

Case No. IPR2016-00778  
U.S. Patent No. 8,431,163

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PRAXAIR DISTRIBUTION, INC. and NOxBOX LIMITED  
Petitioner

v.

MALLINCKRODT HOSPITAL PRODUCTS IP LTD.  
Patent Owner

---

Case No.: IPR2016-00778  
U.S. Patent No. 8,431,163

---

**REQUEST FOR REFUND OF POST-INSTITUTION FEES  
UNDER 37 C.F.R. § 1.925**

**Mail Stop Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND OF POST-INSTITUTION FEES**

On March 23, 2016, Petitioner Praxair Distribution, Inc. and NOxBOX Limited filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,431,163 (Paper 4) requesting review of twenty-five (25) claims. Petitioner paid a fee of \$28,000.00, including: (i) \$9,000.00 for an *inter partes* review request fee for up to twenty (20) claims; (ii) \$1,000.00 for an *inter partes* review fee for request of five (5) claims in excess of twenty (20); (iii) \$14,000.00 for an *inter partes* review post-institution fee up to fifteen (15) claims; and (iv) \$4,000.00 for an *inter partes* review post-institution fee for request of ten (10) claims in excess of fifteen (15). On September 22, 2016, the Board denied institution of *Inter Partes* Review (Paper 10). Petitioner therefore requests a refund of \$18,000.00 for the *inter partes* review post-institution fee of twenty-five (25) claims under (iii) and (iv) above.

The Patent and Trial Appeal Board is hereby authorized to charge or refund any fees associated with this case to Deposit Account 02-1818.

Case No. IPR2016-00778  
U.S. Patent No. 8,431,163

Respectfully submitted,

By: /Benjamin E. Weed/  
Benjamin E. Weed (Reg. No. 65,939)  
Customer No. 24573  
Date: October 30, 2017  
K&L GATES LLP  
70 W. Madison Street, Suite 3100  
Chicago, Illinois 60602  
[benjamin.weed.ptab@klgates.com](mailto:benjamin.weed.ptab@klgates.com)  
Telephone: (312) 781-7166  
Facsimile: (312) 827-8152

**Certification of Service Under 37 C.F.R. § 42.6(e)(4)**

A copy of this Request for Refund of Post-Institution Fees has been served on the following counsel of record for Patent Owner at the following address on this 30th day of October, 2017:

Robert Steinberg  
[bob.Steinberg@lw.com](mailto:bob.Steinberg@lw.com)  
Latham & Watkins LLP  
355 South Grand Avenue  
Los Angeles, CA 90071

Daniel G. Brown  
[daniel.brown@lw.com](mailto:daniel.brown@lw.com)  
Latham & Watkins LLP  
885 Third Avenue  
New York, NY 10022

By: /Benjamin E. Weed/  
Benjamin E. Weed (Reg. No. 65,939)  
Customer No. 24573  
Date: October 30, 2017  
K&L GATES LLP  
70 W. Madison Street, Suite 3100  
Chicago, Illinois 60602  
[benjamin.weed.ptab@klgates.com](mailto:benjamin.weed.ptab@klgates.com)  
Telephone: (312) 781-7166  
Facsimile: (312) 827-8152