UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARETECH, LLC,
Petitioner,

v.

BIONESS INC.,
Patent Owner.

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Case No. IPR2023-00428

U.S. Patent 10,668,316

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PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

On January 10, 2023, Aretech, LLC ("Petitioner") filed a Petition for *Inter Partes* Review of U.S. Patent 10,668,316 ("the '316 patent") under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.100 et seq. (Paper 1.) The Petition sought *inter partes* review of ten (10) total claims of the '316 patent: Claims 1–5 and 7-11. (*Id.* at 5.) Accordingly, Petitioner submitted a post-institution fee of $22,500.00 ("Post-Institution Fee") for post-institution review of ten (10) claims under 37 C.F.R. §42.15(a)(2).

On March 29, 2023, prior to the issuance of an institution decision, the Board granted the parties' joint request to terminate this proceeding, as requested in the parties' Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 filed on March 28, 2023, noting that no decision on whether to institute a trial was made. (Paper 9 at 3.) Because the IPR was not instituted, Petitioner hereby requests a refund of the $22,500.00 Post-Institution Fee. Petitioner submitted an electronic payment for the Post-Institution Fee with its Petition through Deposit Account No. 50-4561. Petitioner respectfully requests that the Board credit the Post-Institution Fee totaling $22,500.00 to Deposit Account No. 50-4561.

Respectfully submitted,

DATED: April 10, 2023

/Robert M. Masters/

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Lead Counsel for Petitioner Aretech, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, a copy of the foregoing document was served to the email addresses provided by Patent Owner pursuant to 37 C.F.R. §§ 42.6(e) and 42.8:

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