

Filed on behalf of: Amazon.com, Inc. and Amazon Web Services, Inc.

Entered: September 14, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC. and
AMAZON WEB SERVICES, INC.,
Petitioner,

v.

SWARM TECHNOLOGY LLC,
Patent Owner.

Case IPR2023-00390
Patent 9,146,777 B2

**PETITIONER'S REQUEST FOR REFUND
OF POST-INSTITUTION FEES**

On December 21, 2022, Amazon.com, Inc. and Amazon Web Services, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review (IPR2023-00390) seeking review of claims 1-14 of U.S. Pat. No. 9,146,777. Pursuant to 37 C.F.R. §42.15(a)(2) and (4), Petitioner's paid fees totaling \$41,500 which included a \$22,500 payment for the post-institution fee.

On July 5, 2023, the Patent Trial and Appeal Board (“the Board”) denied institution of the Petition. (Paper 7.) Petitioner's filed a Request for Rehearing by the Director on August 2, 2023. (Paper 8). Petitioner's Request for Rehearing by the Director was denied on August 23, 2023. (Paper 9.)

Therefore, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. See, e.g., 78 Fed. Reg. 4212, 4233 (Jan. 18, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Upon review and approval of the request, Petitioner respectfully asks the Board to credit \$22,500 to Petitioner's account by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Respectfully submitted,

Dated: September 14, 2023

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 14th day of September, 2023, a true and correct copy of the foregoing **Petitioner's Request for Refund of Post-Institution Fees** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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