

Filed: September 6, 2017

Filed on behalf of:

Fisher & Paykel Healthcare Limited

By: Brenton R. Babcock

Benjamin J. Everton

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

Email: BoxFPH538-2@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FISHER & PAYKEL HEALTHCARE LIMITED,
Petitioner

v.

RESMED LIMITED,
Patent Owner

Case No. IPR2017-00634
U.S. Patent No. 8,944,061 B2

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

IPR2017-00634

Fisher & Paykel Healthcare v. ResMed

Pursuant to the Final Rule Setting and Adjusting Patent Fees (78 Fed. Reg. 4232–4234), Petitioner Fisher & Paykel Healthcare Limited respectfully requests a refund in the amount of \$22,800.00 for post-institution filing fees paid in this proceeding to be credited to Deposit Account 11-1410 (Customer No. 20,995).

On January 9, 2017, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,944,061 which was assigned case number IPR2017-00634. Among the fees paid concurrently with filing the petition were \$22,800 in post-institution fees, comprising \$14,000 for the base fee and \$8,800 in excess claim fees, as shown below:

Payment Summary

records per page

Filter

Transaction Date	Payment Method	Description	Fee Code	Quantity	Fee Amount	Fee Total
01/09/2017 17:04:40	DA	Inter Parties Review Post-Institution Fee	1414	1	\$14,000	\$14,000
01/09/2017 17:04:40	DA	Inter Parties Post-Institution Request Of Each Claim In Excess Of 15	1415	22	\$400	\$8,800

On July 25, 2017, the Patent Trial and Appeal Board entered a decision denying institution of this *inter partes* review (Paper 8). Accordingly, Petitioner

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requests a refund in the amount of \$22,800.00 for the post-institution fees paid in connection with this proceeding.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 6, 2017 By: / Benjamin J. Everton /
Brenton R. Babcock (Reg. No. 39,592)
Benjamin J. Everton (Reg. No. 60,659)
Customer No. 20,995
Attorneys for Petitioner,
FISHER & PAYKEL HEALTHCARE
LIMITED
(949) 760-0404

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e)(1) and agreement of the parties, a true and correct copy of **PETITIONER REQUEST FOR REFUND OF POST-INSTITUTION PETITION FEES** is being served via email on September 6, 2017, to counsel for **ResMed Limited** at the email addresses below:

Michael T. Hawkins
Stephen R. Schaefer
Michael J. Kane
Christopher C. Hoff
Andrew Dommer
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Tel: 612-337-2508
IPR36784-0060IP3@fr.com
PTABInbound@fr.com

Dated: September 6, 2017

By: / Benjamin J. Everton /
Brenton R. Babcock (Reg. No. 39,592)
Benjamin J. Everton (Reg. No. 60,659)
Attorneys for Petitioner,
FISHER & PAYKEL HEALTHCARE
LIMITED

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