

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VIZIO, INC.,  
Petitioner,

v.

NICHIA CORPORATION,  
Patent Owner

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Case IPR2018-01100  
Patent 7,915,631

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**MOTION FOR REFUND OF POST-INSTITUTION FEES**

VIZIO, Inc. (“Petitioner”) hereby requests a refund of the \$15,000 post-institution fee that they previously paid. Petitioner filed a petition for *inter partes* review of U.S. Patent No. 7,915,631 on May 16, 2018, and paid the USPTO \$30,500 on that date, including a \$15,500 payment for the *inter partes* review request fee and a \$15,000 payment for the post-institution fee, as required by 37 C.F.R. §42.15(a)(2). The Board granted the parties’ Joint Motion to Dismiss the *inter partes* review petition on July 17, 2018 (Paper No. 10). Based on this dismissal of the *inter partes*

review prior to institution, Petitioner is entitled to a refund of the post-institution fee. *See, e.g.,* 78 FR 4233 (January 18, 2013) *available at* <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“if the review is not instituted at all, the portion of the fee covering the trial would be returned”). For at least the foregoing reasons, Petitioner hereby requests a refund of the \$15,000 post-institution fee that it previously paid. The refund may be deposited in Account No. 18-1945 under Order No. 112868-0001-658.

Dated: July 19, 2018

Respectfully submitted

**ROPES & GRAY LLP**

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Attorneys for Petitioner, VIZIO, INC.

**CERTIFICATE OF SERVICE**

It is certified that a copy of Petitioner's MOTION FOR REFUND OF POST-INSTITUTION FEES has been served in its entirety by causing the aforementioned document to be electronically mailed, pursuant to the Petitioner's and Patent Owner's agreement, the following attorneys of record for the Patent Owner listed below:

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*Attorneys for Nichia Corporation*

Dated: July 19, 2018

Respectfully submitted,

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