

Filed on behalf of: Par Pharmaceutical, Inc.

Entered: April 4th, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.

Petitioner

v.

NOVARTIS AG.

Patent Owner

Case IPR2016-00075

U.S. Patent No. 7,297,703

Before LORA M. GREEN, CHRISTOPHER L. CRUMBLY, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

**PETITIONER PAR PHARMACEUTICAL, INC.'S
REQUEST FOR REFUND OF POST-INSTITUTION FEE**

Case IPR2016-00075
U.S. Patent No. 7,297,703

On October 26, 2015, Petitioner Par Pharmaceutical, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review (“IPR2016-00075”) seeking review of claims 1-3, 6-9, and 11 of U.S. Patent No. 7,297,703. Pursuant to 37 C.F.R. § 42.15(a)(2) and (4), Petitioner paid fees totaling \$23,000, which included a \$14,000 payment for the post-institution fee.

On April 1, 2016, the Patent Trial and Appeal Board (“the Board”) granted the parties’ Joint Motion to Terminate the proceeding. (Paper No. 14.) In the Order, the Board stated that, under the facts of the case, “[I]t is appropriate to terminate the proceeding[] without instituting trial.” *Id.* at 2.

Therefore, because the Petition for *Inter Partes* Review was filed after March 19, 2013, and the proceeding was not instituted, Petitioner is entitled to request a refund of the post-institution fee that was previously paid. *See, e.g.*, 78 Fed. Reg. 4212, 4233 (Jan. 18, 2013), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2013-01-18/pdf/2013-00819.pdf> (“The entire post-institution fee would be returned to the petitioner if the Office does not institute a review.”).

Upon review and approval of the foregoing request, Petitioner respectfully asks the Board to credit \$14,000 to Petitioner by depositing such amount into PTO Deposit Account No. 506269.

Case IPR2016-00075
U.S. Patent No. 7,297,703

Dated: April 4th, 2016

Respectfully submitted,

By: /Daniel G. Brown/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 4th day of April, 2016, a true and correct copy of the foregoing **PETITIONER PAR PHARMACEUTICAL INC.'S REQUEST FOR REFUND OF POST-INSTITUTION FEE** was served by electronic mail on Patent Owner's lead and backup counsel at the following email address:

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