

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

XACTWARE SOLUTIONS, INC.
Petitioner

v.

EAGLE VIEW TECHNOLOGIES, INC.
Patent Owner

Case IPR2016-00582
Patent 8,078,436

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

XACTWARE SOLUTION, INC.'S
REQUEST FOR REFUND OF POST-INSTITUTION FEES

Sir:

Attorneys for Petitioner request a refund in the amount of \$26,800 in connection with the above-referenced matter. A total of \$41,200 in filing fees were paid on February 8, 2016, upon filing a Petition for Inter Partes Review. Enclosed is a copy of our Monthly Deposit Account Statement from February 2016 evidencing payment of these fees.

On August 16, 2016, the Board issued a Decision denying institution of the Petition for Inter Partes Review. Because the petition was not instituted, it is hereby requested that Deposit Account No. **503571** be credited \$26,800 for the following fees:

<u>Fee Code</u>	<u>37 CFR</u>	<u>Description</u>	<u>Fee</u>
1414	42.15(a)(2)	Inter partes review post-institution fee - Up to 15 claims	\$14,000
1415	42.15(a)(4)	Inter partes post-institution request of each claim in excess of 15	\$12,800

See 78 Fed. Reg. 4223 (indicating that the post-institution fee “would be returned to the petitioner if the Office does not institute a review”).

10/24/2016
Dated


By: Mark E. Nikolsky (Lead Counsel)
Reg. No. 48,319
Attorneys for Xactware Solutions, Inc.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned *Xactware Solution, Inc.'s Request for Refund of Post-Institution Fees* was served on October 24, 2016, by delivering a copy via electronic mail upon the following attorneys of record for the Patent Owner:

Gianni cutri
(gcutri@kirkland.com)
Kirkland & Ellis, LLP
300 LaSalle
Chicago, IL 60654

Dated: 10/24/2016

Respectfully submitted,



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United States Patent and Trademark Office

Office of the Chief Financial Officer

Monthly Statement for February 2016

Deposit Account 503571

DA503571

MCCARTER & ENGLISH, LLP
JANELLE FAVA
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK, NJ 07102

DATE RANGE
02/01/2016 - 02/29/2016

TOTAL CREDITS
\$284,710.00

TOTAL DEBITS
(\$264,419.00)

Date Posted	Transaction Reference #	Attorney Docket #	Status	Transaction ID	Type	Total Credit (+) / Debit (-)			Balance
	Sale Item Reference #	Attorney Docket #	Status	Sale ID	Fee Code	Item Price	Quantity	Item Total	Customer
	IPR2016-00594		Processed	020916INTPPRS000006451	1406	\$9,000.00	1	\$9,000.00	
	IPR2016-00594		Processed	020916INTPPRS000006451	1415	\$400.00	3	\$1,200.00	
02/09/2016	IPR2016-00582		Processed	020916INTPPRS00000238503571	Payment			(\$41,200.00)	\$41,460.00
	Sale Item Reference #	Attorney Docket #	Status	Sale ID	Fee Code	Item Price	Quantity	Item Total	Customer
	IPR2016-00582		Processed	020916INTPPRS00000238	1415	\$400.00	32	\$12,800.00	
	IPR2016-00582		Processed	020916INTPPRS00000238	1406	\$9,000.00	1	\$9,000.00	
	IPR2016-00582		Processed	020916INTPPRS00000238	1414	\$14,000.00	1	\$14,000.00	
	IPR2016-00582		Processed	020916INTPPRS00000238	1407	\$200.00	27	\$5,400.00	
02/10/2016	6782578	96964-01408	Processed	021016INTMTFEE00002196503571	Payment			(\$7,400.00)	\$34,060.00
	Sale Item Reference #	Attorney Docket #	Status	Sale ID	Fee Code	Item Price	Quantity	Item Total	Customer
	6782578	96964-01408	Processed	021016INTMTFEE00002196	1553	\$7,400.00	1	\$7,400.00	
02/16/2016			Processed	021616RARCE115075100	Replenishment			\$15,390.00	\$49,450.00
These funds were replenished from EFT.									
02/17/2016	62295956	FANTOM-0001	Processed	021716INTFEFSW00006159503571	Payment			(\$130.00)	\$49,320.00
	Sale Item Reference #	Attorney Docket #	Status	Sale ID	Fee Code	Item Price	Quantity	Item Total	Customer
	62295956	FANTOM-0001	Processed	021716INTFEFSW00006159	2005	\$130.00	1	\$130.00	

An asterisk (*) in the Sale ID column means that an item with that Sale ID may have been paid for by more than one transaction.

A caret (^) in the Sale ID column means that only a partial payment for an item with that sale ID has been received by USPTO.

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