

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHONGQING YANMEI TECHNOLOGY CO., LTD.,
Petitioner,

v.

TERVES, LLC,
Patent Owner.

IPR2023-00521
Patent 10,689,740 B2

Before JO-ANNE M. KOKOSKI, JON B. TORNQUIST, and
JANE E. INGLESE, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. §§ 42.5

The Petition in this case challenged claims 1–81 of US Patent No. 10,689,740 (“the ’740 patent). Paper 2, 3. At the time of filing, Petitioner paid the petition fee and post-institution fee, as well as the post-institution fee for claims in excess of 20. *See* 37 C.F.R. § 42.15(a). Prior to institution, Patent Owner disclaimed claims 1–18 and 62 of the ’740 patent. Ex. 2008. Petitioner now requests a refund of the \$14,250 in post-institution fees paid for the 19 excess claims that were disclaimed prior to institution. Paper 16, 1 (“Request”).

Having considered Petitioner’s Request, we agree that it would be in the interest of justice to grant Petitioner’s request for a refund of the post-institution fee paid for the 19 disclaimed claims. Given Patent Owner’s statutory disclaimer, we did not consider the disclaimed claims in our Institution Decision (Paper 2) and we did not institute an *inter partes* review of the 19 claims at issue, i.e., claims 1–18 and 62 of the ’740 patent. 37 C.F.R. § 42.15(a)(4).

Accordingly, it is

ORDERED that Petitioner shall be issued a refund of \$14,250 for post-institution fees paid for the 19 excess claims that were disclaimed prior to institution. 37 C.F.R. § 42.15(a)(4).

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