

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARLES RIVER LABORATORIES, INC. and CHARLES RIVER
LABORATORIES INTERNATIONAL, INC.,
Petitioners

v.

IDEXX LABORATORIES, INC., and IDEXX DISTRIBUTION, INC.
Patent Owner

Case No.: IPR2016-01508

Patent No.: 8,945,945

For: Sample Collection and Analysis

REQUEST FOR REFUND OF POST-INSTITUTION FEES

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Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioners Charles River Laboratories, Inc. and Charles River Laboratories International, Inc. (collectively, “CRL”) hereby requests a refund of \$14,800 for the post-institution fees (\$14,000 post-institution fee pursuant to 37 C.F.R. § 42.15(a)(2); \$800 excess claims fee for claims in excess of 15 pursuant to 37 C.F.R. § 42.15(a)(4)) submitted with the filing of its petition for *inter partes* review of U.S. Patent No. 8,945,945 (“the ’945 Patent”), assigned case number IPR2016-01508. CRL respectfully submits that this requested refund is appropriate in light of the Board’s termination of the proceeding (Paper No. 10), and the fact that no trial was instituted on the Petition.

II. STATEMENT OF FACTS

On July 29, 2016, CRL filed a Petition seeking *inter partes* review of claims 1-4, 6-9, 11-13, 15-18, and 20-21 of the ’945 Patent. (Paper No. 2.) On February 9, 2017, following an email authorization from the Board, CRL filed a joint motion to dismiss its Petition in IPR2016-01508. (Paper No. 7.) On February 13, 2017, the Board granted the motion and ordered that the petition in IPR2016-01508 be terminated. (Paper No. 10.)

Because the proceeding was terminated before institution, CRL hereby requests a refund of the \$14,800 post-institution and excess claim fees it paid pursuant to 37 C.F.R. § 42.15(a) when it filed the petition for *inter partes* review.

Payment of the post-institution fees was processed through Financial Manager on July 29, 2016, and posted to the undersigned's Deposit Account No. 50-6989 the same day.

III. CONCLUSION

CRL requests that the Board credit \$14,800, the amount of post-institution and excess claim fees paid, to Deposit Account No. 50-6989.

Dated: February 16, 2017

Respectfully submitted,

/s/ Brian Drummond
(Reg. No. 68,414)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Request of Refund of Post-Institution Fees* was served electronically via email as follows:

Daniel Boehnen (boehnen@mbhb.com)
Grantland Drutchas (drutchas@mbhb.com)
Patrick G. Gattari (gattari@mbhb.com)

Dated: February 16, 2017

By: /s/ Brian Drummond