

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.
Petitioner

v.

ATI TECHNOLOGIES ULC
Patent Owner

Case No.: IPR2017-01225
Patent 8,760,454

REQUEST FOR REFUND OF POST-INSTITUTION FEES

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232-4234 (Jan. 18, 2013), Petitioner LG Electronics, Inc., requests a refund in the amount of \$14,000.00 to be paid to deposit account number 130019. If the Office determines that LG Electronics, Inc. is entitled to a greater refund, LG Electronics, Inc. thereby requests the full amount be refunded.

On April 3, 2017, LG Electronics, Inc. filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,760,454 with the Patent Trial and Appeal Board that was assigned case number IPR2017-01225. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), LG Electronics, Inc. deposited an electronic payment in the amount of \$9,000.00 with the Board at the time of filing of its Petition to cover associated fees with the *inter partes* review request, and a further \$14,000.00 in Post-Institution fees.

On September 28, 2017, Petitioner LG Electronics, Inc. and Patent Owner ATI Technologies ULC (together, the "Parties") jointly moved pursuant to 37 C.F.R. § 42.74 to terminate this proceeding as a result of settlement. On September 29, 2017, the Board granted the joint motion to terminate. At the time of termination, the Board had not made a decision on whether to institute *inter partes* review of the '454 Patent. Accordingly, LG Electronics, Inc. requests a refund in the amount of the post-institution fees that it has paid to the USPTO in connection

with that proceeding in accordance with 78 Fed. Reg. 4233 (stating that "[t]he entire post-institution fee would be returned to the petitioner if the Office does not institute a review.").

Dated: October 2, 2017

Respectfully submitted,

/Robert G Pluta Reg No 50970 /

Robert G. Pluta
Reg. No. 50,970
Amanda K. Streff
Reg. No. 65,224
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: (312) 701-8641
Fax: (312) 706-8144
rpluta@mayerbrown.com
astreff@mayerbrown.com

Jamie B. Beaber
**(permission to file motion
for *pro hac vice* admission
to be sought)**

Bryan Nese
Reg. No. 66,023
MAYER BROWN LLP
1999 K Street NW
Washington, D.C. 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
jbeaber@mayerbrown.com
bnese@mayerbrown.com

Counsel for LG Electronics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2017, a copy of the attached REQUEST FOR REFUND OF POST-INSTITUTION FEES together with all exhibits mentioned herein was served by UPS on the attorneys of record for the patent owner, with a courtesy copy of the petition by electronic mail to the attorneys of record in the co-pending litigation, at the following addresses:

Attorneys of Record for Patent Owner:

Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue N.W.
Washington, DC 20005

Attorneys of Record in Co-Pending ITC Litigation:

Michael T. Renaud
James M. Wodarski
Michael J. McNamara
William Meunier
Adam S. Rizk
Marguerite McConihe
Cheng Xu

Mintz Levin Cohn Ferris Glovsky and Popeo PC
One Financial Center
Boston, MA 02111

Aarti Shah
Mintz Levin Cohn Ferris Glovsky and Popeo PC
701 Pennsylvania Ave. NW
Suite 900
Washington, DC 20004

Dated: October 2, 2017

Respectfully submitted,

By: /s/ Darlene Riley