

PGR2020-00067

Petitioner's Request for Refund

Filed on behalf of Supercell Oy

By:

JENNIFER R. BUSH, Reg. No. 50,784

BRIAN M. HOFFMAN, Reg. No. 39,713

MICHAEL J. SACKSTEDER (*pro hac vice*)

KEVIN X. McGANN, Reg. No. 48,793

GREGORY A. HOPEWELL, Reg. No. 66,012

GEOFFREY R. MILLER (*pro hac vice*)

ERIC Y. ZHOU, Reg. No. 68,842

FENWICK & WEST LLP

801 California Street

Mountain View, CA 94041

Telephone: 650.988.8500

Facsimile: 650.938.5200

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner

v.

GREE, INC.,
Patent Owner.

Case No. PGR2020-00067
U.S. Patent No. 10,398,978 B2

**PETITIONER SUPERCELL OY'S REQUEST FOR REFUND
OF POST GRANT REVIEW POST-INSTITUTION FEES
PURSUANT TO 37 C.F.R. § 42.15(b)**

Petitioner's Request for Refund

Petitioner Supercell Oy ("Petitioner") respectfully requests a refund of the post-institution fees paid by Petitioner in the instant proceeding.

On June 2, 2020, Supercell Oy ("Supercell") filed a Petition for Post Grant Review of U.S. Patent No. 10,398,978 (Paper 2) requesting review of eighteen claims. Petitioner paid a fee of \$40,475, including: (i) \$16,000 for a post grant review request fee for up to twenty (20) claims; (ii) \$22,000 for a post grant review post-institution fee for up to fifteen (15) claims; and (iii) \$2,475 for post grant review post-institution for each claim in excess of fifteen claims (\$825 for three additional claims in excess of 15).

On September 10, 2020, Petitioner filed Joint Motion to Terminate Post Grant Review Process Pursuant to 35 U.S.C. § 317(A) ("Joint Motion") [Paper 6]. On September 15, 2020, the Patent Trial and Appeal Board ("the Board") issued a decision [Paper 9] granting the Joint Motion, and terminated the post grant review and dismissed the petition.

In accordance with 37 C.F.R. § 42.15(b)(2), Petitioner respectfully requests a refund of Petitioner's paid post-institution fees in the amount of \$24,475 credited to Petitioner's USPTO Deposit Account (No. 19-2555).

PGR2020-00067
Petitioner's Request for Refund

Dated: September 22, 2020

Respectfully submitted,
FENWICK & WEST LLP

/Jennifer R. Bush /

Jennifer R. Bush

Reg. No. 50,784

Attorneys for Petitioner Supercell Oy

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on September 22, 2020, a copy of the foregoing document, **PETITIONER SUPERCCELL OY'S REQUEST FOR REFUND OF POST GRANT REVIEW POST-INSTITUTION FEES PURSUANT TO 37 C.F.R. § 42.15(b)** were served on Patent Owner's lead and backup counsel in their entirety by electronic service by email at the email addresses provided below:

John C. Alemanni
Kilpatrick Townsend & Stockton LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
jalemanni@kilpatricktownsend.com

Andrew W. Rinehart
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
arinehart@kilpatricktownsend.com

Joshua H. Lee
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
jlee@kilpatricktownsend.com

Scott A. McKeown
Ropes & Gray
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
scott.mckeown@ropesgray.com

Dated: September 22, 2020

FENWICK & WEST LLP

/Jennifer R. Bush/
Jennifer R. Bush
Reg. No. 50,784
Attorneys for Petitioner Supercell Oy

Fenwick & West LLP
801 California Street
Mountain View, CA 94041