

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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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

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IPR2018-00493  
U.S. Patent No. 7,834,586 B2

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**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 its request for a refund of the \$14,000 post-institution fee which was previously paid and totals an amount of \$14,000.

On January 15, 2018, Petitioner filed a petition for inter partes review of U.S. Patent No. 7,834,586 B2 and paid the USPTO a total of \$23,000, which included a \$9,000 payment for the inter partes review request fee and a \$14,000 payment for the post-institution fee.

The petition was granted a filing date of January 15, 2018. (Paper No. 5). On August 30, 2018 the Board entered a Decision – Denying *Inter Partes* Review (Paper No. 10). 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 \$14,000 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 56690.00007.

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](mailto:FundamentalIPRs@irell.com)  
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[mflaming@irell.com](mailto:mflaming@irell.com)

*Documents served* Petitioner's Request for Refund of Post-Institution Fees

*Persons served* Hon Annita Zhong  
Michael Fleming  
IRELL & MANELLA LLP  
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Los Angeles, California 90067

/David L. McCombs/  
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David L. McCombs  
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