

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLEXITALLIC INVESTMENTS, INC.

Petitioner

v.

ERIKS N.V.

Patent Owner

U.S. Patent No. 9,388,924

Filing Date: August 13, 2013

Issue Date: July 12, 2016

Title: ALKY-ONE GASKET

Case: IPR2017-01968

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Flexitallic Investments, Inc. requests a refund of post-institution fees in the amount of \$14,000.

On August 16, 2017, Petitioner filed a Petition for *Inter Partes* review of U.S. Patent 9,388,924. As required by 37 C.F.R. § 42.15(a), Petitioners deposited \$23,000.00 with the U.S. Patent and Trademark Office (“USPTO”) at the time of filing the Petition to cover associated fees. Petitioner’s payment consisted of \$9,000.00 in fees associated with the request for Inter Partes review, and a further \$14,000.00 in post-institution fees.

On February 8, 2018, the Board issued an Order denying the Petition and no *Inter Partes* Review was instituted. (Paper 9.) On March 12, 2018 Petitioner requested rehearing of the institution decision, but on March 28, 2018 the Board denied the request. Accordingly, Petitioner requests a refund of the post-institution fees paid to the USPTO in connection with this proceeding, totaling \$14,000.00, to be paid to deposit account number 20-1430 (referencing Attorney Docket No. 057905-1041628).

Dated: May 1, 2018

Respectfully submitted,

By: /s/David C. Holloway
David C. Holloway
Registration No. 58,011
Lead Counsel for Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Petitioner's *Request for Refund of Post Institution Fees* has been served via email on May 1, 2018 upon the following:

IPR-ERIKSNA@cohenlaw.com

Dated: May 1, 2018

By: /s/David C. Holloway
David C. Holloway
Registration No. 58,011
Lead Counsel for Petitioner