

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC.,
Petitioner

v.

RFCyber Corp.,
Patent Owner

U.S. Patent No. 9,189,787
IPR2021-00955

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Google LLC (“Petitioner”) hereby files its request for a refund of \$22,500.00 for the post-institution fee, which was previously paid, comprising the \$22,500.00 *inter partes* review post-institution claim fee for up to twenty (20) claims.

On May 19, 2021, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 9,189,787 and paid the USPTO a total of \$41,500.00, which included a \$19,000.00 payment for the *inter partes* review request fee and a \$22,500.00 payment for the post-institution fee.

The parties have resolved their dispute regarding U.S. Patent 9,189,787 and filed a Joint Motion to Dismiss *Inter Partes* Petition on October 19, 2021 (Paper 10). On October 20, 2021 the Board entered a Decision – Granting Joint Motion to Terminate Due to Settlement Prior to Institution (Paper No. 12). 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's Request for Refund of Post-Institution Fees
IPR2021-00955 / Patent No. 9,189,787

Petitioner hereby requests a refund of the \$22,500.00 post-institution fee previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 42117.93R787.

Respectfully submitted,

Dated: October 20, 2021

/Andrew S. Ehmke/
Andrew S. Ehmke
Registration No. 50,271
Lead Counsel for Petitioner

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 October 20, 2021

Manner of service Electronic Service: vrubino@fabricantllp.com;
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Documents served ***PETITIONER'S REQUEST FOR REFUND OF POST-
INSTITUTION FEES***

Persons Served Vincent J. Rubino, III
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Respectfully submitted,

/Andrew S. Ehmke/

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