

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEIT ELECTRIC COMPANY, INC.,
Petitioner

v.

PHILIPS LIGHTING NORTH AMERICA CORPORATION,
Patent Owner

Case IPR2018-00790
U.S. Patent No. 7,038,399

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4,211, 4,233-34 (Jan. 18, 2013), Petitioner Feit Electric Company, Inc. ("Petitioner") requests a refund in the amount of \$15,000.00 to be paid to deposit account number 19-0036.

On March 19, 2018, Petitioner filed a Petition for *Inter Partes* Review seeking review of claims 7, 8, 17, 18, 19, 34, 35, and 58-60 of U.S. Patent No. 7,038,399 (assigned case number IPR2018-00790) (Paper 2). On October 10, 2018, the Patent Trial and Appeal Board declined to institute trial in this *Inter Partes* Review proceeding (Paper 9).

The Rules provide for a refund of the institution fee if the Board does not institute trial. Payment of the \$15,000.00 post-institution fee was processed through PTAB E2E on March 19, 2018.

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$15,000.00 for the post-institution fee that it has paid to the USPTO in connection with this proceeding.

IPR2018-00790
U.S. Patent No. 7,038,399

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lestin L. Kenton/

Lestin L. Kenton
Attorney for Petitioner
Registration No. 72,314

Date: September 11, 2019

1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S REQUEST FOR REFUND OF THE POST-INSTITUTION FEE** was served electronically via e-mail on September 11, 2019, in its entirety on the following:

C. Brandon Rash (Lead Counsel)
J. Preston Long (Back-up Counsel)
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
brandon.rash@finnegan.com
j.preston.long@finnegan.com
Phillips-FeitElectric-IPR@finnegan.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lestin L. Kenton/

Lestin L. Kenton
Attorney for Petitioner
Registration No. 72,314

Date: September 11, 2019

1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

13791611_1.docx