

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRESENIUS KABI USA, INC. and FRESENIUS KABI SWISSBIOSIM GmbH
Petitioners,

v.

AMGEN, INC. and AMGEN MANUFACTURING LIMITED
Patent Owners.

IPR2019-00971

Patent No. 9,856,287

Title: REFOLDING PROTEINS USING A CHEMICALLY CONTROLLED
REDOX STATE

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

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioners Fresenius Kabi USA, LLC and Fresenius Kabi SwissBioSim GmbH, (collectively, “Petitioners”) respectfully request a refund of \$18,000.00, the post-institution fees initially paid for the Petition for *Inter Partes* Review of U.S. Patent No. 9,856,287 (“the ’287 patent”), assigned case number IPR2019-00971.

II. STATEMENT OF FACTS

On April 14, 2019, Petitioners filed a Petition for *Inter Partes Review* of claims 1, 4-6, 8-10, 12, 14-16, 19-21, 23-26, 29-30 of the ’287 patent under 35 U.S.C. §§ 102 and 103. On October 16, 2019, the Board denied institution. (Paper No. 13.)

Because no trial has been instituted in this IPR, Petitioners hereby request a refund of \$18,000.00, the post-institution fees paid pursuant to 37 C.F.R. § 42.15(a)(2) and (a)(4). Payment of the post-institution fees was processed through PTAB E2E on April 14, 2019 and charged to the undersigned’s Deposit Account No. 506989. Upon review and approval of this request, Petitioner respectfully requests that the Board credit \$18,000.00 to Deposit Account No. 506989.

Date: October 23, 2019

Respectfully Submitted,

By: /s/ Huiya Wu
Huiya Wu (Reg. No. 44,411)
GOODWIN PROCTER LLP

New York, NY 10018
(212) 813-8800 (telephone)
(212) 355-3333 (facsimile)
hwu@goodwinlaw.com
Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), the undersigned certifies that on October 23, 2019, a copy of the foregoing **REQUEST FOR REFUND OF POST-INSTITUTION FEES** was served by email on the lead and back-up counsel for Patent Owners at:

Lead Counsel

J. Steven Baughman (Reg. No. 47,414)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K St. NW
Washington, DC 20006
Tel: (202) 223-7300
Fax: (202) 403-3740
sbaughman@paulweiss.com

Backup Counsel

Megan Raymond (Reg. No. 72,997)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K St. NW
Washington, DC 20006
Tel: (202) 223-7300
Fax: (202) 403-3777
mraymond@paulweiss.com

Dated: October 23, 2019

/s/ Huiya Wu
Huiya Wu
Registration No. 44411