

Filed on behalf of: Apple Inc.

Entered: December 4, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,
Patent Owner.

Case IPR2018-00817
U.S. Patent No. 9,445,251

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

On March 22, 2018, Apple Inc. ("Petitioner") filed a Petition for *Inter Partes* Review (IPR2018-00817) seeking review of claims 1-35 of U.S. Patent No. 9,445,251. Pursuant to 37 C.F.R. §42.15(a)(2) and (4), Petitioner's paid fees totaling \$47,000 which included a \$27,000 payment for the post-institution fee.

On October 3, 2018, the Patent Trial and Appeal Board ("the Board") denied institution of the Petition. (Paper 9).

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 \$27,000 to Petitioner's by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Respectfully submitted,

Dated: December 4, 2018

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 4th day of December, 2018, a copy of **Petitioner's Request for Refund** were served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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