

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

TRAXCELL TECHNOLOGIES, LLC

Patent Owner

IPR2022-00073
U.S. Patent No. 10,820,147

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Apple Inc. (“Petitioner”) hereby files its request for a refund of \$24,000.00 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, and \$1,500.00, inter *partes* post-institution request of claim in excess of twenty (20).

On October 22, 2021, Petitioner filed a petition for inter *partes* review of U.S. Patent No. 10,820,147 and paid the USPTO a total of \$43,750.00, which included a \$19,750.00 payment for the inter *partes* review request fee and a \$24,000.00 payment for the post-institution fee.

The petition was granted a filing date of October 22, 2021. (Paper No. 3). On April 4, 2022, the Board entered a Decision – Settlement Prior to Institution of Trial (Paper No. 11). 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 \$24,000.00 post-institution fee previously paid by Petitioner. The refund may be deposited in Deposit Account No.

Petitioner's Request for Refund of Post-Institution Fee
IPR2022-00073 (U.S. Patent 10,820,147)

08-1394 of Haynes and Boone, LLP under attorney reference number
52959.98R147.

Dated: April 21, 2022

Respectfully submitted,

/David W. O'Brien/

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Lead Counsel for Petitioner
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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 April 21, 2022

Manner of service Electronic Mail

Documents served Petitioner's Request For Refund Of Post-Institution Fees

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