

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., LG ELECTRONICS U.S.A. INC.,
LG ELECTRONICS MOBILECOMM U.S.A. INC., LG ELECTRONICS
MOBILE RESEARCH U.S.A. LLC, and LG ELECTRONICS ALABAMA, INC.,

Petitioner

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,

Patent Owner

IPR2018-00460
U.S. Patent No. 8,624,550 B2

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner LG Electronics, Inc., LG Electronics U.S.A. Inc., LG Electronics Mobilecomm U.S.A. Inc., LG Electronics Mobile Research U.S.A. LLC, and LG Electronics Alabama, Inc. (“Petitioner”) hereby files their request for a refund of the \$14,000 post-institution fee and the \$1,200 excessive claim fee for three (3) claims in excess of fifteen (15) claims all of which were previously paid and total an amount of \$15,200.

On January 11, 2018, Petitioner filed a petition for inter partes review of U.S. Patent No. 8,624,550 B2 and paid the USPTO a total of \$24,200, which included a \$9,000 payment for the inter partes review request fee, \$1,200 excessive claim fee for three (3) claims in excess of fifteen (15) claims, and a \$14,000 payment for the post-institution fee.

The petition was granted a filing date of January 11, 2018. (Paper No. 4). On June 28, 2018 the Board entered a Decision – Denying *Inter Partes* Review (Paper No. 9). Accordingly, the inter partes review was never instituted.

Therefore, because the petition for 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 (Jan. 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 \$15,200 post-institution fee previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 56690.00003US01.

Dated: June 20, 2019

Respectfully submitted,

/David L. McCombs/
David L. McCombs
Reg. No. 32,271
Lead Counsel for Petitioner

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 June 20, 2019

Manner of service E-Mail: FundamentalIPRs@irell.com
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Documents served Petitioner's Request for Refund of Post-Institution Fees

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/David L. McCombs/

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