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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASML NETHERLANDS B.V., EXCELITAS TECHNOLOGIES CORP., AND QIOPTIQ
PHOTONICS GMBH & CO. KG,
Petitioners

v.

ENERGETIQ TECHNOLOGY, INC.,
Patent Owner.

Case No. IPR2016-00554

Patent No. 8,309,943

**REQUEST FOR REFUND OF POST-INSTITUTION
FEE**

ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (“Petitioners”) hereby file their request for a refund of the \$14,000 post-institution fee that was previously paid.

On Feb. 5, 2016, Petitioners filed a petition for *inter partes* review of U.S. Patent No. 8,309,943 and paid the USPTO a total of \$23,000 at the time of filing this petition, which included a \$14,000 payment for the post-institution fee required by 37 C.F.R. §42.15(a)(1)-(2). The filed *inter partes* review petition was granted a filing date on Feb. 17, 2016. (Paper 7.) On June 13, 2016, following the parties’ joint motion to terminate, the Board terminated the proceedings before institution. (Paper 10.) The Petitioners are entitled to request a refund of the post-institution fee that was previously paid and are entitled to this refund. *See e.g.*, 78 Fed. Reg. 4233 (Jan. 18, 2013) *available at* <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (stating that “The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”); Patent Review Processing System (PRPS) FAQ at E7 *available at* <http://www.uspto.gov/ip/boards/bpai/prps.jsp>.

For at least the reasons sets forth above, Petitioners respectfully request a refund of the post-institution fee of \$14,000 that was previously paid by

Petitioners.

The refund may be deposited in Deposit Account No. 080219 under attorney reference number 0107945.00235US11.

Respectfully submitted,

Date: June 24, 2016

/Donald R Steinberg/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Request for Refund of Post-Institution Fee for *Inter Partes* Review of U.S. Patent 8,309,943 (IPR2016-00554) was served on June 24, 2016 via electronic mail at the following addresses:

PTABMattersBoston@proskauer.com

Patent Owner has consented to electronic service.

Respectfully submitted,

Date: June 24, 2016

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