

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCORD HEALTHCARE, INC., USA,
Petitioners

v.

ELI LILLY & COMPANY
Patent Owner

Case IPR 2013-00356
Patent 7,772,209

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

Before MICHAEL J. FITZPATRICK, RAMA G. ELLURU, and
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 F.R. 4211, 4234-4235 (Jan. 18, 2013), Petitioner Accord Healthcare, Inc., USA, ("Petitioner") requests a refund in the amount of \$16,800 to be paid to deposit account number 194880.

On June 14, 2013 Petitioner filed a Petition for *Inter Partes* Review with the PTO that was assigned case number IPR2013-00356. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a) Petitioner deposited an electronic payment in the amount of \$26,200 with the PTO at the time of filing of its Petition to cover associated fees. Petitioner's payment consisted of \$9,400 in fees associated with Petitioner's Inter Partes Review request and a further \$16,800 in post-institution fees (\$14,000 *inter partes* post-institution fee (§ 41.15(a)(2)) and \$2,800 post-institution excess claims fee for 7 claims in excess of 15 (§41.15(a)(4))).

On October 1, 2013, the Patent Trial and Appeal Board entered a Decision denying institution of *inter partes* review. Accordingly, Petitioner requests a refund in the amount of \$16,800 for the post-institution fees that it has paid to the PTO in connection with that proceeding.

Date: August 14, 2014

Respectfully Submitted,

SUGHRUE MION, PLLC

/s/ Chidambaram S. Iyer
Chidambaram S. Iyer
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Accord Healthcare, Inc.'s Request for Refund was served on August 14, 2014 via U.S. Mail to the correspondence address for the attorney of record for Eli Lilly and Company, the assignee of the '209 patent.

Elizabeth A. McGraw
Eli Lilly and Company
Patent Division
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Indianapolis, Indiana 46206-6288

/s/ Konah Duche

Konah Duche