

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EYENOVIA, INC.,
Petitioner,

v.

SYDNEXIS, INC.,
Patent Owner.

Case No. IPR2022-00964
U.S. Patent No. 9,770,447

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

Pursuant to 37 C.F.R. §§ 1.925 and 1.26, Petitioner Eyenovia, Inc. (“Eyenovia”) requests a refund of the post-institution fee in the amount of \$22,500 to be paid to deposit account number 50-0311.

On May 3, 2022, Eyenovia filed a petition for *inter partes* review of U.S. Patent Number 9,770,447 with the Patent Trial and Appeal Board. In accordance with 37 C.F.R. § 42.15(a), Eyenovia paid the Patent Office \$41,500 at the time of filing, which included \$19,000 for the *inter partes* review request fee and \$22,500 for the post-institution fee. On May 11, 2022, Eyenovia’s petition was granted a filing date. (Paper No. 3).

On November 7, 2022, the Patent Trial and Appeal Board entered a Decision denying institution of the petition. (Paper No. 7). Accordingly, Eyenovia requests a refund of \$22,500 for the post-institution fee that Eyenovia paid to the Patent Office.

The refund may be deposited in Deposit Account No. 50-0311 under attorney reference number 054216-900.

Dated: November 22, 2022

/Peter J. Cuomo/

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CERTIFICATE OF SERVICE

I certify that a copy of Petitioner's Request for Refund of Post-Institution Fee is being served by electronic mail on the following counsel of record:

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