

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEVRO CORP.,
Petitioner,

v.

BOSTON SCIENTIFIC NEUROMODULATION CORP.,
Patent Owner.

Case IPR2018-00147
Patent 8,650,747

**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 Nevro Corp. ("Petitioner") requests a refund in the amount of \$15,600.00 to be paid to deposit account number 19-0036.

On November 2, 2017, Petitioner filed a Petition for *Inter Partes* Review seeking review of claims 1-19 of U.S. Patent No. 8,650,747 (assigned case number IPR2018-00147) (Paper 1). On May 3, 2018, the Patent Trial and Appeal Board declined to institute trial in this *Inter Partes* Review proceeding (Paper 7). Then, on June 4, 2018, Petitioner filed a Request for Rehearing of Institution Decision (Paper 8). On November 29, 2018, the Patent Trial and Appeal Board denied the rehearing request (Paper 10).

The Rules provide for a refund of the post-institution fee if the Board does not institute trial. Payment of the \$15,600.00 post-institution fee was processed through PTAB E2E on November 2, 2017 as follows:

- \$14,000.00 post-institution fee (for first 15 claims) under 37 C.F.R. § 42.15(a)(2);
- \$1,600.00 post-institution fee for 4 excess claims (over 15 claims) under 37 C.F.R. § 42.15(a)(4).

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$15,600.00 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.

/Jon E. Wright/

Jon E. Wright, Reg. No. 50,720
Attorney for Petitioner Nevro Corp.

Date: December 14, 2018

1100 New York Avenue, N.W.
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(202) 371-2600

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 December 14, 2018 in its entirety on the following:

David A. Caine (Lead Counsel)
Wallace Wu (Back-up Counsel)

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Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jon E. Wright/

Jon E. Wright, Reg. No. 50,720
Attorney for Petitioner Nevro Corp.

Date: December 14, 2018

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