

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Myriad Genetics, Inc., Myriad Genetic Laboratories, Inc., Bio-Rad Laboratories,
Inc., and RainDance Technologies, Inc.,
Petitioners,

v.

The Johns Hopkins University,
Patent Owner.

Case IPR2017-01106
Patent 7,824,889

**REQUEST FOR A REFUND OF THE POST-INSTITUTION FEE FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 7,824,889**

I. STATEMENT OF RELIEF REQUESTED

Petitioners Myriad Genetics, Inc., Myriad Genetic Laboratories, Inc., Bio-Rad Laboratories, Inc., and RainDance Technologies, Inc. ("Petitioners") respectfully request a refund of the post-institution fee they initially paid when filing their petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 7,824,889, which was assigned case number IPR2017-01106.

II. STATEMENT OF FACTS

Petitioners filed their petition for IPR on March 17, 2017. (Paper 1.) On April 5, 2017, the Board accorded the petition a filing date of March 17, 2017 and gave the Patent Owner until July 5, 2017 to file a Preliminary Response. (Paper 4.) The Patent Owner did not file a Preliminary Response. On August 16, 2017, Petitioners and Patent Owner submitted a Joint Motion to Terminate the IPR of U.S. Patent 7,824,889. (Paper 7.) On August 22, 2017, the Patent Trial and Appeal Board granted the Joint Motion to Terminate and ordered that the petition be dismissed. (Paper No. 9.) The Board noted that "it is appropriate to dismiss each case without rendering a decision as to whether a trial will be instituted." (*Id.* at 2.)

Because no trial was instituted, Petitioners request a refund of the \$15,200 post-institution fee they paid pursuant to 37 C.F.R. § 42.15(a)(2) when filing the

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petition. Payment of the \$15,200 post-institution fee was processed on March 17, 2017 and charged to the undersigned's Deposit Account No. 505708. Upon review and approval of this request, Petitioners respectfully request that the Board credit the post-institution fee to Deposit Account No. 505708.

Date: September 7, 2017

Respectfully submitted,

/Peter J. Armenio (Reg. No. 41,588)/
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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing *Request for a Refund of the Post-Institution Fee for Inter Partes Review of U.S. Patent No. 7,824,889* was served on September 7, 2017 via e-mail upon the following counsel of record for the Patent Owner.

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Date: September 7, 2017

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