

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 No. IPR2016-00931
Patent No. 6,701,344

Before the Honorable SALLY C. MEDLEY, LYNNE E. PETTIGREW, and WIL-
LIAM M. FINK, *Administrative Patent Judges*.

PETITIONERS' REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioners, Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Inter-
active Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. ("Petitioners"),
hereby request a refund of the \$14,000 post-institution fee that they previously
paid. Petitioners filed a petition for *inter partes* review of U.S. Patent No.
6,701,344 on April 21, 2016, and paid the USPTO \$23,000 on that date, including
a \$9,000 payment for the *inter partes* review request fee and a \$14,000 payment

for the post-institution fee, as required by 37 C.F.R. § 42.15(a)(2). The Board denied institution of the *inter partes* review petition on June 23, 2016 (Paper No. 13). Based on this denial of institution, Petitioners are entitled to a refund of the post-institution fee. *See, e.g.*, 78 FR 4233 (January 18, 2013) available at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“if the review is not instituted at all, the portion of the fee covering the trial would be returned”). For at least the foregoing reasons, Petitioners hereby request a refund of the \$14,000 post-institution fee that they previously paid. The refund may be deposited in Account No. 18-1945 under Order No. 109869-0003-658.

Dated: July 1, 2016

Respectfully submitted,

By: /J. Steven Baughman/
J. Steven Baughman (lead counsel)
Reg. No. 47,414
Ropes & Gray LLP
2099 Pennsylvania Avenue,
N.W.
Washington, D.C. 20006- 6807
P: 202-508-4606/ F: 202-383-8371
Steven.Baughman@ropesgray.com

James L. Davis, Jr. (back-up counsel)
Reg. No. 57,325
Ropes & Gray LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
P: 650-617-4794/F: 650-566-4147
james.l.davis@ropesgray.com

Andrew Thomases (back-up counsel)
Reg. No. 40,841
Ropes & Gray LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
P: 650-617-4712/F: 650-566-4275
andrew.thomases@ropesgray.com

Matthew R. Shapiro (back-up counsel)
Reg. No. 70,945
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704
P: 212-596-9427/F: 646-728-1784
matthew.shapiro@ropesgray.com

Joseph E. Van Tassel (back-up counsel)
Reg. No. 74,136
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704
P: 212-596-9438/F: 646-728-1727
joseph.vantassel@ropesgray.com

Mailing address for all correspondence: ROPES & GRAY LLP, IPRM – Floor 43,
Prudential Tower, 800 Boylston St., Boston, MA 02199-3600

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PETITIONERS' REQUEST FOR REFUND OF POST- INSTITUTION FEE** was served on July 1, 2016 in its entirety by causing the aforementioned document to be electronically mailed, pursuant to the parties' agreement, to the following attorneys of record for the Patent Owner listed below:

James Hannah
Michael Lee
Kramer Levin Naftalis & Frankel LLP
990 Marsh Road
Menlo Park, CA 94025
(650) 752-1700
jhannah@kramerlevin.com
mhlee@kramerlevin.com
svdocketing@kramerlevin.com

Shannon Hedvat
Jeffrey Price
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036
(212) 715-9100
shedvat@kramerlevin.com
jprice@kramerlevin.com

Attorneys for Patent Owner Acceleration Bay, LLC

ROPES & GRAY LLP

/Ginny Blundell/
Ginny Blundell