

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDUSTRIAL REVOLUTION, INC.,
Petitioner,

v.

HUMANGEAR, INC.,
Patent Owner.

Case IPR2023-01174
U.S. Patent No. 10,555,629

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner hereby files its request for a refund of the pre-paid post-institution fees in the amount of \$24,750.

On July 9, 2023 Petitioner filed its Petition for Inter Partes Review and paid the USPTO a total of \$44,875, using the undersigned's Deposit Account No. 191090. This total included a \$19,000 payment for the inter partes review request fee and \$1,125 for three excess claims, as well as a pre-payment of \$22,500 for the post-institution fee and \$2,250 for three excess claims.

The inter partes review was never instituted. On December 20, 2023 a Joint Motion to Terminate was filed in view of a settlement agreement between the Petitioner and Patent Owner (Paper 12). On December 21, 2023, The Board granted the Joint Motion to Terminate and entered an Order dismissing the petition and terminating the proceeding (Paper 15).

In view of the dismissal prior to institution, Petitioner respectfully requests a refund in the amount of \$24,750 for the post-institution fees under 37 C.F.R. §42.15(a). As the Petition to institute inter partes review was filed after March 19, 2013, and the proceeding was not instituted, Petitioner is entitled to request and receive a refund of all of the post-institution fees that were previously paid. (See 78 FR 4233, January 18, 2013)

Upon review and approval of this request, Petitioner respectfully requests that the Board credit the post-institution fees of \$24,750 to Deposit Account No. 191090 under reference no. 480412.80002IPR.

DATED this 5th day of January 2024.

Respectfully submitted,

/Bradley Zentz/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES was served via email on January 5, 2024 to Patent Owner's attorneys of record as follows:

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