

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Patent Owner

Case IPR2017-01933

Patent 8,478,799

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner Cisco Systems, Inc. (“Petitioner”) hereby files its request for a refund of the \$21,200 post-institution fee that was previously paid.

On August 11, 2017, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,478,799 and paid the USPTO a total of \$32,800 for review of 33 claims, which included a \$11,600 payment for the *inter partes* review request fee (\$9,000 base fee plus \$2,600 for the 13 claims in excess of 20) and a \$21,200 payment for the post-institution fee (\$14,000 base fee plus \$7,200 for the 18 claims in excess of 15).

The petition was granted a filing date of August 11, 2017 (Paper No. 5). On March 16, 2018, the Board entered a Decision – Denying Institution of *Inter Partes* Review (Paper No. 9). 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 \$21,200 post-institution fee. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 43614.302.

Dated: July 9, 2018

Respectfully submitted,

/David L. McCombs/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Cisco Systems, Inc.	§	Petition for <i>Inter Partes</i> Review
Petitioner	§	
v.	§	IPR2017-01933
Hewlett Packard Enterprise Co.,	§	
Patent Owner	§	U.S. Patent No. 8,478,799

CERTIFICATE OF SERVICE

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

Date of service July 9, 2018

Manner of service Electronic Service by E-Mail:
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Documents served Petitioner's Request for Post-Institution Fees

Persons served Barry K. Shelton
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/David L. McCombs/

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