

Filed: October 16, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEPTUNE GENERICS, LLC

PETITIONER

V.

AVENTIS PHARMA S.A.

PATENT OWNER

CASE NO.: IPR2019-00136

PATENT NO. 5,847,170

FILED: MARCH 26, 1996

ISSUED: DECEMBER 8, 1998

INVENTORS: HERVÉ BOUCHARD,
JEAN-DOMINIQUE BOURZAT, ALAIN COMMERÇON

TITLE: TAXOIDS, THEIR PREPARATION, AND PHARMACEUTICAL
COMPOSITIONS CONTAINING THEM

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

Petitioner Neptune Generics, LLC (“Neptune”) filed a petition for *inter partes* review of two (2) claims of U.S. Patent No. 5,847,170 on October 31, 2018 (Paper No. 1). As indicated by the below payment section corresponding to this IPR proceeding at <https://ptab.uspto.gov>, Petitioner at the time of filing, submitted a total fee of \$30,500.00, consisting of a \$15,500.00 request fee, a \$15,000.00 post-institution fee in accordance with 37 C.F.R. § 42.15(a):

Payments

Transaction Date	Payment Method	Description	Fee Code	Quantity	Fee Amount	Fee Total
10/31/2018 17:36:14	DAS06293	Inter Parties Review Request Fee- UP TO 20 Claims	1406	1	\$15,500	\$15,500
10/31/2018 17:36:14	DAS06293	Inter Parties Review Post-Institution Fee	1414	1	\$15,000	\$15,000

On October 15, 2019, the Board denied Petitioners’ request for rehearing (Paper No. 16) of the Board’s decision denying institution of the *inter partes* review (Paper No. 15). (Paper No. 20). In view of the Board’s decision denying institution of *inter partes* review, Petitioner respectfully requests a refund of the post-institution fee of \$15,000.00 that was submitted with its petition pursuant to 37 C.F.R. § 42.15(a)(2) as set forth in the Board’s Final Rule, Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4234-35 (Jan. 18, 2013) (authorizing refunds of post-institution fees when review is not instituted). Petitioner requests that the refund be deposited in Deposit Account No. 506293.

Dated October 16, 2019

Respectfully Submitted,

/Alexander E. Gasser/

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Back-Up Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2019, a copy of this Petitioner's Request for Refund, was served by delivering a copy via electronic mail to the attorneys of record for the Patent Owner as follows:

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