

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMNIACTIVE HEALTH TECHNOLOGIES, INC.,
Petitioner,

v.

KEMIN INDUSTRIES, INC.
Patent Owner

Case No. IPR2017-00306
Patent No. 9,226,940

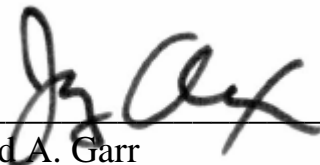
**REQUEST FOR REFUND OF POST-INSTITUTION FEE
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,226,940**

On November 21, 2016, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,226,940 Under 35 U.S.C. §§ 311-319 and 37 C.F.R. §42.100 *et seq.* (“Petition,” Paper No. 1), seeking *inter partes* review of claims 1-13 of the ’940 patent. On February 15, 2017, the Patent Trial and Appeal Board issued its Termination Dismissing the Petition (Paper No. 11) prior to institution, in view of the parties’ Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper No. 8) filed on February 10, 2017. Petitioner hereby requests a refund of \$14,000 for the post-institution fee under 37 C.F.R. §42.15(a)(2) submitted with the filing of the Petition.

Payment of the \$14,000 Post-Institution Fee was processed through PTAB E2E on November 21, 2016, and charged to the undersigned’s Deposit Account, No. 50-0740 (Covington & Burling LLP). Upon review and approval of this request, Petitioner respectfully requests that the Board credit the Post-Institution Fee to Deposit Account No. 50-0740.

Date: March 13, 2017

Respectfully submitted,

By  _____
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 13th day of March 2017, the foregoing Request for Refund of Post-Institution Fee for Request for *Inter Partes* Review of U.S. Patent No. 9,226,940 was served via email by agreement of the parties on the following counsel of record for Patent Owner:

Allison E. Kerndt
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Date: March 13, 2017


Jay I. Alexander, Esq.
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