

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD.
Patent Owner.

Case IPR2016-01163
Patent No. 8,877,168

PETITIONER'S REQUEST FOR REFUND OF IPR FEES

Petitioner Mylan Pharmaceuticals Inc. (“Mylan”) requests a refund in the amount of \$19,600 to be paid to Deposit Acct. No. 160605 (Customer ID No. 00826) pursuant to the U.S. Patent and Trademark Office’s Final Rule Setting and Adjusting Patent Fees, 78 F.R. 4211, 4234-35 (Jan. 18, 2013).

On June 8, 2016, Mylan filed a Petition for *inter partes* review against U.S. Patent No. 8,877,168, proceeding IPR2016-01163. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Mylan deposited an electronic payment in the amount of \$30,400 with the PTO at the time of filing its Petition. Mylan’s payment consisted of \$10,800 in fees associated with Mylan’s *inter partes* review request, and a further \$19,600 in Post-Institution fees.

Mylan and Patent Owner Senju Pharmaceutical Co., Ltd. (“Senju”) entered into a settlement agreement that resolved all underlying disputes between the parties, including the *inter partes* review proceeding IPR2016-01163, against U.S. Patent No. 8,877,168. Accordingly, on August 9, 2016, the parties jointly moved to terminate this proceeding pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74.

On November 14, 2016, the Board entered a decision to terminate proceeding IPR2016-01163. Accordingly, Mylan requests a refund in the amount of \$19,600 for the Post-Institution fees.

RESPECTFULLY SUBMITTED,

Date: November 16, 2016

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CERTIFICATION OF SERVICE

The undersigned certifies a copy of the foregoing **PETITIONER'S REQUEST FOR REFUND OF IPR FEES** was served on November 16, 2016 via electronic mail directed to the counsel of record for the Patent Owner at the following:

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