

Filed on behalf of: Apple Inc.

Entered: April 8, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,
Patent Owner.

Case IPR2019-00523
U.S. Patent No. 9,445,251

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

On January 3, 2019, Apple Inc. ("Petitioner") filed a Petition for *Inter Partes* Review (IPR2019-00523) seeking review of claims 1, 2, 4-6, 8, 10, 12, 22-24, 27, 29, 31, 32, and 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 \$31,100 which included a \$15,600 payment for the post-institution fee.

On April 2, 2019, the Patent Trial and Appeal Board ("the Board") dismissed the petition without instituting review. (Paper 11).

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 \$15,600 to Petitioner's by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Respectfully submitted,

Dated: April 8, 2019

By: / Matthew J. Moore /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 8th day of April, 2019,
a copy of **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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