

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

PAPST LICENSING GMBH & CO. KG
Patent Owner

Case IPR2016-01841
Patent 9,189,437

**PETITIONER'S REQUEST FOR REFUND OF
THE POST-INSTITUTION FEE**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4211, 4233-34 (Jan. 18, 2013), Petitioner Apple Inc. ("Petitioner") requests a refund in the amount of \$15,200.00 to be paid to deposit account number 19-0036.

On October 11, 2016, Petitioner filed a Petition for *Inter Partes* Review seeking review of claims 1, 4–6, 9–16, 18, 30, 32, 34, 43, and 45 of U.S. Patent No. 9,189,437 (assigned case number IPR2016-01841) (Paper 2). On April 17, 2017, the Patent Trial and Appeal Board declined to institute trial in this *Inter Partes* Review proceeding (Paper 10).

The Rules provide for a refund of the post-institution fee if the Board does not institute trial. Payment of the \$15,200.00 post-institution fee was processed through PTAB E2E on October 11, 2016 as follows:

- \$14,000.00 post-institution fee (for first 15 claims) under 37 C.F.R. § 42.15(a)(2); and
- \$1,200.00 post-institution fee for 3 excess claims (over 15 claims) under 37 C.F.R. § 42.15(a)(4).

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$15,200.00 for the post-institution fee that it has paid to the USPTO in connection with this proceeding, as the Board declined to institute trial in this proceeding.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lori A. Gordon/

Lori A. Gordon
Attorney for Petitioner
Registration No. 50,633

Date: June 26, 2017

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S REQUEST FOR REFUND OF THE POST-INSTITUTION FEE** was served electronically via e-mail on June 26, 2017 in its entirety on the following:

Gregory S. Donahue (Lead Counsel) gdonahue@dpelaw.com
Minghui Yang (Back-up Counsel) myang@dpelaw.com
Michael R. Fleming (Back-up Counsel) mflaming@irell.com
Anthony L. Meola (Back-up Counsel) ameola@iplawusa.com
Jason A. Murphy (Back-up Counsel) jmurphy@iplawusa.com
Victor J. Baranowski (Back-up Counsel) vbaranowski@iplawusa.com
Arlen L. Olsen (Back-up Counsel) aolsen@iplawusa.com
docketing@dpelaw.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lori A. Gordon/

Lori A. Gordon
Attorney for Petitioner
Registration No. 50,633

Date: June 26, 2017

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

5274236_1.docx