

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEMPUR SEALY INTERNATIONAL, INC.,
SEALY TECHNOLOGY LLC, and
SEALY MATTRESS MANUFACTURING CO., LLC,
Petitioners

v.

PURPLE INNOVATION, LLC,
Patent Owners.

IPR2024-00482
U.S. Patent No. 11,317,733

**PETITIONERS' REQUEST FOR REFUND OF POST-INSTITUTION
FEES**

Case No. IPR2024-00482
Petitioner's Request for Refund of Post-Institution Fees

On February 7, 2024, Petitioners Tempur Sealy International, Inc., Sealy Technology LLC, and Sealy Mattress Manufacturing Co., LLC (“Petitioners”) filed a Petition for *Inter Partes* Review of U.S. Patent No. 11,317,733 (Paper 3) with the Patent Trial and Appeal Board that was assigned case number IPR2024-00482. Accordingly, Petitioners deposited an electronic payment in the amount of \$19,000.00 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 \$22,500.00 in Post-Institution fees under 37 C.F.R. § 42.15(a)(2).

On March 14, 2024, the parties filed a Joint Motion to Terminate Proceeding. The parties concurrently filed a confidential settlement agreement resolving, *inter alia*, the *Inter Partes* Review of U.S. Patent No. 11,317,733 and a “Joint Request to File Settlement Agreement as Business Confidential Information” under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Because the *Inter Partes* Review was not instituted, Petitioners hereby request a refund of the \$22,500.00 Post- Institution Fee. Petitioners respectfully request that the Board credit the Post- Institution Fee totaling \$22,500.00 to Deposit Account No. 606369.

On May 21, 2024, the PTAB terminated IPR2024-00482.

Case No. IPR2024-00482
Petitioner's Request for Refund of Post-Institution Fees

Dated: May 30, 2024

By: /Brian D. O'Reilly/
Brian D. O'Reilly (Reg. No. 55,974)
Brian@oreillyip.com
Leslie J. Kushner (Reg. No. 64,724)
Lkushner@oreillyip.com
O'Reilly IP PLLC
26 Broadway, 8th Floor
New York, NY 10004
Telephone: (212) 540-0650

CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing document was served on May 30, 2024, via electronic mail to and the attorneys of record below:

W. Todd Baker (Reg. No. 45,265)
Gregg F. LoCascio (Reg. No. 55,396)
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
todd.baker@kirkland.com
gregg.locascio@kirkland.com

Joseph A. Loy (Reg. No. 51,972)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, N.Y. 10022
joseph.loy@kirkland.com

Date: May 30, 2024

Respectfully submitted,

/Brian D. O'Reilly/
Brian D. O'Reilly (Reg. No. 55,974)
O'REILLY IP PLLC
26 Broadway, 8th Floor
New York, NY 10004
Email: brian@oreillyip.com