was provided via Finnegan's deposit account and processed in PRPS on February 12, 2016. 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 Account No. 06-0916. If more information is necessary to provide payment, please contact counsel listed below.

Respectfully submitted,

Dated: June 27, 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 June 27, 2016 to counsel of record for the Patent Owner via electronic mail at the following:

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Dated: June 27, 2016

Respectfully submitted,

/Bradley J. Moore/  
Bradley J. Moore  
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