

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GEL BLASTER, INC.,
Petitioner

v.

SPIN MASTER, INC.,
Patent Owner

Case IPR2023-00301
Patent No. 8,371,282

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner hereby respectfully files this request for a refund of the \$23,250 post-institution fees that Petitioner paid in connection with the filing of the Petition in the instant *inter partes* review.

On December 5, 2022, Petitioner filed the Petition for *inter partes* review of U.S. Patent No. 8,371,282 (the “’282 Patent”), and paid to the United States Patent and Trademark Office fees totaling \$42,625 for review of the ’282 Patent’s claims. Pursuant to 37 C.F.R. § 42.15(a), this payment included: (1) the *inter partes* review request fee of \$19,000, (2) the fee of \$375 for requesting review of one claim in excess of 20; (3) the post-institution fee of \$22,500; and (4) the post-institution fee of \$750 for one claim in excess of 20.

On May 19, 2023, prior to the Board’s issuance of an Institution Decision, the parties jointly moved to terminate this proceeding. *See* Paper 9. On June 5, 2023, the Board granted the parties’ motion and terminated this proceeding prior to institution of trial. *See* Paper 11.

For the foregoing reasons, Petitioner respectfully requests a refund of the post-institution fees of \$23,250 (the post-institution fee of \$22,500 plus the post-institution fee of \$750 for one claim in excess of 20). *See e.g.*, 78 Fed. Reg. 4233 (Jan. 18, 2013) (“[t]he entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Case No.: IPR2023-00301

Patent No. 8,371,282

Respectfully submitted,

Dated: June 8, 2023

/Douglas Lewis/

Douglas Lewis
Counsel for Petitioner
Reg. No. 39,748

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. 42.6(e)(1), the parties have agreed to accept service by electronic means. I hereby certify that on June 8, 2023, I caused a copy of the foregoing document to be served via electronic mail to the following addresses:

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