

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXON ENTERPRISE, INC.
Petitioner

v.

DIGITAL ALLY, INC.
Patent Owner

Case PGR2018-00052
Patent 9,712,730

**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. 4211, 4233-34 (Jan. 18, 2013), Petitioner Axon Enterprise, Inc. ("Petitioner") requests a refund in the amount of \$29,425.00 to be paid to deposit account number 19-0036.

On March 19, 2018, Petitioner filed a Petition for Post-Grant Review seeking review of claims 1-24 of U.S. Patent No. 9,712,730 (assigned case number PGR2018-00052) (Paper 1). On October 1, 2018, the Patent Trial and Appeal Board declined to institute trial in this Post-Grant Review proceeding (Paper 8).

The Rules provide for a refund of the institution fee if the Board does not institute trial. Payment of the \$29,425.00 post-institution fee was processed through PTAB E2E on March 19, 2018, as follows:

- \$22,000.00 post-institution fee (for first 15 claims) under 37 C.F.R. § 42.15(b)(2); and
- \$7,425.00 post-institution fee for 9 excess claims (over 15 claims) under 37 C.F.R. § 42.15(b)(4).

Relief requested:

Accordingly, Petitioner requests a refund in the amount of \$29,425.00 for the post-institution fee that it has paid to the USPTO in connection with this proceeding.

PGR2018-00052
Patent 9,712,730

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

/Richard M. Bemben/

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Registration No. 68,658

Date: November 27, 2018

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S REQUEST FOR REFUND OF THE POST-INSTITUTION FEE** was served electronically via e-mail on November 27, 2018, in its entirety on the following:

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