

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NITTO DENKO CORP.,

Petitioner

v.

HUTCHINSON TECHNOLOGY INC.,

Patent Owner

Case No. IPR2018-01300

U.S. Patent No. 8,169,746

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

Petitioner Nitto Denko Corp. (“Nitto”) filed its Petition for *Inter Partes* Review (“IPR”) in this case on July 31, 2018. The petition identified claims 7-9, 11 and 15 of U.S. Patent No. 8,169,746 as the claims at issue. (See Paper 1.) On January 14, 2019, and prior to issuance of an institution decision, the Board granted a joint motion to terminate and dismiss the IPR petition in view of a settlement between Petitioner and Patent Owner Hutchinson Technology Inc. (See Paper 10.)

Since Nitto’s petition addressed 5 claims, it was accompanied by a fee payment of \$30,500 that can be broken down as follows:

Fee	Amount
IPR Request fee (37 CFR § 42.15(1))	\$15,500
Fee for claims in excess of 20 in petition (37 CFR § 42.15(3))	\$0
IPR Post-Institution fee (37 CFR § 42.15(2))	\$15,000
Fee for instituted claims in excess of 15 (37 CFR § 42.15(4))	\$0
TOTAL	\$30,500

In view of the dismissal of the IPR petition prior to institution, Nitto

respectfully requests a refund of in the amount of **\$15,000**. This amount includes the post-institution fee. Nitto requests that the refund be credited to the deposit account of Orrick, Herrington, & Sutcliffe LLP: 15-0665.

Respectfully submitted,

Dated: 1/28/2019

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES was caused to be served on January 28, 2019 via electronic mail upon the following counsel of record for Patent Owner:

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