

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBIQUITI INC.
Petitioner

v.

XR COMMUNICATIONS, LLC D/B/A VIVATO TECH
Patent Owner

Inter Partes Review No. IPR2024-00148
Patent No. 10,594,376

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

I. INTRODUCTION

Petitioner Ubiquiti Inc. (“Petitioner”) respectfully requests a refund of the *Inter Partes* Review post-institution fees in the amount of \$33,000 to be paid to Petitioner’s counsel’s deposit account number 505546, in connection with the instant proceeding. The Board denied institution of *Inter Partes* Review in this proceeding on May 6, 2024. Accordingly, a refund of post-institution fees is requested.

II. BACKGROUND

On November 10, 2023, Petitioner filed the above-captioned Petition requesting *Inter Partes* Review (“IPR”) of claims 1-34 of U.S. Patent No. 10,594,376 (the “’376 Patent”), which was assigned Case No. IPR2024-00148.

At that time, Petitioner paid total fees in the amount of \$57,250.00 including IPR request fees in the amount of \$24,250.00 and post-institution fees in the amount of \$33,000.00, as detailed in the chart below. The IPR request fees of \$24,250.00 included the \$19,000.00 request fee for 20 patent claims and the \$375 fee for each of the 14 patent claims in excess of the first 20 claims. The post-institution fees of \$33,000.00 included the \$22,500.00 post-institution fee for 20 claims and the \$750 fee for each of the 14 claims in excess of the first 20 claims. On May 6, 2024, the Board issued the decision denying institution of *Inter Partes* Review in IPR2024-00148.

Description	Fee code	Quantity	Fee amount	Fee total
Inter Partes Review Post-Institution Fee - Up To 20 Claims	1414	1	\$22,500.00	\$22,500.00
Inter Partes Post-Institution Request Of Each Claim In Excess Of 20	1415	14	\$750.00	\$10,500.00
Inter Partes Review Request Fee - Up To 20 Claims	1406	1	\$19,000.00	\$19,000.00
Inter Partes Review Request Of Each Claim In Excess Of 20	1407	14	\$375.00	\$5,250.00
Total Fees Paid at time of the Petition				\$57,250.00

III. REFUND REQUEST

Petitioner seeks a refund of the \$33,000.00 *Inter Partes* Review post-institution fee. Under the fee setting rules for *inter partes* reviews, the “USPTO will refund the post-institution fee if the *inter partes* review proceeding is not instituted by the PTAB.” *See* Setting and Adjusting Patent Fees During Fiscal Year 2017, 82 Fed. Reg. 52,780, 52,790 (Nov. 14, 2017) (establishing refund of post-institution fees); *see also* Setting and Adjusting Patent Fees During Fiscal Year 2020, 85 Fed. Reg. 46,932, 46,945 (Aug. 3, 2020) (establishing current fee schedule and making no changes to refund of post-institution fees).

Since the Board denied institution of *Inter Partes* Review in IPR2024-00148, Petitioner seeks a refund of the post-institution fees.

IV. CONCLUSION

Upon review and approval of this request, Petitioner respectfully requests that the Board credit the \$33,000.00 of post-institution fees in IPR2024-00148 to deposit account number 505546.

Dated: July 11, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 11, 2024, I caused a true and correct copy of the foregoing Refund Request to be served via overnight delivery on the Patent Owner of the '376 patent at the following correspondence address of record as listed on PAIR:

XR Communications, LLC
C/O Farjami & Farjami LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, CA 92691
(949) 282-1000

A courtesy copy was also sent via electronic mail to the Patent Owner's litigation counsel listed below:

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Dated: July 11, 2024

Respectfully submitted,

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