

Filed: May 24, 2016

Filed on behalf of:

Ranbaxy Inc.

By: Joseph M. Reisman

Carol Pitzel Cruz

Kerry S. Taylor

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

E-mail: BoxRanbaxy332@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RANBAXY INC.,

Petitioner,

v.

JAZZ PHARMACEUTICALS, INC.,

Patent Owner.

Case No. IPR2016-00024

Patent 8,772,306

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

Ranbaxy v. Jazz
Case IPR2016-00024
U.S. Pat. 8,772,306

Pursuant to the Patent and Trademark Office's Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232–4234 (Jan. 18, 2013), Petitioner Ranbaxy Inc. (“Ranbaxy”) request a refund in the amount of \$21,600 or, in the alternative, of \$7,200, to be paid to deposit account number 111410.

On October 7, 2015, Ranbaxy filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,772,306 with the Patent Trial and Appeal Board that was assigned case number IPR2016-00024. In accordance with the fee schedule of 37 C.F.R. § 42.15(a)(1) and (a)(3) Ranbaxy deposited an electronic payments in the amounts of \$9,000 and \$2,800, respectively. Thus, Ranbaxy deposited \$11,800 with the Board at the time of filing of its Petition to cover fees associated with Ranbaxy's *inter partes* review request. In accordance with the fee schedule of 37 C.F.R. § 42.15(a)(2) and (a)(4), Ranbaxy deposited further electronic payments in the amounts of \$14,000 and \$7,600, respectively. Thus, Ranbaxy deposited \$21,600 to cover fees associated with post-issuance proceedings.

On May 23, 2016, the Patent Trial and Appeal Board entered Judgment terminating the *inter partes* review in its early stages, a mere 41 days after the April 12, 2016 institution of the IPR as to 16 of the 34 claims for which Ranbaxy's Petition sought an IPR. No substantive post-institution proceedings have taken place. Thus, Ranbaxy requests a refund in the amount of the combined

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post-institution fees under 37 C.F.R. § 42.15(a)(2) and (a)(4), in the amount of \$21,600, paid to the USPTO in connection with this matter.

If Ranbaxy is deemed not to be entitled to the full refund it seeks, based on the April 12, 2016 Institution Decision, Ranbaxy seeks in the alternative a refund of fees paid under 37 C.F.R. § 42.15(a)(4), for claims in excess of the 16 for which the IPR was instituted. Specifically, in the alternative, Ranbaxy seeks a refund of \$7,200 ((34-16) x \$400), paid under 37 C.F.R. § 42.15(a)(4), for the claims in excess of 15 for which Ranbaxy's Petition was filed but for which the IPR was not instituted.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 24, 2016

By: /Joseph M. Reisman/

Joseph M. Reisman (Reg. No. 43,878)

Carol Pitzel Cruz (Reg. No. 61,224)

Kerry S. Taylor (Reg. No. 43,947)

Customer No. 20,995

Attorneys for Petitioner

RANBAXY INC.

(949) 760-0404

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES** is being served on May 24, 2016, via email pursuant to 37 C.F.R. § 42.6(3), per agreement of the parties, to lead and back up counsel for Jazz Pharmaceuticals, Inc. at the addresses below:

F. Dominic Cerrito
Evangeline Shih
Frank C. Calvosa
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Email: nickcerrito@quinnemanuel.com
evangelineshah@quinnemanuel.com
frankcalvosa@quinnemanule.com

John V. Biernacki
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216) 586-3939
Email: jvbiernacki@jonesday.com

Dated: May 24, 2016

/Joseph M. Reisman/
Joseph M. Reisman (Reg. No. 43,878)

Attorney for Petitioner
RANBAXY INC.

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