

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CISCO SYSTEMS, INC.,  
Petitioner

v.

DAMAKA, INC.,  
Patent Owner

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IPR2026-00211  
U.S. Patent No. 12,279,116

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

Petitioner Cisco Systems, Inc. ("Petitioner") hereby files its request for a refund of the \$101,225.00 previously paid.

On January 13, 2026, Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent No. 12,279,116 (Paper 2) and paid the USPTO a total of \$101,225.00, which included a payment of \$23,750.00 for the *Inter Partes* Review Request Fee up to twenty (20) claims; a payment of \$16,450.00 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 \$32,900.00 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 \$101,225.00 previously paid by Petitioner. The refund may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 43614.507US01.

Dated: June 11, 2026

Respectfully submitted,

HAYNES AND BOONE, LLP  
2801 N. Harwood Street, Suite 2300  
Dallas, Texas 75201  
Customer No. 27683

/Theodore M. Foster/  
Theodore M. Foster  
Lead Counsel for Petitioner  
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](mailto:jostling@fabricantllp.com);  
[PTAB@fabricantllp.com](mailto:PTAB@fabricantllp.com); [ffabricant@fabricantllp.com](mailto:ffabricant@fabricantllp.com);  
[rcowell@fabricantllp.com](mailto:rcowell@fabricantllp.com); [jmercadante@fabricantllp.com](mailto:jmercadante@fabricantllp.com)

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

*Persons Served* Jacob Ostling  
Alfred R. Fabricant (subject to Motion to Appear Pro Hac Vice)  
Richard Cowell  
Joseph M. Mercadante  
FABRICANT LLP  
411 Theodore Fremd Avenue, Suite 206 South  
Rye, New York 10580

/Theodore M. Foster/  
Theodore M. Foster  
Lead Counsel for Petitioner  
Registration No. 57,456