

Filed on behalf of Par Pharmaceutical, Inc. et al.

Entered: November 28, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PAR PHARMACEUTICAL, INC. AND INTELGENX CORP.  
Petitioner,

v.

MONOSOL RX, LLC,  
Patent Owner.

---

Case IPR2017-01557  
Patent 8,603,514 B2

---

Before ERICA A. FRANKLIN, TINA E. HULSE, and  
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

**PETITIONERS' REQUEST FOR REFUND OF POST-INSTITUTION FEE**

Case IPR2017-01557  
Patent 8,603,514 B2

On June 9, 2017, Par Pharmaceutical, Inc. (“Par”) and IntelGenx Corp. (“IntelGenx”) (collectively “Petitioners”) filed a Petition for *Inter Partes* Review (IPR2017-01557) seeking review of claims 1-3, 9, 15, 62-65, 69-73, and 75 of U.S. Patent No. 8,603,514. Pursuant to 37 C.F.R. §42.15(a)(2) and (4), Petitioners’ paid fees totaling \$23,000, which included a \$14,000 payment for the post-institution fee.

On October 20, 2017, the Patent Trial and Appeal Board (“the Board”) denied institution of the Petition. (Paper 11).

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 Petitioners’ by depositing such amount into PTO Deposit Account No. 506269 of Latham & Watkins LLP.

Case IPR2017-01557  
Patent 8,603,514 B2

Date: November 28, 2017

Respectfully submitted,

By: /Daniel G. Brown/  
Daniel G. Brown (Reg. No. 54,005)  
Latham & Watkins LLP  
885 Third Avenue  
New York, NY 10022-4834  
Tel: (212) 906-1200  
Fax: (212) 751-4864  
daniel.brown@lw.com

Jonathan M. Strang (Reg. No. 61,724)  
Latham & Watkins LLP  
555 Eleventh Street NW  
Suite 1000  
Washington, DC 20004-1304  
Tel: (202) 637-2200  
Fax: (202) 637-2201  
jonathan.strang@lw.com

*Counsel for Petitioners  
Par Pharmaceutical, Inc.  
IntelGenx Corp.*

Case IPR2017-01557  
Patent 8,603,514 B2

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 28th day of November, 2017, a true and correct copy of the foregoing **PETITIONERS' REQUEST FOR REFUND** was served by electronic mail on Patent Owner's lead counsel at the following email address:

Harold H. Fox  
**Step toe & Johnson LLP**  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Tel: (202) 429-6284  
Fax: (202) 429-3902  
hfox@step toe.com  
514MIPR@step toe.com

By: /Daniel G. Brown/

Daniel G. Brown (Reg. No. 54,005)  
Latham & Watkins LLP  
885 Third Avenue  
New York, NY 10022-4834  
212-906-1200; 212-751-4864 (Fax)

*Counsel for Petitioner  
Par Pharmaceutical, Inc.*