

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner

Case IPR2022-01466
U.S. Patent 10,687,745

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 \$22,500.00 to be paid to deposit account number 06-1050.

On August 26, 2022, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,687,745 with the Patent Trial and Appeal Board that was assigned case number IPR2022-01466. 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.

On February 23, 2023, the Patent Trial and Appeal Board entered a Decision denying institution of this proceeding. Accordingly, Petitioner requests a refund in the amount of \$22,500.00 for the post-institution fees that it has paid to the USPTO in connection with this proceeding.

Respectfully submitted,

Dated: March 23, 2023

/Andrew B. Patrick/
Andrew B. Patrick, Reg. No. 63,471
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 23, 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:

Brian C. Claassen (Reg. No. 63,051)
Carol Pitzel Cruz (Reg. No. 61,224)
Jarom D. Kesler (Reg. No. 57,046)
Jacob L. Peterson (Reg. No. 65,096)
Daniel Kiang (Reg. No. 79,631)
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: AppleIPR745-4@knobbe.com

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