

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

IPR2023-01252
Patent 11,298,056 B2

**PETITIONER'S REQUEST FOR
REFUND OF THE POST-INSTITUTION FEE**

On August 1, 2023, Dexcom, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review seeking review of claims 1-30 of U.S. Patent No. 11,298,056. Patent Owner Abbott Diabetes Care Inc. (“Patent Owner”), submitted its Preliminary Response on November 10, 2023 (Paper No. 7). On February 5, 2024, the Patent Trial and Appeal Board issued its Decision denying institution of Petitioner’s *Inter Partes* Review (Paper No. 9).

Petitioner challenged 30 claims, and Petitioner paid a post-institution fee of \$30,000 calculated as follows:

- \$22,500 (up to 20 claims per 37 C.F.R. § 42.15(a)(2))
- \$7,500 (10 claims in excess of 20 per 37 C.F.R. § 42.15(a)(4))

Accordingly, Petitioner is entitled to a refund of \$30,000.

The post-institution fee was paid on August 1, 2023, from Deposit Account 02-4550, and the appropriate fee may be credited back to the Deposit Account.

Upon review and approval of this request, Petitioner respectfully request that the Board credit the post-institution fee to Deposit Account 02-4550.

Respectfully submitted,

Dated: February 21, 2024

By: /John D. Vandenberg/
John D. Vandenberg, Reg. No. 31,312
john.vandenberg@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300

Fax: 503-595-5301

Counsel for Petitioner

CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(E)(4)

The undersigned certifies that on February 21, 2024, a complete copy of
**PETITIONER'S REQUEST FOR REFUND OF THE POST-
INSTITUTION FEE** was served on counsel for Patent Owner via electronic mail
as follows:

Peter J. McAndrews
Leland G. Hansen
David Z. Petty
Rajendra Chiplunkar
Michael J. Carrozza
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661
Email: pmcandrews@mcandrews-ip.com
lhandsen@mcandrews-ip.com
dpetty@mcandrews-ip.com
rchiplunkar@mcandrews-ip.com
mcarrozza@mcandrews-ip.com
IPR2023-01252@mcandrews-ip.com

By: /John D. Vandenberg/
John D. Vandenberg, Reg. No. 31,312
john.vandenberg@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner