

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIVISION BLIZZARD, INC.; ELECTRONIC ARTS INC.; TAKE-TWO INTERACTIVE SOFTWARE, INC.; 2K SPORTS, INC.; AND ROCKSTAR GAMES, INC.
Petitioners

v.

ACCELERATION BAY LLC
Patent Owner

Case: IPR2016-00726
U.S. PATENT NO. 6,910,069 B1

MOTION FOR REFUND OF POST-INSTITUTION FEE

Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and WILLIAM M. FINK, Administrative Patent Judges. PETTIGREW, Administrative Patent Judge.

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

Dated: October 5, 2016

Respectfully submitted,
/Andrew R. Sommer/
Andrew R. Sommer
Reg. No. 53,932

*Lead Counsel for Petitioners Activision
Blizzard, Inc., Electronic Arts Inc., Take-
Two Interactive Software, Inc., 2K
Sports, Inc., and Rockstar Games, Inc.*

Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. (collectively, “Petitioner”) hereby requests a refund of the **\$14,800** for the post-institution fee that was previously paid on March 12, 2016. Petitioner filed a petition for *inter partes* review of U.S. Patent No. 6,910,069 B1 on March 12, 2016, and paid the USPTO **\$23,800** which includes the \$9,000 *inter partes* review request fee, the \$14,000 post-institution fee, and \$800 post-institution excess claims fee for 2 claims in excess of fifteen, as required by 37 C.F.R. §42.15(a).

On September 9, 2016, the Board issued a Decision Denying Institution of this Inter Partes Review of Patent No. 6,910,069 , 37 C.F.R. § 42.108 (Paper No. 11). Since this case was in the preliminary proceeding stage and no institution of a trial was made, Petitioner is entitled to a refund of the \$14,800.00 for the post institution fee and the post-institution excess claim fees. See 78 Fed. Reg. 4,212, 4,234 (Jan. 18, 2013) (“[I]f the review is not instituted at all, the portion of the fee covering the trial would be returned,”). Petitioner therefore requests a refund of the **\$14,800.00** post-institution fee that it previously paid.

The refund may be deposited in Winston & Strawn LLP Deposit Account No. 50-1814.

Respectfully submitted,

Dated: October 5, 2016

/Andrew R. Sommer/

Andrew R. Sommer

(Reg. No. 53,932)

*Counsel for Petitioners Activision
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Washington, DC 20006

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), this is to certify that on October 5, 2016, I caused to be served a true and correct copy of the foregoing **MOTION FOR REFUND OF POST-INSTITUTION FEE** was served, via electronic mail upon Patent Owner at the correspondence address of record for U.S. Patent No. 6,910,069, as follows:

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KRAMER LEVIN NAFTALIS & FRANKEL LLP

Respectfully submitted,

Dated: October 5, 2016

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