UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner

v.

DAMAKA, INC.,
Patent Owner

IPR2026-00208
U.S. Patent No. 9,578,092

PETITIONER'S REQUEST FOR REFUND OF FEES

Petitioner Cisco Systems, Inc. ("Petitioner") hereby files its request for a refund of the $65,975.00 previously paid.

On January 13, 2026, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,578,092 (Paper 2) and paid the USPTO a total of $65,975.00, which included a payment of $23,750.00 for the *Inter Partes* Review Request Fee up to twenty (20) claims; a payment of $4,700.00 for the *Inter Partes* Review Request Fee in excess of twenty (20) claims; $28,125.00 payment for the Post-Institution Fee up to twenty (20) claims; and a payment of $9,400.00 for the Post-Institution Fee in excess of twenty (20) claims.

The petition was granted a filing date of January 13, 2026. (Paper No. 3). Patent Owner filed a Request for Discretionary Denial of Institution on March 20, 2026 (Paper 6) and Petitioner filed an Opposition to Patent Owner's Request for Discretionary Denial on April 20, 2026 (Paper 7).

On May 6, 2026 after reviewing discretionary considerations, the Director issued an omnibus Notice of Decisions on Institution which denied institution in this *Inter Partes* Review based on unspecified discretionary factors. (Paper 9.) The proceeding was never assigned to a PTAB panel, and the merits of the Petition's grounds of unpatentability were never evaluated.

Because the Petition's arguments were never evaluated and no *inter partes* review was instituted, Petitioner is entitled to a refund. *See* Public Law 112–29,

Leahy-Smith America Invents Act § 10(a), 125 Stat. 284, 316 (USPTO authorized to charge fees for "services performed by or materials furnished by, the Office"); 78 FR 4233 (Jan. 18, 2013) available at http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf (introducing IPR refund policy).

Petitioner requests a refund of the fees totaling $65,975.00 previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 43614.504US01.

Dated: June 11, 2026

Respectfully submitted,

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/Theodore M. Foster/
Theodore M. Foster
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Registration No. 57,456

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 June 11, 2026

Manner of service Electronic Email: jostling@fabricantllp.com; PTAB@fabricantllp.com; ffabricant@fabricantllp.com; rcowell@fabricantllp.com; jmercadante@fabricantllp.com

Documents served ***PETITIONER'S REQUEST FOR REFUND OF FEES***

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