

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,

Petitioner,

v.

ORCKIT CORPORATION,

Patent Owner.

Case No. IPR2024-01238
U.S. Patent No.: 8,830,821 B2

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

Pursuant to the Patent and Trademark Office’s Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232-4234 (Jan. 18, 2013), and 37 C.F.R. § 1.26(a), Petitioner Arista Networks, Inc. (“Arista”) hereby requests a refund in the amount of \$22,500 to be credited to Deposit Account No. 02-0384.

On August 02, 2024, Arista filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,830,821 with the Patent Trial and Appeal Board, and the Petition was assigned case number IPR2024-01238. *See* Paper 2. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Arista provided at the time of filing of its Petition a payment via Deposit Account No. 02-0384 in the amount of \$19,000 to cover the *Inter Partes* Review Request Fee and a further \$22,500 to cover the *Inter Partes* Review Post-Institution Fee.

The Board issued a Decision Denying Institution of *Inter Partes* Review on March 25, 2025. *See* Paper 7. On July 11, 2025, the Board granted Arista’s request for Director Review, vacated the decision denying institution, and remanded to the Board for further proceedings. *See* Paper 13. On September 26, 2025, the Board issued an Order indicating that a decision on remand regarding whether to institute an *inter partes* review would issue no later than January 11, 2026. *See* Paper 14. Prior to a decision on remand, however, the parties filed a joint motion to terminate the proceeding (*see* Paper 16) and on November 07, 2025, the Board

entered a decision terminating this proceeding. *See* Paper 18. The proceeding was terminated before an *inter partes* review was instituted. *See* Paper 18.

Under 37 C.F.R. § 1.26(a), “[t]he Director may refund any fee paid . . . in excess of that required.” Further, the Patent and Trademark Office’s Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4233 (Jan. 18, 2013), states that “[t]he Office . . . chooses to return fees for post-institution services should a review not be instituted.” Accordingly, because no *inter partes* review was instituted in this proceeding, Arista respectfully requests a refund in the amount of \$22,500.00 for the Post-Institution Fee that it paid to the USPTO, to be credited to Deposit Account No. 02-0384.

Respectfully submitted,

Date: November 7, 2025

By: /Eliot D. Williams/

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on November 7, 2025, a complete and entire copy of the **PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE** was served on Patent Owner via email at the following correspondence addresses:

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