

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HARTMANN US INC. and THE HAPPY GROUP INC.,
Petitioners

v.

MAURICE J.P. TABONE,
Patent Owner

IPR2024-01215
U.S. Patent No. 11,225,365 B2

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

Petitioners Hartmann US Inc., The Happy Group Inc. and Brødrene Hartmann A/S (“Petitioners”) hereby file their request for a refund of the \$22,500.00 post-institution fee, which was a previously paid payment for the *inter partes* review post-institution claim fee for up to twenty (20) claims.

On August 1, 2024, Petitioners filed a petition for *inter partes* review of U.S. Patent No. 11,225,365 B2 and paid the USPTO a total of \$41,500.00, which included a \$19,000.00 payment for the *inter partes* review request fee, and a \$22,500.00 payment for the post-institution fee up to twenty (20) claims.

The petition was granted a filing date of August 1, 2024. (Paper No. 6). On October 21, 2024 the Board entered a Decision – Granting Joint Motion to Terminate Proceeding Due to Settlement before Institution and Granting Joint Request to Treat Settlement Agreement as Business Confidential Information (Paper No. 10). Accordingly, the *inter partes* review was never instituted.

Therefore, because the petition to institute *inter partes* review was filed after March 19, 2013, and the proceeding did not institute, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *See, e.g.*, 78 FR 4233 (Jan. 18, 2013) available at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Petitioners hereby request a refund of the \$22,500.00 post-institution fee previously paid by Petitioners. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 64829.4.

Dated: November 5, 2024

Respectfully submitted,

/Eugene Goryunov/

Eugene Goryunov

Lead Counsel for Petitioners

Registration No. 61,579

HAYNES AND BOONE, LLP
2801 N. Harwood St., Suite 2300
Dallas, Texas 75201

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing was served on the Patent Owner as detailed below:

Date of service November 5, 2024

Manner of service Electronic Service: mauricetabone@gmail.com

Documents served **PETITIONERS' CORRECTED REQUEST FOR
REFUND OF POST-INSTITUTION FEES**

Persons Served Maurice J. P. Tabone
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/Eugene Goryunov/
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