

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRANCH BANKING AND TRUST COMPANY
Petitioner

v.

EMG Technology, LLC
Patent Owner

U.S. Patent No. 7,441,196

Issue Date: October 21, 2008

Title: APPARATUS AND METHOD OF MANIPULATING A REGION ON A
WIRELESS DEVICE SCREEN FOR VIEWING, ZOOMING AND SCROLLING
INTERNET CONTENT

Covered Business Method Patent Review No. CBM2014-00145

**PETITIONER BRANCH BANKING AND TRUST COMPANY'S REQUEST
FOR REFUND OF POST-INSTITUTION FEES**

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 F.R. 4211, 4234-35, Petitioner Branch Banking and Trust Company ("BB&T") requests a refund in the amount of \$51,550 to be paid to Deposit Account No. 20-1430.

On June 13, 2014, BB&T filed a Petition for Covered Business Method ("CBM") Review with the USPTO that was assigned case number CBM2014-00145. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(b), BB&T deposited an electronic payment in the amount of \$77,550 with the USPTO at the time of the filing of the Petition to cover associated fees. BB&T's payment comprised \$51,550 for post-institution fees (\$18,000 for the first 15 claims, and \$33,550 for 61 additional claims at \$550 each).

On August 8, 2014, the Patent Trial and Appeal Board entered judgment terminating the CBM2014-00145 proceeding prior to institution, in view of the parties' joint motion to terminate the proceeding. *See* Paper No. 8.

Statement of Precise Relief Requested

Accordingly, BB&T requests a refund in the amount of \$51,550 for the post-institution fees that it has paid to the USPTO in connection with this proceeding, as the proceeding was terminated prior to institution.

Dated: August 11, 2014

Respectfully submitted,

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Attorneys for BB&T

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Request for Refund has been served via Express Mail on August 11, 2104, upon the following:

JEFFER, MANGELS, BUTLER & MITCHELL, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES CA 90067

Dated: August 11, 2014

By: / John Alemanni /
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