

Filed on behalf of Par Pharmaceutical, Inc.

Entered: February 2, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.
Petitioner

v.

NOVARTIS AG
Patent Owner

Case IPR2016-01059
U.S. Patent No. 5,665,772

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

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Case IPR2016-01059
U.S. Patent No. 5,665,772

On May 17, 2016, Par Pharmaceutical, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review (IPR2016-01059) seeking review of claim 7 of U.S. Patent No. 5,665,772. Pursuant to 37 C.F.R. §42.15(a)(2) and (4), Petitioner’s paid fees totaling \$23,000, which included a \$14,000 payment for the post-institution fee.

On October 27, 2016, the Patent Trial and Appeal Board (“the Board”) denied institution of the Petition. (Paper 19). On January 11, 2018, the Board denied Petitioner’s request for rehearing (Paper 23).

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 request, Petitioner respectfully asks the Board to credit \$14,000 to Petitioner’s by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Date: February 2, 2018

Respectfully submitted,

By: /Daniel G. Brown/

Daniel G. Brown (Reg. No. 54,005)

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 2nd day of February, 2018, a true and correct copy of the foregoing **PETITIONER'S REQUEST FOR REFUND** was served by electronic mail on Patent Owner's lead counsel at the following email address:

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