

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,

Petitioner

v.

RED.COM, LLC

Patent Owner

IPR2019-01065
U.S. Patent No. 9,245,314

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Apple, Inc. ("Petitioner") hereby files its request for a refund of the \$15,000.00 post-institution fee, the \$9,000.00 excessive claim fee for fifteen (15) claims in excess of fifteen (15) claims, and \$3,000.00 excessive claim fee for ten (10) claims in excess of twenty (20) claims all of which were previously paid and total an amount of \$27,000.00.

On May 6, 2019, Petitioner filed a petition for inter partes review of U.S. Patent No. 9,245,314 and paid the USPTO a total of \$42,500.00, which included a \$15,500.00 payment for the inter partes review request fee, \$9,000.00 excessive claim fee for fifteen (15) claims in excess of fifteen (15) claims, \$3,000.00 excessive claim fee for ten (10) claims in excess of twenty (20) claims, and a \$15,000.00 payment for the post-institution fee.

The petition was granted a filing date of May 6, 2019. (Paper No. 3). On November 8, 2019 the Board entered a Decision – Denying Institution of *Inter Partes* Review (Paper No. 17). Accordingly, the inter partes review was never instituted.

Therefore, because the petition to institute inter partes review was filed after March 19, 2013, and the proceeding did not institute, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *See, e.g.*, 78 FR 4233 (Jan. 18, 2013) available at <http://www.gpo.gov/fdsys/pkg/FR-2013-01->

18/pdf/2013-00819.pdf (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Petitioner hereby requests a refund of the \$27,000.00 post-institution fee previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 52959.68US01.

Dated: May 12, 2020

Respectfully submitted,

/Michael S. Parsons/

Michael S. Parsons
Lead Counsel for Petitioner
Registration No. 58,767

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing "**PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES**" was served on the Patent Owner as detailed below:

Date of service May 12, 2020

Manner of service Electronic Mail to: 2jrr@knobbe.com
2dgm@knobbe.com
BoxRedcom7C4LP@knobbe.com

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

Persons Served Joseph R. Re
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Respectfully submitted,

/Michael S. Parsons/
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