

UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

BLUEHOUSE GLOBAL LTD.
Petitioner

v.

SEMICONDUCTOR ENERGY LABORATORY CO., LTD.
Patent Owner

CASE IPR: 2018-01405

U.S. PATENT NO. 9,298,057 B2

**PETITIONER'S REQUEST FOR REFUND
OF POST-INSTITUTION FEES**

Mail Stop *Patent Board*
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner BlueHouse Global Ltd. hereby requests refund of its post-institution fees in the amount of \$16,800 deposited in the above matter on July 18, 2018 for the following reasons:

1. Petitioner filed its Petition for *Inter Partes* Review on July 18, 2018 in the above matter. At that time, Petitioner deposited with the PTAB the *Inter Partes* Review request, post-institution and excess claim fees in the total amount of \$32,300. The fees were charged to Taft Stettinius & Hollister LLP's deposit account number 501438.

2. On January 10, 2019, the PTAB terminated *Inter Partes Review* IPR2018-01405 by entering adverse judgment against Petitioner. The PTAB did not institute a trial in IPR2018-01405.

3. Petitioner is entitled to the requested refund because the post-institution fee is only for use by the PTAB should the PTAB institute a trial. The U.S. Patent & Trademark Office expressly provided for return of this fee in its fee rulemaking. The fee is to be returned when the Office does not institute a review: "Th[e post-institution] fee would be returned to the petitioner if the Office does not institute a review." 78 Fed. Reg. 4212, 4233 (Jan. 18, 2013); *see also* Frequently Asked Questions, E7, PTABE2E, July 11, 2016.

For the foregoing reasons, Petitioner requests refund of the post-institution fee of \$15,000 and post-institution request of each claim in excess of 15 fee of \$1,800 (*i.e.* total post-institution fees of \$16,800).

Dated: January 15, 2019

Respectfully submitted,

/Ryan O. White /
Ryan O. White
Reg. No. 45,541
Lead Counsel for Petitioner