

Filed: September 6, 2017

Filed on behalf of:

**Fisher & Paykel Healthcare Limited**

By: Brenton R. Babcock

Benjamin J. Everton

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

Email: BoxFPH538-2@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**FISHER & PAYKEL HEALTHCARE LIMITED,**  
Petitioner

v.

**RESMED LIMITED,**  
Patent Owner

---

Case No. IPR2017-00634  
U.S. Patent No. 8,944,061 B2

---

**PETITIONER REQUEST FOR REFUND OF  
POST-INSTITUTION PETITION FEES**

Pursuant to the Final Rule Setting and Adjusting Patent Fees (78 Fed. Reg. 4232–4234), Petitioner Fisher & Paykel Healthcare Limited respectfully requests a refund in the amount of \$22,800.00 for post-institution filing fees paid in this proceeding to be credited to Deposit Account 11-1410 (Customer No. 20,995).

On January 9, 2017, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,944,061 which was assigned case number IPR2017-00634. Among the fees paid concurrently with filing the petition were \$22,800 in post-institution fees, comprising \$14,000 for the base fee and \$8,800 in excess claim fees, as shown below:

### Payment Summary

records per page

Filter

Transaction Date	Payment Method	Description	Fee Code	Quantity	Fee Amount	Fee Total
01/09/2017 17:04:40	DA	Inter Parties Review Post-Institution Fee	1414	1	\$14,000	\$14,000
01/09/2017 17:04:40	DA	Inter Parties Post-Institution Request Of Each Claim In Excess Of 15	1415	22	\$400	\$8,800

On July 25, 2017, the Patent Trial and Appeal Board entered a decision denying institution of this *inter partes* review (Paper 8). Accordingly, Petitioner

IPR2017-00634

Fisher & Paykel Healthcare v. ResMed

requests a refund in the amount of \$22,800.00 for the post-institution fees paid in connection with this proceeding.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 6, 2017    By: / Benjamin J. Everton /  
Brenton R. Babcock (Reg. No. 39,592)  
Benjamin J. Everton (Reg. No. 60,659)  
Customer No. 20,995  
Attorneys for Petitioner,  
FISHER & PAYKEL HEALTHCARE  
LIMITED  
(949) 760-0404

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e)(1) and agreement of the parties, a true and correct copy of **PETITIONER REQUEST FOR REFUND OF POST-INSTITUTION PETITION FEES** is being served via email on September 6, 2017, to counsel for **ResMed Limited** at the email addresses below:

Michael T. Hawkins  
Stephen R. Schaefer  
Michael J. Kane  
Christopher C. Hoff  
Andrew Dommer  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, MN 55402  
Tel: 612-337-2508  
[IPR36784-0060IP3@fr.com](mailto:IPR36784-0060IP3@fr.com)  
[PTABInbound@fr.com](mailto:PTABInbound@fr.com)

Dated: September 6, 2017

By: / Benjamin J. Everton /  
Brenton R. Babcock (Reg. No. 39,592)  
Benjamin J. Everton (Reg. No. 60,659)  
Attorneys for Petitioner,  
FISHER & PAYKEL HEALTHCARE  
LIMITED