

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLA PHARMA LLC,
Petitioner

v.

NOVARTIS AG,
Patent Owner.

U.S. Patent No. 9,533,053 to Gamache et al.

Issue Date: January 3, 2017

Title: High Concentration Olopatadine Ophthalmic Composition

Inter Partes Review No.: IPR2020-00295

PETITIONER'S REQUEST FOR REFUND OF IPR FEES

Petitioner Ayla Pharma LLC (“Ayla”) requests a refund in the amount of \$ 15,000 to be paid to Deposit Acct. No. 501290 (Customer ID No. 27160) 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 December 24, 2019, Ayla filed a Petition for *inter partes* review against U.S. Patent No. 9,533,053, proceeding IPR2020-00295. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Ayla deposited an electronic payment in the amount of \$ 30,500 with the PTO at the time of filing its Petition. Ayla’s payment consisted of \$ 15,500 in fees associated with Ayla’s *inter partes* review request, and a further \$ 15,000 in Post-Institution fees.

On August 6, 2020, the Board entered a decision to terminate proceeding IPR2020-00295 denying institution (Paper 12) and on May 6, 2021, the Board entered a decision denying the rehearing request. (Paper 14) Accordingly, Ayla requests a refund in the amount of \$15,000 for the Post-Institution fees.

RESPECTFULLY SUBMITTED,

Date: June 8, 2021

/jitendra malik/_____

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*Lead Counsel for Petitioner
AYLA PHARMA LLC*

CERTIFICATION OF SERVICE

The undersigned certifies a copy of the foregoing **PETITIONER'S REQUEST FOR REFUND OF IPR FEES** was served on June 8, 2021 via electronic mail directed to the counsel of record for the Patent Owner at the following:

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RESPECTFULLY SUBMITTED,

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