UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBER TECHNOLOGIES, INC.,

Petitioner,

v.

SURGETECH LLC,

Patent Owner.

Case IPR2023-00738
Patent No. 11,475,047

REQUEST FOR REFUND OF POST-INSTITUTION FEES

I. STATEMENT OF RELIEF REQUESTED

Petitioner Uber Technologies, Inc. respectfully requests a refund of the $22,500 post-institution fee initially paid for the Petition for *Inter Partes* Review (IPR2023-00737) of U.S. Patent No. 11,475,047 ("the '047 patent").

II. STATEMENT OF FACTS

Uber Technologies, Inc. filed its Petition for *Inter Partes* Review of the '047 patent claims on April 7, 2023 (Paper No. 2). The IPR challenged six claims. Petitioner paid the USPTO $41,500 on April 7, 2023, including a $19,000 payment for the *Inter Partes* Review request fee and a $22,500 payment for the post-institution fee, as required by 37 C.F.R. § 42.15(a)(2).

On October 23, 2023, the U.S. Patent and Trademark Office Patent Trial and Appeal Board entered a Decision Denying Institution of *Inter Partes* Review (Paper No. 8).

III. ARGUMENT

No trial has been instituted in this IPR and the proceeding has been terminated pre-institution. Therefore, Petitioner requests a refund of $22,500, the post-institution fees paid pursuant to 37 C.F.R. § 42.15(a)(2). *See e.g.*, 82 FR 52790 (Nov. 14, 2017) available at https://www.govinfo.gov/content/pkg/FR-2017-

11-14/pdf/2017-24390.pdf ("The USPTO will refund the post-institution fee if the *inter partes* review proceeding is not instituted by the PTAB.").

IV. CONCLUSION

For at least the foregoing reasons, Petitioner respectfully requests a refund of the $22,500 post-institution fee that it previously paid. The refund may be deposited in Deposit Account No. DA604974.

Respectfully submitted: /J. Steven Baughman/ November 27, 2023
J. Steven Baughman

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on November 27, 2023 the foregoing document was served via email on the following counsel of record for the Patent Owner:

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