

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZEPP HEALTH CORPORATION,

Petitioner

v.

**WORCESTER POLYTECHNIC INSTITUTE;
THE RESEARCH FOUNDATION FOR THE STATE UNIVERSITY OF
NEW YORK,**

Patent Owners

**Case No. IPR2025-00522
U.S. Patent No. 9,713,428**

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Petitioner hereby respectfully requests a refund of the post-institution portion of the inter partes review fee under 37 C.F.R. § 42.15(a)(2), following the Board's decision granting the parties' Joint Motion to Terminate the proceeding prior to institution.

On February 4, 2025, Petitioner filed the petition for inter partes review of U.S. Patent No. 9,713,428, along with payment of the required fees under 37 C.F.R. § 42.15(a), including both the \$32,680 petition filing fee (\$23,750 + \$470 x 19 per claim over twenty) and the \$45,985 (\$28,125 + \$940 x 19 per claim over twenty) post-institution fee.

On June 30, 2025, prior to the Director's decision on Patent Owners' request for discretionary denial and prior to the Board's determination of whether to grant the Petition, the parties filed a Joint Motion to Terminate the proceeding in view of a settlement they had reached. The Board granted that Joint Motion to Terminate on July 7, 2025.

Pursuant to updated USPTO guidance and consistent with longstanding Board practice, the post-institution portion of the fee is refundable where proceedings are terminated before institution. *See* PTAB Consolidated Trial Practice Guide, Nov. 2019, at 76; *see also* 77 Fed. Reg. 48680, 48741 (Aug. 14, 2012) (explaining that the post-institution portion of the fee is refundable if the proceeding does not proceed to institution).

Because lead counsel has since changed firms following the original petition filing, Petitioner requests that the refundable amount of \$45,985 (the full post-institution fee) be credited to the following updated USPTO deposit account:

Deposit Account No.: 607297

Customer Number: 206936

Firm Name: Cherry Johnson Siegmund James PC

Please do not credit the original deposit account used at the time of petition filing, as counsel has since transitioned to a new firm and that account is no longer affiliated with this matter.

Dated: July 8, 2025

Respectfully submitted,

/s/ Jack Shaw

Jack Shaw (Reg. No. 72,262)

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Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned certifies that on July 8, 2025 a complete and entire copy of this Petitioner's Request for Refund was provided via email to the Patent Owner by serving the correspondence email address of record as follows:

jshapiro@devlinlawfirm.com,

tdevlin@devlinlawfirm.com,

msiem@devlinlawfirm.com, and

dlflitparas@devlinlawfirm.com.

/s/ Jack Shaw
Jack Shaw (Reg. No. 72,262)