

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 IPR2017-00156
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 \$14,400.00 to be paid to deposit account number 19-0036.

On October 31, 2016, Petitioner filed a Petition for *Inter Partes* Review seeking review of claims 1, 4-6, 9, 10-16, 18, 30, 32, and 34 of U.S. Patent No. 9,189,437 (assigned case number IPR2017-00156) (Paper 2). On March 10, 2017, the Patent Trial and Appeal Board declined to institute trial in this *Inter Partes* Review proceeding (Paper 11).

The Rules provide for a refund of the post-institution fee if the Board does not institute trial. Payment of the \$14,400.00 post-institution fee was processed through PTAB E2E on October 31, 2016 as follows:

- \$14,000.00 post-institution fee (for first 15 claims) under 37 C.F.R. § 42.15(a)(2); and
- \$400.00 post-institution fee for 1 excess claim (over 15 claims) under 37 C.F.R. § 42.15(a)(4).

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$14,400.00 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
Attorney for Petitioner
Registration No. 50,633

Date: April 24, 2017

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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 April 24, 2017 in its entirety on the following:

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