

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERSECT ENT, INC.,

Petitioner,

v.

NEW AMSTERDAM, LLC

Patent Owner.

Case No. IPR2024-00713

U.S. Patent No. 6,916,483

**REQUEST FOR REFUND OF POST-INSTITUTION FEES
FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,916,483 (IPR2024-00713)**

PETITIONER’S EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 6,916,483 (“’483 Patent”).
1002	Affidavit of Service in <i>New Amsterdam, LLC v. Medtronic, Inc.</i> , No. 1:23-cv-00460-RP (W.D. Tex. April 27, 2023).
1003	U.S. Patent No. 6,936,270 (“ <i>Watson</i> ”).
1004	U.S. Patent No. 5,769,899 (“ <i>Schwartz</i> ”).
1005	File History, Application No. 10/200,355
1006	Complaint in <i>New Amsterdam LLC v. Medtronic, Inc.</i> , No. 1:23-cv-00460-RP (W.D. Tex).
1007	Complaint in <i>New Amsterdam LLC v. Medtronic plc, et al.</i> , Case No. 2:23-cv-421-JRG-RSP (E.D. Tex.)
1008	Notice of Hearing: In-Person Scheduling/Case Management Conference Reset for March 25, 2024
1009	U.S. Pub. No. 2004/0013702A1 (“ <i>Glover</i> ”).
1010	U.S. Patent No. 5,916,584 (“ <i>O’Donoghue</i> ”).
1011	U.S. Patent No. 6,579,533 (“ <i>Tormala</i> ”).
1012	Waiver of Service for Intersect ENT, Inc. in <i>New Amsterdam LLC v. Medtronic plc, et al.</i> , Case No. 2:23-cv-421 (E.D. Tex.).

1013	Preliminary Infringement Contentions, <i>New Amsterdam LLC v. Medtronic plc, et al.</i> , Case No. 2:23-cv-421 (E.D. Tex. Mar. 11, 2024).
1014	Plaintiff's Preliminary Infringement Claim Chart, <i>New Amsterdam LLC v. Medtronic plc, et al.</i> , Case No. 2:23-cv-421 (E.D. Tex. Mar. 11, 2024).
1015	https://www.britannica.com/animal/mammal
1016	https://operonstrategist.com/orthopaedic-implants-manufacturing/
1017	Declaration of Bruce Beynnon, in Support of Intersect ENT, Inc.'s Petition for <i>Inter Partes</i> Review.
1018	<i>Curriculum Vitae</i> of Bruce Beynnon.
1019	Email authorizing the parties to file a joint motion to terminate the proceeding and a joint request to treat the settlement agreement as business confidential (Jun. 7, 2024).
1020	Non-Exclusive License and Settlement Agreement.

On March 25, 2024, Petitioner Intersect ENT, Inc. (“Petitioner”) filed a petition for *inter partes* review of claims 1-20 of U.S. Patent No. 6,916,483. Paper 1. On June 17, 2024, the parties filed a joint motion to terminate the proceedings in view of a settlement agreement. Paper 8. The Board granted the motion on June 21, 2024, thereby terminating the proceedings in IPR2024-00713. Paper 10.

Because proceedings were terminated before institution, the post-institution fees paid at the time of filing should be returned. *See* 37 C.F.R. § 42.15(a)(2). Petitioner requests a refund of \$22,500.00 for the post-institution fees paid in IPR2024-00713.

Upon review and approval of this request, Petitioner respectfully requests that the Board credit the requested amount to Petitioner. The amount may be deposited into PTO Deposit Account No. 604293. Please contact lead counsel, John Wittenzellner, if more information is necessary to process the requested refund.

Respectfully submitted,

June 24, 2024

/John Wittenzellner/
John Wittenzellner
Counsel for Petitioner
Registration No. 61,662

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on June 24, 2024, the foregoing document was served on counsel of record for Patent Owner by filing this document through the End-to-End System, as well as via electronic mail to counsel of record for Patent Owner at the following addresses:

M. Scott Fuller (sfuller@ghiplaw.com)

Rene A. Vazquez (rvazquez@singergialaw.com)

Dated: June 24, 2024

Respectfully submitted,

/John Wittenzellner/
John Wittenzellner
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