

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.

IPR2015-01680
Patent 8,852,636

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner Coalition for Affordable Drugs VII LLC respectfully requests a refund of \$15,200 of the post-institution fee that was previously paid for this proceeding.

On August 7, 2015, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,852,636, challenging 18 claims of the '636 Patent, and paid the USPTO a total fee of \$24,200 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 \$1,200 excess claims fee (\$400 for each claim in excess of 15) required by 37 C.F.R. § 42.15(a)(4).

On August 17, 2015, the Board issued a notice according the petition a filing date (Paper 4). The Patent Owner Preliminary Response was filed on November 17, 2015 (Paper 15). On February 11, 2016, the Board issued an Institution Decision, denying institution as to all 18 of the challenged claims (Paper 18).

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 \$15,200 (\$14,000 + \$1,200).

Date: April 4, 2016

Respectfully submitted,

/Amy E. LaValle/
Amy E. LaValle (Reg. No. 51,092)
Jerry C. Harris, Jr. (Reg. No. 66,822)
Wick Phillips Gould & Martin, LLP
3131 McKinney Avenue, Suite 100
Dallas, TX 75204
(214) 692-6200 (phone)
(214) 692-6255 (fax)
amy.lavalle@wickphillips.com
jerry.harris@wickphillips.com

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:

Counsel for Horizon Pharma, Inc.	
<u>Lead Counsel</u> Ricardo Rodriguez COOLEY LLP 3175 Hanover Street Palo Alto, CA 94304-1130 Tel: (650) 843-5046 Fax: (650) 843-7400 rr@cooley.com zIPR2015-01680@cooley.com	<u>Back-Up Counsel</u> Thomas A. Blinka, Ph.D. COOLEY LLP 1299 Pennsylvania Avenue, NW Suite 700 Washington, DC 20004-2400 Tel: (202) 842-7800 Fax: (202) 842-7899 tblinka@cooley.com
<u>Back-Up Counsel</u> Dennis Bennett GLOBAL PATENT GROUP, LLC 1005 N. Warson Road, Suite 404 St. Louis, MO 63132 Tel: (314) 812-8018 Fax: (314) 685-2300 dennisbennett@globalpatentgroup.com	<u>Back-Up Counsel</u> Lauren L. Stevens, Ph.D. GLOBAL PATENT GROUP, LLC 1005 N. Warson Road, Suite 404 St. Louis, MO 63132 Tel: (650) 387-3813 Fax: (314) 685-2300 lstevens@globalpatentgroup.com

Counsel for Pozen Inc.	
<u>Lead Counsel</u> Stephen M. Hash, Ph.D. BAKER BOTTS LLP 98 San Jacinto Blvd., Suite 1500 Austin, TX 78701-4078 Tel: (512) 322-2587 Fax: (512) 322-3687 stephen.hash@bakerbotts.com PozenVimovoBB@bakerbotts.com	<u>Back-Up Counsel</u> Margaret J. Sampson, Ph.D. BAKER BOTTS LLP 98 San Jacinto Blvd., Suite 1500 Austin, TX 78701-4078 Tel: (512) 322-2552 Fax: (512) 322-3652 margaret.sampson@bakerbotts.com
<u>Back-Up Counsel</u> Jeffrey S. Gritton BAKER BOTTS LLP 98 San Jacinto Blvd., Suite 1500 Austin, TX 78701-4078 Tel: (512) 322-2624 Fax: (512) 322-3652 jeff.gritton@bakerbotts.com	

Date: April 4, 2016

/Amy E. LaValle/
Lead Counsel for Petitioner
Coalition for Affordable Drugs VII LLC