

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VII LLC,
Petitioner,

v.

POZEN INC.,
Patent Owner.

IPR2015-01344
Patent 8,858,996

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner Coalition for Affordable Drugs VII LLC respectfully requests a refund of \$15,600 of the post-institution fee that was previously paid for this proceeding.

On June 5, 2015, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,858,996, challenging 19 claims of the '996 Patent, and paid the USPTO a total fee of \$24,600 for the petition, including:

- a \$9,000 request fee required by 37 C.F.R. § 42.15(a)(1);
- a \$14,000 post-institution fee required by 37 C.F.R. § 42.15(a)(2); and
- a \$1,600 excess claims fee (\$400 for each claim in excess of 15) required by 37 C.F.R. § 42.15(a)(4).

On June 19, 2015, the Board issued a notice according the petition a filing date (Paper 4). The Patent Owner Preliminary Response was filed on September 18, 2015 (Paper 14). On December 17, 2015, the Board issued an Institution Decision, denying institution as to all 19 of the challenged claims (Paper 22).

For petitions filed after March 19, 2013, in a situation where the Board decides not to institute a review, the petitioner is entitled to a refund of the portion of the fees that were allocated to the post-institution phase of the proceeding. *See*

Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4233 (January 18, 2013).

Accordingly, in this case, Petitioner is entitled to a refund in the amount of \$15,600 (\$14,000 + \$1,600).

Date: April 4, 2016

Respectfully submitted,

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Counsel for Petitioner
Coalition for Affordable Drugs VII LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on April 4, 2016 a copy of the foregoing PETITIONER'S REQUEST FOR REFUND OF POST-

INSTITUTION FEE was provided via email to the following counsel of record for

Patent Owner:

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Date: April 4, 2016

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