UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETON PHARMACEUTICALS, INC.,

Petitioner

v.

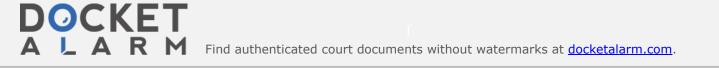
EXELA PHARMA SCIENCES, LLC,

Patent Owner

U.S. PATENT NO. 10,583,155

PGR2020-00068

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE



Petitioner requests a refund of \$34,375, the post-institution fee.

On June 8, 2020, Petitioner filed a Petition for *post grant* review ("PGR") of U.S. Patent No. 10,583,155 and paid a filing fee of \$54,125, which included a \$19,750 request fee and a \$34,375 post-institution fee. On December 15, 2020, the Board denied institution of Petitioner's PGR (Paper 11) and, on July 21, 2021, the Board denied Petitioner's Request for Rehearing (Paper 13).

As a result, Petitioner is entitled to a refund of the post-institution fee. *See e.g.*, 78 Fed. Reg. 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."); PTAB E2E FAQs at E7, *available at*:

https://www.uspto.gov/patents/ptab/ptab-e2e-frequently-asked-questions.

The refund—in the amount of \$34,375—may be deposited in Deposit Account No. 08-1394 of Haynes and Boone, LLP under attorney reference number 0059160.00004US01.

Respectfully submitted,

July 29, 2021

/s/ Ralph J. Gabric Ralph J. Gabric (Reg. No 34,167) HAYNES and BOONE LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Tel.: (312) 216-1620 ralph.gabric.ipr@haynesboone.com Counsel for Petitioner

Find authenticated court documents without watermarks at docketalarm.com.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.105 and 42.6, I certify I caused a true and correct copy of the forgoing document to be served on the Patent Owner as detailed below.

Date of service July 29, 2021

DOCKE⁻

Person served Dorothy P. Whelan PGR48751-0005PSa@fr.com

> Alana Mannige PTABInbound@fr.com

> > /s/ Ralph J. Gabric

Ralph J. Gabric (Reg. No 34,167) HAYNES AND BOONE LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Tel.: (312) 216-1620 ralph.gabric.ipr@haynesboone.com Counsel for Petitioner