UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC, Petitioner,

v.

UPSTREAM DATA INC., Patent Owner

Case PGR2023-00052 Patent 11,574,372

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

DOCKET

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 requests a refund in the amount of \$49,550.00 to be paid to deposit account number 06-1050.

On September 26, 2023, Petitioner filed a Petition for Post-Grant Review of U.S. Patent No. 11,574,372 with the Patent Trial and Appeal Board that was assigned case number PGR2023-00052. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Petitioner deposited an electronic payment in the amount of \$29,975.00 with the Board at the time of filing of its Petition to cover associated fees with Petitioner's Post Grant review request, and a further \$49,550.00 in Post-Institution fees.

On March 29, 2024, the Patent Trial and Appeal Board entered a Decision denying institution of this proceeding. Accordingly, Petitioner requests a refund in the amount of \$49,550.00 for the post-institution fees that it has paid to the USPTO in connection with this proceeding.

Case No. PGR2023-00052 Attorney Docket No: 54598-0001PS2

Respectfully submitted,

Dated: <u>5/01/2024</u>

/Jia Zhu/ John Phillips, Reg. No. 35,322 Jia Zhu, Limited Rec. No. L1372 Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 T: 858-678-5070 F: 877-769-7945

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), the undersigned certifies that on May 1,

2024, a complete and entire copy of this Petitioner's Request for Refund of Post-

Institution Fees was provided by email to the Patent Owner by serving the

correspondence email address of record as follows:

DOCKF

RM

James M. Heintz Clayton Thompson DLA Piper LLP (US) 11911 Freedom Drive, Suite 300 Reston, VA 20190

Robert Anton Nissen Nissen Patent Law 11044 82 Ave. N.W., Suite 401 Edmonton, AB T6G 0T2 CANADA

Email: jim.heintz@dlapiper.com clayton.thompson@dlapiper.com robbie@nissenlaw.ca DLA-Crusoe-Upstream-PGR@us.dlapiper.com

/Diana Bradley/

Diana Bradley Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 (858) 678-5667