

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

LOGANTREE LP,
Patent Owner

IPR2017-00256
Patent 6,059,576

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner Fitbit, Inc. ("Petitioner") hereby files its request for a refund of the \$16,400 post-institution fee that was previously paid.

On November 11, 2016, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 6,059,576 and paid the USPTO a total of \$25,600 for review of 21 claims, which included a \$9,200 payment for the *inter partes* review request fee (including \$200 for the additional claim in excess of 20) and a \$16,400 payment for the post-institution fee (including \$2,400 for the six claims in excess of 15).

The petition was granted a filing date of November 11, 2016 (Paper No. 4). On April 7, 2017, the Board entered a Decision – Termination Decision Document (Paper No. 8) in which the Board ordered that the Petition be dismissed. Accordingly, the *inter partes* review was never instituted.

Therefore, because the petition to institute *inter partes* review was filed after March 19, 2013, and the proceeding did not institute, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *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> ("The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.").

Petitioner hereby requests a refund of the previously-paid \$16,400 post-institution fee. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 51539.3.

Respectfully submitted,

Dated: April 12, 2017

/Scott T. Jarratt/

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Patent Owner as detailed below.

Date of service April 12, 2017

Manner of service Electronic Mail

Document served Petitioner's Request for Refund of Post-Institution Fee

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