

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANASONIC AVIONICS CORP.,
Petitioner

v.

LINKSMART WIRELESS TECHNOLOGY, LLC,
Patent Owner

IPR2019-00043
U.S. Patent No. RE46,459

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Panasonic Avionics Corp. ("Petitioner") hereby files its request for a refund of the \$15,000.00 post-institution fee and the \$6,600.00 excessive claim fee for eleven (11) claims in excess of fifteen (15) claims all of which were previously paid and total an amount of \$21,600.00.

On October 9, 2018, Petitioner filed a petition for inter partes review of U.S. Patent No. RE46,459 and paid the USPTO a total of \$38,900.00, which included a \$15,500.00 payment for the inter partes review request fee, \$6,600.00 excessive claim fee for eleven (11) claims in excess of fifteen (15) claims, \$1,800.00 excessive claim fee for six (6) claims in excess of twenty (20) claims, and a \$15,000.00 payment for the post-institution fee.

The petition was granted a filing date of October 9, 2018. (Paper No. 5). On May 14, 2019 the Board entered a Decision – Denying Institution of *Inter Partes* Review (Paper No. 7). On October 8, 2019, the Board entered a Decision Denying Petitioner's Request for Rehearing (Paper No. 9). Accordingly, the inter partes review was never instituted.

Therefore, because the petition to institute 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 \$21,600.00 post-institution fees previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 57281.00002.

Dated: November 4, 2019

Respectfully submitted,

/David L. McCombs/

David L. McCombs
Lead Counsel for Petitioner
Registration No. 32,271

HAYNES AND BOONE, LLP
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Dallas, Texas 75219
Customer No. 27683

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing "**PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES**" was served on the Patent Owner as detailed below:

Date of service November 4, 2019

Manner of service Electronic Mail to: rmirzaie@raklaw.com;
jchung@raklaw.com

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

Persons Served Reza Mirzaie
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12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025

Dated: November 4, 2019

Respectfully submitted,

/David L. McCombs/

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