

IPR2017-00797
U.S. Patent No. 8,887,308
Petitioner's Request for Refund of Post-Institution Fee

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.,
Petitioner,

v.

WILLIAM GRECIA,
Patent Owner.

Case IPR2017-00797
Patent No. 8,887,308

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

IPR2017-00797
U.S. Patent No. 8,887,308
Petitioner's Request for Refund of Post-Institution Fee

Petitioner American Express Travel Related Services Company, Inc. (“American Express”) hereby files its request for a refund of the \$14,000 post-institution fee that was previously paid by Petitioner in association with the above-referenced proceeding.

On January 28, 2017, Petitioner filed a petition for inter partes review of U.S. Patent No. 8,887,308 and paid the USPTO a total of \$23,000, which included \$9,000 for the request fee and \$14,000 for the post-institution fee.

On April 26, 2017, in response to the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317, the Board entered a Decision of Termination of Proceeding prior to institution (Paper No. 8), in which the Board terminated the proceeding. As a result, the inter partes review was never instituted.

Therefore, because trial was not instituted, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *See, e.g.*, U.S. Patent & Trademark Office, 78 Fed. Reg. 13, 4234 (Jan. 18, 2013) (37 C.F.R. Pt. 1, 41 and 42) available at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“The Office also chooses to return fees for post-institution services if a review is not instituted.”).

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Petitioner American Express respectfully requests that the refund of the \$14,000 post-institution fee previously paid by Petitioner be deposited in Deposit Account No. 503672 of White & Case LLP.

Date: July 21, 2017

Respectfully submitted,

David M. Tennant/

David M. Tennant, Reg. No. 48,362

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Travel Related Services Company, Inc.*

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6 and 42.300, I hereby certify that on this July 21, 2017, a copy of the foregoing Petitioner's Request for Refund of Post-Institution Fee was delivered via electronic mail to the attorney of record for the Patent Owner at the following address:

Isaac Rabicoff
Rabicoff Law LLC
isaac@rabilaw.com

The Patent Owner has agreed to electronic service in this proceeding.

Respectfully submitted,
/David M. Tennant/
David M. Tennant
White & Case LLP
Attorney for Petitioners American Express
Travel Related Services

Date: July 21, 2017