

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONTROLS SOUTHEAST, INC.

Petitioner,

v.

QMAX INDUSTRIES, LLC

Patent Owner.

U.S. Patent No. 8,469,082

HEAT TRANSFER BETWEEN TRACER AND PIPE

**PETITIONER'S REQUEST FOR REFUND OF PETITION FEES
PURSUANT TO 37 C.F.R. §1.26(c) FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,469,082**

Case No. IPR 2017-00976

On February 22, 2017, Controls Southeast, Inc. (“Petitioner”) filed a Petition for *inter partes* review of 14 claims of U.S. Patent No. 8,469,082 (“the ’082 Patent”), claims 1-9, 11, 12, and 18-20. On August 24, 2017, following Patent Owner’s disclaimer of all challenged claims of the ’082 Patent, the Patent Trial and Appeal Board issued a Decision Denying Institution of *Inter Partes* Review (Paper No. 9).

Petitioner requests a refund of the post-institution fee because the Board did not institute trial. *See* 78 Federal Register 13 at 4233 (January 18, 2013) (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Payment of the post-institute fee was processed through PRPS on February 22, 2017, and charged to an American Express account. The amount was \$14,000 for 14 claims, pursuant to 37 CFR §42.15 (“(a) On filing a petition for *inter partes* review of a patent, payment of the following fees are due: ... (2) *Inter Partes* Review Post-Institution fee: \$14,000.00...).

Petition hereby requests a refund of the post-institution fee of \$14,000.00.

Upon review and approval of this request, Petitioner respectfully requests that the Board credit the post-institution fee to the American Express account, the details of which will be forwarded via email to trials@uspto.gov.

Dated: September 1, 2017

Respectfully submitted,

/s/ Benjamin E. Leace

Benjamin E. Leace, Reg. No. 33,412

Christopher H. Blaszkowski, Reg. No. 61,461

Andrew J. Koopman, Reg. No. 65,537

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2017, a copy of the foregoing Request for Refund of Fees was served by email upon the following:

Chad D. Tillman
Jeremy Doerre
Tillman Wright, PLLC
11325 N. Community House Rd.
Suite 250
Charlotte, NC 28277
uspto@tillmanwright.com

Dated: September 1, 2017

Respectfully submitted,

/s/ Christopher H. Blaszkowski
Christopher H. Blaszkowski, Reg. No. 61,461