

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GRIDCO, INC.
Petitioner

v.

VARENTEC, INC.
Patent Owner

Case IPR2017-01134
Patent 9,293,922

**PETITIONER'S REQUEST FOR
REFUND OF POST-INSTITUTION FEE**

On March 28, 2017, Petitioner filed its petition in the above-captioned *inter partes* review with accompanying fees set forth in 37 C.F.R. § 42.15(a). Petitioner paid both the *Inter Partes* Review request fee (\$9,000) and the *Inter Partes* Review Post-Institution fee (\$14,000).

On October 2, 2017, the PTAB issued its decision denying institution of *inter partes* review.

Petitioner requests the refund of its *Inter Partes* Review Post-Institution fee (\$14,000). Petitioner further authorizes the Office to credit **Petitioner's Deposit Account No. 23-0804** with the full amount requested.

Petitioner is entitled to the requested refund because the post-institution fee is specifically for use by the Office should it institute. The agency provided for return of this fee in its fee rulemaking. The fee is returned when the Office does not institute a review:

The USPTO also sets the *inter partes* review post-institution fee at \$14,000 for a review of up to 15 claims. This fee would be returned to the petitioner if the Office does not institute a review.

78 Fed. Reg. 4212, 4233 (Jan. 18, 2013); *see also Frequently Asked Questions*, E7, PTABE2E, July 11, 2016.

Respectfully submitted,

By: /William G. Jenks/
William G. Jenks

October 2, 2017

Reg. No. 48,818
Jenks IP Law
1050 17th ST NW, Suite 800
Washington, D.C. 20036
Phone: (202) 412-7964
wjenks@jenksiplaw.com

By: /Victor B. Lebovici /
Victor B. Lebovici
Reg. No. 30,864
PretiFlaherty
60 State Street, Suite 1100
Boston, MA 02109
Phone: 617 226-3800
VLebovici@preti.co
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October 2017, the foregoing

PETITIONER'S REQUEST FOR REFUND OF POST INSTITUTION FEE

was served electronically via email on the following lead and back-up counsel for

Patent Owner:

David E. Heisey

dheisey@sheppardmullin.com

Jesse A. Salen

jsalen@sheppardmullin.com

SHEPPARD MULLIN RICHTER & HAMPTON LLP

12275 El Camino Real

Suite 200

San Diego, CA 92130

By: /William Jenks/

William G. Jenks

Reg. No. 48,818

Phone: (202) 412-7964

wjenks@jenksiplaw.com