

IPR2023-00741
Patent No. 9,135,190

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KIOXIA AMERICA, INC and KIOXIA CORPORATION,

Petitioners,

v.

BiTMICRO LLC,

Patent Owner.

Case No.: IPR2023-00741
U.S. Patent No. 9,135,190

**PETITIONERS' REQUEST FOR REFUND
OF POST-INSTITUTION FEES**

Petitioners KIOXIA Corporation and KIOXIA America, Inc. (“Petitioners”) respectfully request a refund of post-institution fees in the amount of \$22,500.

On March 23, 2023, Petitioners filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,135,190. As required by 37 C.F.R. § 42.15(a), Petitioners deposited \$41,500 with the U.S. Patent and Trademark Office (“USPTO”) at the time of filing the Petition in order to cover associated fees. Petitioners’ payment consisted of \$19,000 in fees associated with the request for *Inter Partes* Review, and a further \$22,500 in post-institution fees.

On October 16, 2023, the U.S. Patent Trial and Appeal Board issued a Decision Denying Institution of *Inter Partes* Review (Paper No. 8). Thus, *inter partes* review was not instituted. Accordingly, Petitioners request a refund of the post-institution fees paid to the USPTO in connection with this proceeding, totaling \$22,500, to be paid to deposit account 500259 (referencing Attorney Docket 0000896.000009).

Respectfully Submitted,

Dated: November 13, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2023, I caused a true and correct copy of the foregoing Petitioners' Request for Refund of Post-Institution Fees to be served electronically via e-mail upon the following counsel.

Patent Office Counsel of Record	Litigation Counsel of Record
Joseph P. Lally jlally@jw.com	Michael Flynn-O'Brien Corey Johanningmeier Richard C. Lin Denise M. De Mory Li Guo BDIP-BiTMicro-KIOXIA@bdiplaw.com B. Russell Horton rhorton@gbkh.com

Dated: November 13, 2023

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