

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.

Petitioner,

v.

FACET TECHNOLOGIES, LLC

Patent Owner.

Case No. IPR2023-00713

U.S. Patent No. 8,840,635

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

Petitioner LifeScan, Inc. (“Petitioner”) respectfully requests a refund of post-institution fees in the amount of \$22,500. The factual circumstances related to this request are provided below.

On March 21, 2023, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,840,635 (Paper 1). As required by 37 C.F.R. § 42.15(a), Petitioner provided \$41,500 to the U.S. Patent and Trademark Office (“USPTO”) when the Petition was filed. Petitioner’s payment included \$22,500 in post-institution fees (along with \$19,000 for the request fee).

On September 1, 2023, the Board issued a Decision Denying Institution of *Inter Partes* Review (Paper 13). Because trial was not instituted, Petitioner respectfully requests a refund of \$22,500 paid for the post-institution fees in connection with this proceeding. The refunded post-institution fees should be provided to deposit account number 50-0310 (with reference to Attorney Docket No. 122623-0030).

Dated: September 6, 2023

Respectfully Submitted,

/ Michael J. Lyons /
Michael J. Lyons, Reg. No. 37,386

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. 42.6(e), the undersigned hereby certifies that on September 6, 2023, a true and correct copy of the foregoing **Petitioner's Request for Refund of Post-Institution Fees** was served via email upon Patent Owner's lead and backup counsel at the following email addresses:

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Dated: September 6, 2023

Respectfully Submitted,

/ Michael J. Lyons /
Michael J. Lyons, Reg. No. 37,386