

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONOSOL RX, LLC
Petitioner

v.

ICOS CORPORATION,
Patent Owner

Case: IPR2017-00412

Patent 6,943,166

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

Pursuant to the Patent and Trademark Office’s Final Rule Setting and Adjusting Patent Fees, 78 F.R. 4211, 4234–4235 (Jan. 18, 2013), Petitioner MonoSol Rx, LLC (“Petitioner”) hereby requests a refund in the amount of \$14,000.00 to be paid to PTO ~~customer~~ deposit account number [5306519-4293](#).

On December 6, 2016 Petitioner filed a Petition for *Inter Partes* Review of U.S. Patent 6,943,166 (Claims 1-12) with the Patent Trial and Appeal Board (“PTAB”), case number IPR2017-00412. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a) Petitioner deposited an electronic payment in the amount of \$23,000.00 with the PTO at the time of filing of its Petition to cover associated fees. Petitioner’s payment consisted of the following:

<i>Inter Partes</i> Review Request Fee (§ 42.15(a)(1))	\$9,000.00
<i>Inter Partes</i> Post-Institution Fee (§ 42.15(a)(2))	\$14,000.00
TOTAL DEPOSIT	\$23,000.00

On July 3, 2017, the PTAB Board issued a Decision Denying Institution of *Inter Partes* Review (Paper No. 11). Petitioner filed with the PTAB a Request for Rehearing on July 21, 2017 (Paper No. 12). On March 5, 2018, the PTAB Board issued a Decision Denying Request for Rehearing (Paper No. 18). Accordingly, Petitioner requests a refund in the amount of \$14,000.00 for the post-institution fees that it has paid to the PTAB in connection with that proceeding.

Respectfully submitted,

Dated: March 9, 2018

By: /Harold H. Fox/

Harold H. Fox

Reg. No 41,498

hfox@step toe.com

STEP TOE & JOHNSON LLP

1330 Connecticut Avenue, NW

Washington, DC 20036

Telephone: 202-429-6284

Facsimile: 202-429-3902

Counsel for MonoSol Rx, LLC

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a copy of the foregoing document
PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES
was served on March 9, 2018 by filing this document through Patent Trial Appeal
Board End to End system as well as delivering a copy via electronic email to the
attorneys of record for the Patent Owner's as follows:

Mark J. Feldstein
mark.feldstein@finnegan.com

Maureen D. Queler
maureen.queler@finnegan.com

Joshua L. Goldberg
Joshua.goldberg@finnegan.com

Mark J. Stewart
stewart_mark@lilly.com

Yieyie Yang
Yieyie.yang@finnegan.com

Dan L. Wood
wood_dan_1@lilly.com

Gerald P. Keleher
keleher_gerald@lilly.com

Respectfully submitted,

Date: March 9, 2018

By: /Harold H. Fox/

Harold H. Fox
Reg. No 41,498
hfox@steptoe.com
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Telephone: 202-429-6284
Facsimile: 202-429-3902

Counsel for MonoSol Rx, LLC