

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALIGN TECHNOLOGY, INC.,  
Petitioner

v.

3SHAPE A/S,  
Patent Owner

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Case IPR2022-00145  
U.S. Patent No. RE48,221

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**PETITIONER'S REQUEST FOR REFUND OF  
THE POST-INSTITUTION FEE**

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

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4,211, 4,233-34 (Jan. 18, 2013), Petitioner requests a refund in the amount of \$27,750.00 to be paid to deposit account number 19-0036.

On November 9, 2021, Petitioner filed a Petition for *Inter Partes* Review seeking review of claims 1, 19-44 of U.S. Patent No. RE48,221 (assigned case number IPR2022-00145) (Paper 1). On February 18, 2022, Petitioner filed a Motion to Dismiss the Petition (Paper 7), which the Board granted on February 25, 2022 (Paper 9). Trial was never instituted in this proceeding.

The Rules provide for a refund of the institution fee if the Board does not institute trial. Payment of the \$27,750.00 post-institution fee under 37 C.F.R. § 42.15(b)(2) in this proceeding was processed through PTAB E2E on October 12, 2021.

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$27,750.00 for the post-institution fee that it has paid to the USPTO in connection with this proceeding.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

Jason D. Eisenberg  
Registration No. 43,447  
Counsel for Petitioner

Date: March 8, 2022

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(202) 371-2600

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S REQUEST FOR REFUND OF THE POST-INSTITUTION FEE** was served electronically via e-mail on March 8, 2022 in its entirety on the following counsel for Patent Owner:

Todd R. Walters (Lead Counsel) [todd.walters@bipc.com](mailto:todd.walters@bipc.com)  
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Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

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Counsel for Petitioner

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