

DOCKET NO.: 2001417-00163US2

Filed on behalf of Vonage Holdings Corp., Vonage America, Inc.,  
Vonage Marketing LLC, and Netflix, Inc.

By: Grant K. Rowan, Reg. No. 41,278  
Victor F. Souto, Reg. No. 33,458  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Ave., NW  
Washington, DC 20006  
Tel: (202) 663-6000  
Email: Grant.Rowan@wilmerhale.com  
[Victor.Souto@wilmerhale.com](mailto:Victor.Souto@wilmerhale.com)

UNITED STATES PATENT AND TRADEMARK OFFICE

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

VONAGE HOLDINGS CORP., VONAGE AMERICA, INC., VONAGE  
MARKETING LLC, AND NETFLIX, INC.,  
Petitioner

v.

STRAIGHT PATH IP GROUP, INC., Patent Owner of  
U.S. Patent No. 6,701,365

IPR Trial No. 2014-01224

---

**REQUEST FOR REFUND OF POST-INSTITUTION  
FEE**

Petitioner Vonage Holdings Corp., Vonage America, Inc., and

Vonage Marketing LLC ("Petitioner" or Vonage") hereby files its request

for a refund of the \$14,000 post-institution fee that was previously paid.

On August 1, 2014, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 6,701,365 and paid the USPTO a total of \$23,000 at the time of filing this petition, which included a \$9,000 payment for the *inter partes* review request fee and a \$14,000 payment for the post-institution fee required by 37 C.F.R. §42.15(a)(1)-(2). The filed *inter partes* review petition was granted a filing date on August 13, 2014. (Paper No. 4). The parties subsequently reached a settlement and filed a joint motion to terminate the proceedings on October 22, 2014. (Paper No. 10). On October 30, 2014, the Board entered a Judgment, Termination of the Proceeding under 37 C.F.R. § 42.73 (Paper No. 12) in which the Board granted the parties' joint motion to terminate the proceeding and thereby terminated the proceeding. The Petitioner is entitled to request a refund of the post-institution fee that was previously paid and is entitled to this refund. *See e.g.*, 78 FR 4233 (January 18, 2013) *available at* <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (stating that "The entire post-institution fee would be returned to the petitioner if the Office does not institute a review."); Patent Review Processing System (PRPS) FAQ at E7 *available at* <http://www.uspto.gov/ip/boards/bpai/prps.jsp>.

For at least the reasons sets forth above, Vonage hereby files its request

for a refund of the post-institution fee that was previously paid and hereby requests a refund of the \$14,000 post-institution fee previously paid by Vonage.

The refund may be deposited in Deposit Account No. 080219 under attorney reference number 2001417-00163US2.

Respectfully submitted,

Dated: January 29, 2015

By: /Victor F. Souto/

Case No. IPR2014-01224

Grant K. Rowan  
Reg. No. 41,278  
Victor F. Souto  
Reg. No. 33,458  
**Wilmer Cutler Pickering Hale and Dorr  
LLP**  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Tel: 202-663-6000

Fax: 202-663-6363

*Attorneys for Petitioner, Vonage Holdings  
Corp., Vonage America, Inc., and  
Vonage Marketing LLC*

## CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of January 2015 a complete and entire copy of this REQUEST FOR REFUND OF POST-INSTITUTION FEE was served by electronic mail, as agreed by the parties, as follows:

Thomas J. McWilliams ([tmcwilliams@btlaw.com](mailto:tmcwilliams@btlaw.com))  
Edward F. Behm, Jr. ([ebehm@btlaw.com](mailto:ebehm@btlaw.com))  
Barnes & Thornburg, LLP  
1000 N. West Street, Suite 1500  
Wilmington, DE 19801  
Tel: 302-300-3444  
[lpr-de@btlaw.com](mailto:lpr-de@btlaw.com)

Attorney for Patent Owner

Stacy S. Chen ([schen@kvn.com](mailto:schen@kvn.com))  
Matthias A. Kamber ([mkamber@kvn.com](mailto:mkamber@kvn.com))  
Sharif E. Jacob ([sjacob@kvn.com](mailto:sjacob@kvn.com))  
Keker & Van Nest LLP  
633 Battery Street  
San Francisco, CA 94111-1809  
Tel: 415-391-5400

Counsel for Petitioner NETFLIX, INC.

By: /Victor F. Souto/  
Victor F. Souto  
Reg. No. 33,458  
**Wilmer Cutler Pickering Hale and Dorr LLP**  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Tel: 202-663-6000  
Fax: 202-663-6363