

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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E. MISHAN & SONS, INC.,  
Petitioner,

v.

AVENUE INNOVATIONS, INC.,  
Patent Owner.

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Case 2017-00140  
U.S. Patent No. 6,340,189

“Universal Device for Facilitating Movement Into and Out of a Seat”

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Before JOSIAH C. COCKS, KEVIN W. CHERRY, and  
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

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

IPR2017-00140  
Patent 6,340,189

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232-4234 (Jan. 18, 2013), E. Mishan & Sons, Inc. ("Petitioner") respectfully requests a refund of post-institution fees in the amount of \$14,000 to be paid to deposit account number 50-5708.

On October 27, 2016, Petitioner filed its Petition for *Inter Partes* review of U.S. Patent No. 6,340,189 (the "'189 patent"). (Paper 1.) On May 8, 2017, the Board entered a Decision Denying Institution of *Inter Partes* review. (Paper 7.) Petitioner deposited an electronic payment of \$14,000 in post-institution fees pursuant to 37 CFR 42.15(a)(2) and 42.15(a)(4) for requesting review of 9 claims of the '189 patent.

Because the instant proceeding was not instituted, Petitioner hereby requests a refund of \$14,000 for the post-institution fees that it paid to the USPTO in connection with this matter. *See* 78 FR 4233, 4234-35 (Jan 18, 2013).

Respectfully submitted,

Dated: July 7, 2017

/ James M. Glass /  
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***Counsel for Petitioner***

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### CERTIFICATE OF SERVICE

I certify that I sent a copy of the foregoing PETITIONER'S REQUEST FOR REHEARING PURSUANT TO 37 C.F.R. § 42.71 on July 7, 2017 by electronic mail to the attorneys of record for the Patent Owner at the following e-mail addresses:

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