

Filed on behalf of: SMR Automotive Systems USA, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMR AUTOMOTIVE SYSTEMS USA, INC.,
Petitioner

v.

MAGNA MIRRORS OF AMERICA, INC.,
Patent Owner

Case IPR2018-00517
U.S. Patent No. 8,128,244

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Case IPR2018-00517
U.S. Patent No. 8,128,244

On January 15, 2018, SMR Automotive Systems, USA, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review (IPR2018-00517) seeking review of claims 1-26 of U.S. Patent No. 8,128,244. Pursuant to 37 C.F.R. §42.15(a)(2) and (4), Petitioner’s paid fees totaling \$38,900 which included a \$21,600 payment for the post-institution fee.

On July 24, 2018, the Patent Trial and Appeal Board (“the Board”) denied institution of the Petition. (Paper 10).

Therefore, because the Petition for *Inter Partes* review was filed after March 19, 2013, and the proceeding was not instituted, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *See, e.g.*, 78 Fed. Reg. 4212, 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.”).

Upon review and approval of the request, Petitioner respectfully asks the Board to credit \$21,600 to Petitioner’s by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Respectfully submitted,

Dated: October 17, 2018

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 17th day of October, 2018, a true and correct copy of the foregoing **Petitioner's Request for Refund** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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