

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Dental Recycling North America, Inc.,

Petitioner,

v.

Solmetex, LLC,

Patent Owner.

Case No. PGR2023-00055

U.S. Patent 11,660,175

**PETITIONER DENTAL RECYCLING NORTH AMERICA, INC.'S
REQUEST FOR REFUND OF POST-INSTITUTION FEES**

Petitioner Dental Recycling North America, Inc. (“Petitioner”) hereby files its request for a refund of \$29,600 for the post-institution fee for up to twenty (20) claims (\$27,500) plus two (2) additional claims in excess of twenty (20) ($2 \times \$1,050 = \$2,100$).

On September 9, 2023, Petitioner filed a petition for post grant review of U.S. Patent No. 11,660,175 and paid the USPTO a total of \$50,550, which included a \$20,950 payment for the post grant review request fee (\$20,000 for the request fee for up to twenty claims plus $2 \times \$475 = \$950$ for two additional claims), and \$29,600 for the post-institution fee (\$27,500 for the post-institution fee of up to twenty claims plus $2 \times \$1,050 = \$2,100$ for two additional claims).

The petition was granted a filing date of September 29, 2023. (Paper No. 3.) On March 19, 2024, the Board entered a Decision – Denying Institution of Post Grant Review. (Paper No. 9.) Accordingly, the post grant review was never instituted.

Therefore, because the petition to institute post grant 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-2013-0118/pdf/2013-00819.pdf> (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Petitioner hereby requests a refund of the \$29,600 post-institution fee

previously paid by Petitioner. The refund may be deposited into the Gish PLLC Citi
Checking Electronic Funds Transfer [080] account on file with the USPTO.

Respectfully Submitted,

Dated: March 27, 2024

/s/Andrew D. Gish

Andrew D. Gish (Reg. #67,562)

ATTORNEY FOR PETITIONER