UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO. LTD.,
Petitioner

v.

OUSTER INC.,
Patent Owner

Case IPR2023-01376
Patent 11,178,381

PETITIONER'S REQUEST FOR REFUND OF IPR REQUEST FEE & 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, Hesai Technology Co. Ltd., requests a full refund in the amount of $41,500 to be paid to deposit account number 06-1050 because the Petition was "administratively dismissed" before any preliminary response and any institution decision. *See* IPR2023-01376, Paper 5, 1 (citing to EX3001 ("Before IPR case nos. IPR2023-01375 and IPR2023-01376 are accorded a filing date . . . .")).

On September 5, 2023, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 11,178,381 with the Patent Trial and Appeal Board that was assigned case number IPR2023-01376. 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 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 in Post-Institution fees.

On September 20, 2023, the Patent Trial and Appeal Board entered a Decision of "Dismissal Prior to Institution of Trial," which "administratively dismissed" the Petition prior to the Patent Owner submitting mandatory notices and prior to any institution decision. *See* IPR2023-01376, Paper 5, 1 ("Petitioner may file new corrected Petitions"). Accordingly, Petitioner requests a full refund

in the amount of $41,500 for the fees that it has paid to the USPTO in connection with this proceeding.

Respectfully submitted,

Dated September 22, 2023

/Michael T. Hawkins/

Michael T. Hawkins, Reg. No. 57,867
Craig A. Deutsch, Reg. No. 69,264
Yao Wang, Reg. No. 61,757
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), the undersigned certifies that on September 22, 2023, a complete and entire copy of this Petitioner's Request for Refund was provided to the Patent Owner by serving the correspondence address of record as follows:

KILPATRCIK TOWNSEND & STOCKTON LLP – WEST COAST
Mailstop: IP Docketing-22
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309
UNITED STATES

/Kristyn Waldhauser/
Kristyn Waldhauser
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
waldhauser@fr.com