

Filed on behalf of: Fitbit, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.
Petitioner,

v.

BODYMEDIA, INC.
Patent Owner

Case No. IPR2016-00607
U.S. Patent No. 8,529,811

**PETITIONER'S REQUEST FOR REFUND OF
POST-INSTITUTION FEES**

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232–4234 (Jan. 18, 2013), Fitbit, Inc. ("Petitioner") requests a refund in the amount of \$4,400 to be paid to Deposit Account Number 50-2613.

On February 10, 2016, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,529,811 with the Patent Trial and Appeal Board requesting review of claims 1-26. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Petitioner deposited an electronic payment at the time of filing of the petition, including \$10,200.00 for fees associated with Petitioner's request for review and a further \$18,400 for post-institution fees. On August 16, 2016, the Board entered a Decision instituting claims 16-26. *See* Paper No. 14.

Given that the Board has instituted review on 15 or fewer claims, Petitioner requests a refund in the amount of \$4,400 for the post-institution fees that it has paid for claims in excess of 15, which are no longer necessary.

Respectfully submitted,

Dated: December 14, 2016

By: /Naveen Modi/
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Paul Hastings LLP

Counsel for Fitbit, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2016, a copy of the foregoing
Petitioner's Request for Refund of Post-Institution Fees was served by e-mail upon
the following:

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