

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESSELL, INC.,
Petitioner,

v.

NUTANIX, INC.,
Patent Owner.

Case No. IPR2025-00733
Patent No. 11,640,340

PETITIONER'S REQUEST FOR REFUND

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4211, 4233-34 (Jan. 18, 2013), Petitioner hereby requests a refund of the *Inter Partes* Review Post-Institution Fee in the amount of \$37,525.00 to be paid to Petitioner's Deposit Account.

On March 20, 2025, Petitioner filed a Petition for *Inter Partes* Review of claims 1-30 of U.S. Patent No. 11,640,340 with the Patent Trial and Appeal Board that was assigned case IPR2025-00733. In accordance with the fee schedule specified in 37 C.F.R. §42.15(a), Petitioner submitted payment in the amount of \$28,450.00 with the Board at the time of filing of its Petition to cover fees associated with Petitioner's *Inter Partes* Review request, and a further \$37,525.00 in Post-Institution fees (including the \$28,125.00 base post-institution fee and \$9,400.00 in excess claim fees).

On August 14, 2025, the Acting Director entered a Decision Denying Institution (Paper 9). Petitioner timely filed a Request for Director Review of the Decision Denying Institution (Paper 10) on September 15, 2025. On November 5, 2025, the Director entered an Order Denying Petitioner's Request for Director Review of the Decision Denying Institution (Paper 12). Accordingly, Petitioner requests a refund of \$37,525.00 for the post-institution fees paid to the USPTO in connection with the instant proceeding. See 78 Fed. Reg. 4211, 4233-34 ("The Office also chooses to return fees for post institution services should a review not

be instituted.... The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Respectfully submitted,

Date: August 20, 2026

/Elisabeth Hunt/

Elisabeth H. Hunt, Reg. No. 67,336

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. §42.6(E)(4)

I certify that on August 20, 2026, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Patent Owner, upon the following:

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Date: August 20, 2026

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