

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
Petitioner

v.

PICTOMETRY INTERNATIONAL CORP.,
Patent Owner

Case IPR2024-00729
Patent 9,182,657

REQUEST FOR REFUND OF POST-INSTITUTION FEES

I. STATEMENT OF RELIEF REQUESTED

Petitioner Nearmap US, Inc. (“Nearmap”) respectfully requests a refund of the \$22,500 post-institution fee initially paid for the Petition for *Inter Partes* Review (IPR2024-00729) of U.S. Patent No. 9,182,657 (“the ’657 Patent”).

II. STATEMENT OF FACTS

Nearmap US, Inc. filed its Petition for *Inter Partes* Review of the ’657 Patent claims on March 28, 2024 (Paper No. 2). The Petition for *Inter Partes* Review challenged eleven claims. Petitioner paid the USPTO \$41,500 on March 28, 2024, including a \$19,000 payment for the *Inter Partes* Review request fee and a \$22,500 payment for the post-institution fee, as required by 37 C.F.R. § 42.15(a)(2).

On October 10, 2024, the U.S. Patent and Trademark Office Patent Trial and Appeal Board entered a Decision Denying Institution of *Inter Partes* Review (Paper No. 9) and on January 3, 2025, Nearmap’s Request for Director Review (Pap.10) was denied (Pap.11).

III. ARGUMENT

No trial has been instituted in this IPR and the proceeding has been terminated pre-institution. Therefore, Petitioner requests a refund of \$22,500, the post-institution fees paid pursuant to 37 C.F.R. § 42.15(a)(2). *See, e.g.*, 82 Fed. Reg. 52790 (Nov. 14, 2017), <https://www.govinfo.gov/content/pkg/FR-2017-11->

14/pdf/2017-24390.pdf (“The USPTO will refund the post-institution fee if the *inter partes* review proceeding is not instituted by the PTAB.”).

IV. CONCLUSION

For at least the foregoing reasons, Petitioner respectfully requests a refund of the \$22,500 post-institution fee that it previously paid. The refund may be deposited in Deposit Account No. DA604974.

Respectfully submitted,

January 30, 2025

By: /Megan Raymond/
Megan Raymond

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served in its entirety on the Patent Owner (“PO”). Pursuant to agreement with PO’s counsel, the copy has been served on January 30, 2025, by causing the aforementioned document to be electronically mailed to the following attorneys for PO listed below:

Counsel Authorized to Accept Service:	Gregory P. Webb HAYNES AND BOONE, LLP 2801 N. Harwood Street Suite 2300 Dallas, TX 75201 greg.webb.ipr@haynesboone.com Jonathan R. Bowser HAYNES AND BOONE, LLP 2801 N. Harwood Street Suite 2300 Dallas, TX 75201 jon.bowser.ipr@haynesboone.com Angela Oliver HAYNES AND BOONE, LLP 2801 N. Harwood Street Suite 2300 Dallas, TX 75201 angela.oliver.ipr@haynesboone.com Laura N. Vu HAYNES AND BOONE, LLP 2801 N. Harwood Street Suite 2300 Dallas, TX 75201 laura.vu.ipr@haynesboone.com Adam Erickson HAYNES AND BOONE, LLP 2801 N. Harwood Street Suite 2300 Dallas, TX 75201 adam.erickson.ipr@haynesboone.com Patricia Hauglum HAYNES AND BOONE, LLP 6000 Headquarters Dr. Suite 200 Plano, TX 75024
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Dated: January 30, 2025

**GROOMBRIDGE, WU, BAUGHMAN &
STONE LLP**

/Sayem Osman/

Sayem Osman