

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

THROUGHPUTER, INC.,
Patent Owner

Case IPR2023-00852
Patent 11,150,948

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232–4234 (Jan. 18, 2013), Petitioner Microsoft Corporation requests a refund in the amount of \$22,500.00 to be paid to deposit account number 06-1050.

On April 17, 2023, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 11,150,948 with the Patent Trial and Appeal Board ("PTAB" or "Board") that was assigned case number IPR2023-00852. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Petitioner deposited an electronic payment in the amount of \$19,000.00 with the Board at the time of filing of its Petition to cover associated fees with Petitioner's *Inter Partes* Review request, and a further \$22,500.00 in Post-Institution fees.

On November 9, 2023, the Board issued a decision denying institution of *Inter Partes* Review in this proceeding. Accordingly, Petitioner requests a refund in the amount of \$22,500.00 for the post-institution fees that it has paid to the USPTO in connection with this proceeding.

Respectfully submitted,

Dated February 7, 2024

/Jennifer J. Huang/

W. Karl Renner, Reg. No. 41,265
David L. Holt, Reg. No. 65,161
Jennifer Huang, Reg. No. 64,297
Nicholas Stephens, Reg. No. 74,320
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on February 7, 2024, a complete and entire copy of this Petitioner's Request for Refund of Post-Institution Fees was provided by email to the Patent Owner by serving the correspondence address of record as follows:

James L. Davis, Jr
ROPES & GRAY LLP
2099 Pennsylvania Avenue, NW
Washington, D.C. 20006

W. Cook Alciati
Michael A. Dorfman
GARDELLA GRACE P.A.
80 M Street SE, 1st Floor
Washington, D.C. 20003

Email: James.L.Davis@ropesgray.com
calciati@gardellagrace.com
mdorfman@gardellagrace.com
litigation@gardellagrace.com

_____/Diana Bradley/
Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 858-678-5667