UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.
ABBOTT DIABETES CARE INC.,
Patent Owner.

Case IPR2023-01397
Patent 11,266,335

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

On October 6, 2023, Dexcom, Inc. ("Petitioner") filed a Petition for *Inter Partes* Review seeking review of claims 1-4, 8-9 and 11-27 of U.S. Patent No. 11,266,335. Patent Owner Abbott Diabetes Care Inc. ("Patent Owner") submitted its Preliminary Response on January 18, 2024 (Paper 7). On April 16, 2024, the Patent Trial and Appeal Board issued its Decision denying institution of Petitioner's *Inter Partes* Review (Paper 13).

Petitioner challenged 23 claims, and Petitioner paid a post-institution fee of $24,750 as follows:

- $22,500 (up to 20 claims per 37 C.F.R. § 42.15(a)(2))
- $2,250 (3 claims in excess of 20 per 37 C.F.R. § 42.15(a)(4))

Accordingly, Petitioner is entitled to a refund of $24,750.

The post-institution fee was paid on October 6, 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: August 19, 2024

By: /Andrew M. Mason/

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

The undersigned certifies that on August 19, 2024, a complete copy of the **PETITIONER'S REQUEST FOR REFUND OF THE POST-INSTITUTION FEE** was served on counsel for Patent Owner via electronic mail as follows:

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