UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

IMMERSION CORPORATION,
Patent Owner

Case IPR2023-00947
U.S. Patent No. 10,248,298 B2

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner, Meta Platforms, Inc., hereby requests refund of its post-institution fees in the amount of $22,500 deposited in the above proceeding on May 26, 2023. Although a decision to institute a trial was rendered on December 6, 2023, in this proceeding, the proceeding was terminated on February 27, 2024, in accordance with a Joint Motion to Terminate, prior to commencement of substantive trial activity. Accordingly, a refund of post-institution fees is requested.

Meta Platforms, Inc. filed its Petition for *Inter Partes* Review of U.S. Patent No. 10,248,298 on May 26, 2023. At that time, Meta Platforms, Inc. deposited with the PTAB the *inter partes* request and *inter partes* post-institution fees in the total amount of $41,500. The fees were charged to Cooley LLP's account number 50-1283.

A trial was instituted for this proceeding on December 6, 2023, and a Scheduling order was issued by the Board. Prior to commencement of substantive trial activity, a Joint Motion to Terminate the Proceeding pursuant to 35 USC section 317 and 37 CFR section 42.72 was filed on February 23, 2024. On February 27, 2024, the Board granted the parties' Joint Motion to Terminate and entered its Termination Order (Paper No. 17).

In light of the fact that no substantial trial activity occurred in this proceeding after the Institution Decision and prior to termination of the

proceeding, Petitioner respectfully requests a refund of the post-institution fees in the amount of $22,500. It appears that 37 CFR section 1.26 (Refunds) does not expressly address the situation of a request for refund in an *Inter Partes* Review, post-institution but prior to commencement of substantive trial activity, and in any event does not appear to preclude such a request. In lieu of a specific rule pertaining to the refund of post-institution fees in this situation, Petitioner brings to the Board's attention that similar requests were submitted and granted in, for example, IPR2015-00914 (Papers 13 & 14), IPR2020-00708 (Papers 15 & 17), and IPR2022-00179 (Papers 22 & 23).

It is therefore requested that the refunded amount be credited to Cooley's deposit account number 50-1283.

Dated: March 27, 2024

Respectfully submitted,

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By: */ Heidi L. Keefe /*
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached **PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES** is being served via electronic mail on the 27th day of March 2024, upon the Patent Owner's attorneys of record in this proceeding as follows:

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DATED: March 27, 2024

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