

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

LOGANTREE LP,
Patent Owner

IPR2017-00258
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 \$17,600 post-institution fee that was previously paid.

On November 12, 2016, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 6,059,576 and paid the USPTO a total of \$27,400 for review of 24 claims, which included a \$9,800 payment for the *inter partes* review request fee (including \$800 for the four claims in excess of 20) and a \$17,600 payment for the post-institution fee (including \$3,600 for the nine claims in excess of 15).

The petition was granted a filing date of November 12, 2016 (Paper No. 3). On April 7, 2017, the Board entered a Decision – Termination Decision Document (Paper No. 7) 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 \$17,600 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/
Scott T. Jarratt
Counsel for Petitioner
Reg. No. 70,297
HAYNES AND BOONE, LLP
Tel: (972) 739-8663

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

Persons served William H. Mandir (wmandir@sughrue.com)
Chandran B. Iyer (cbiyer@sughrue.com)
Carl J. Pellegrini (cpellegrini@sughrue.com)

SUGHRUE MION PLLC
c/o William H. Mandir.
2100 Pennsylvania Ave NW
Suite 800
Washington, DC 20037

/Scott T. Jarratt/
Scott T. Jarratt
Counsel for Petitioner
Reg. No. 70,297
HAYNES AND BOONE, LLP