

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

TOGAIL TECHNOLOGIES, LTD.
Patent Owner.

IPR2023-00338
U.S. Patent 10,791,502

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner Unified Patents, LLC (“Petitioner”) requests a \$22,500 refund to be paid to deposit account number 50-6990.

On February 2, 2023, Petitioner filed a Petition for *Inter Partes* Review with the U.S. Patent and Trademark Office, Patent Trial and Appeal Board that was assigned case number IPR2023-00338. In accordance with the fee schedule specified in 37 C.F.R. § 42.15 at that time, Petitioner submitted an electronic payment in the amount of \$22,500 in post-institution fees.

On October 19, 2023, the parties jointly filed a motion to dismiss (Paper 9). On October 27, 2023, the Board issued its decision (Paper 10) dismissing the proceeding. While the Board had issued an institution decision (Paper 7), such was prior to any briefing by the parties and without deciding any motions other than the joint motion to dismiss. In such circumstances, panels have refunded post-institution fees in view of the fact that the Board has not expended any time to prepare for and conduct an oral hearing. *See, e.g., Triller Holco LLC v. TikTok, Ltd.*, IPR2022-00180, Papers 22 and 23 (October 14 and November 3, 2022); *SK Hynix Inc. v. Netlist, Inc.*, IPR2020-01421, Paper 17 and 18 (May 27, 2021 and June 10, 2021).

Accordingly, Petitioner requests a refund in the amount of \$22,500 for the post-institution fees that it has paid to the U.S. Patent and Trademark Office in connection with the said proceeding.

Date: January 17, 2024

Respectfully Submitted,

BY: /Michelle Aspen/
Michelle Aspen
Reg. No. 75,665

Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 17, 2024, the foregoing **PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE** was filed on P-TACTS today and via Electronic Mail on the following representative of record for Patent Owner addresses of record for this IPR:

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Date: January 17, 2024

Respectfully Submitted,

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Counsel for Petitioner