

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner

Case IPR2022-01300

U.S. Patent 7,761,127

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232–4234 (Jan. 18, 2013), Petitioner, Apple Inc., requests a refund in the amount of \$30,000.00 to be paid to deposit account number 06-1050.

On July 22, 2022, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 7,761,127 with the Patent Trial and Appeal Board that was assigned case number IPR2022-01300. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Petitioner deposited an electronic payment in the amount of \$19,000.00 with the Board at the time of filing of its Petition to cover associated fees with Petitioner's *inter partes* review request, and \$22,500.00 in Post-Institution fees and a further \$7,500 for Post-Institution of each claim in excess of 20.

On February 1, 2023, the Patent Trial and Appeal Board entered a Decision denying institution of this proceeding. Accordingly, Petitioner requests a refund in the amount of \$30,000.00 for the post-institution fees that it has paid to the USPTO in connection with this proceeding.

Respectfully submitted,

Dated: March 6, 2023

/Nicholas W. Stephens/

Nicholas Stephens, Reg. No. 74,320

Fish & Richardson P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

Tel: 202-783-5070

Fax: 877-769-7945

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on March 6, 2023, a complete and entire copy of this Petitioner's Request for Refund of Post-Institution Fees were provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

Irfan A. Lateef (Reg. No. 51,922)
Ted M. Cannon (Reg. No. 55,036)
Jarom D. Kesler (Reg. No. 57,046)
Jacob L. Peterson (Reg. No. 65,096)
Jeremiah S. Helm, Ph.D. (*Pro Hac Vice*)

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Tel.: (949) 760-0404
Fax: (949) 760-9502

E-mail: AppleIPR127-2@knobbe.com

/Crena Pacheco/
Crena Pacheco
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
pacheco@fr.com