

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

IPR2024-00520
U.S. Patent No.: 11,266,335

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

On January 31, 2024, Dexcom, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review seeking review of claims 1-4, 8-9, 11-15 and 17-27 of U.S. Patent No. 11,266,335. Patent Owner Abbott Diabetes Care Inc. (“Patent Owner”) submitted its Preliminary Response on May 8, 2024 (Paper 8), and Petitioner submitted its Reply to Patent Owner’s Preliminary Response on May 31 (Paper 9). On August 8, 2024, the Patent Trial and Appeal Board issued its Decision denying institution of Petitioner’s *Inter Partes* Review (Paper 11).

Petitioner challenged 20 claims, and Petitioner paid a post-institution fee of \$22,500 per 37 CFR § 42.15(a)(2). Accordingly, Petitioner is entitled to a refund of \$22,500.

The post-institution fee was paid on January 31, 2024 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/

Andrew M. Mason, Reg. No. 64,034
andrew.mason@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 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:

Peter J. McAndrews
David Z. Petty
Rajendra A. Chiplunkar
Michael J. Carrozza
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661
Email: pmcandrews@mcandrews-ip.com
dpetty@mcandrews-ip.com
rchiplunkar@mcandrews-ip.com
mcarrozza@mcandrews-ip.com
IPR2024-00520@mcandrews-ip.com

By: /Andrew M. Mason/
Andrew M. Mason, Reg. No. 64,034
andrew.mason@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