

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUPIN LTD. and LUPIN PHARMACEUTICALS INC.

Petitioners,

v.

HORIZON THERAPUETICS, LLC

Patent Owner.

IPR2018-00459

U.S. Patent No. 9,561,197

REQUEST FOR REFUND OF POST-INSTITUTION FEES

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

1. **STATEMENT OF THE PRECISE RELIEF REQUESTED**

Petitioners Lupin Ltd. and Lupin Pharmaceuticals, Inc. respectfully requests a refund of \$14,000, the post-institution fee paid for the Petition for *Inter Partes* Review of U.S. Patent 9,561,197 (“the ’197 patent”), assigned case number IPR2018-00459. A refund is appropriate because, prior to any institution decision from the Board, the Board granted the parties’ Joint Motion to Terminate *Inter Partes* Review, and terminated the proceeding. (Paper No. 12.)

2. **STATEMENT OF FACTS**

On January 12, 2018, Petitioner filed a Petition for *Inter Partes* Review of the ’197 patent. On May 23, 2018, Patent Owner filed a Patent Owner Preliminary Response.

On July 9, 2018, pursuant to the Board’s authorization, the parties filed a Joint Motion to Terminate *Inter Partes* Review. On July 25, 2018, the Board granted the joint motion and terminated the proceeding. (Paper No. 12.)

Because the proceeding was terminated prior to institution, Petitioners hereby request a refund of \$14,000, the full amount of the post-institution fee paid by Petitioners. Payment of the fee was processed through Financial Manager, and posted to Deposit Account No. 506989 on January 16, 2018.

3. **CONCLUSION**

Upon review and approval of this request, Petitioners respectfully request that the Board credit the \$14,000 post-institution fee to Deposit Account No. 506989.

Dated: August 14, 2018

Respectfully submitted,

/Cynthia Lambert Hardman/
Elizabeth J. Holland
(Reg. No. 47,657)
Cynthia Lambert Hardman
(Reg. No. 53,179)
GOODWIN PROCTER LLP
620 Eighth Avenue
New York, NY 10018
Phone: 212.813.8800
Email: chardman@goodwinlaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of August 2018, I caused the foregoing “**REQUEST FOR REFUND OF POST-INSTITUTION FEES**” to be served by electronic mail on the following:

Robert Green (Reg. No. 27,555)
Caryn Borg-Breen (Reg. No. 52,637)
Green, Griffith & Borg-Breen, LLP
City Place, Suite 3900
676 N. Michigan Avenue
Chicago, Illinois 60611
Phone: (312) 883-8000
Fax: (312) 883-8001
rgreen@greengriffith.com
cborg-breen@greengriffith.com

Matthew Phillips (Reg. No. 43, 403)
Laurence &Phillips IP Law LLP
7327 SW Barnes Road #521
Portland, Oregon 97225
Phone: (503) 964-1129
Fax: (703) 439-1624
mphillips@lpiplaw.com

Dennis Bennett (Reg. NO. 34,547)
Global Patent Group, LLC
1005 N. Warson Road, Suite 404
St. Louis, Missouri 63132
Phone: (314) 812-8018
Fax: (314) 685-2300
dennisbennett@globalpatentgroup.com

/Cynthia Lambert Hardman/
Cynthia Lambert Hardman
Registration No. 53,179