

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Mercedes-Benz USA, LLC,

Petitioner,

v.

Westport Fuel Systems Canada, Inc.,

Patent Owner.

Case No. IPR2023-00352

Patent 6,298,829

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner Mercedes-Benz USA, LLC (“**Mercedes**”) respectfully requests a refund of the *Inter Partes* Review post-institution fees in the amount of \$22,500 to be paid to Hogan Lovells US, LLP’s deposit account number 50-1349, reference 084936-900045, in connection with the instant proceeding. The Board denied institution of a trial in this proceeding on June 20, 2023. Accordingly, a refund of post-institution fees is requested.

On December 14, 2022, Petitioner filed the above-captioned Petition for *Inter Partes* Review, which was assigned Case No. IPR2023-00352. In accordance with the fee schedule and 37 C.F.R. § 42.15(a), the Petitioner paid \$41,500 in fees at the time of filing, which included a \$19,000 IPR Request fee and \$22,500 in post-institution fees.

The Board denied institution of a trial in this proceeding on June 20, 2023. (Paper 10.) Thus, Petitioner respectfully requests a refund of the post-institution fees in the amount of \$22,500.

The Board has granted such requests to refund post-institution fees under similar circumstances. *See Special Tactical Services, LLC v. Hagedorn*, IPR2019-00240, Paper 9 (P.T.A.B. Apr. 3, 2019) (“Under the fee setting rule for *inter partes* reviews in effect when the Petition was filed, the ‘USPTO will refund the post-institution fee if the inter partes review proceeding is not instituted by the PTAB.’”); *see also* Setting and Adjusting Patent Fees During Fiscal Year 2017, 82

Fed. Reg. 52,780, 52,790 (Nov. 14, 2017) (establishing refund of post-institution fees); Setting and Adjusting Patent Fees During Fiscal Year 2020, 85 Fed. Reg. 46,932, 46,945 (Aug. 3, 2020) (establishing current fee schedule and making no changes to refund of post-institution fees).

It is therefore requested that the refunded amount be credited to Hogan Lovells US, LLP deposit account number 50-1349, reference 084936-900045.

Dated: September 7, 2023

Respectfully submitted,

/s/ Celine Jimenez Crowson

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Certificate of Service

I hereby certify that on September 7, 2023, I caused a true and correct copy of the foregoing to be served upon counsel of record via email:

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