

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

v.

AMGEN, INC. and AMGEN MANUFACTURING LIMITED  
Patent Owners.

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IPR2019-00971

Patent No. 9,856,287

Title: REFOLDING PROTEINS USING A CHEMICALLY CONTROLLED  
REDOX STATE

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**NOTICE TO WITHDRAW REQUEST FOR REFUND OF  
POST-INSTITUTION FEES**

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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 withdraw their Request for Refund of Post-Institution Fees, dated October 23, 2019, for *Inter Partes* Review of U.S. Patent No. 9,856,287 (“the ’287 patent”), assigned case number IPR2019-00971, but reserve the right to re-file it at a later date.

## **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.)

On October 23, 2019, Petitioners filed a Request for Refund of Post-Institution Fees paid pursuant to 37 C.F.R. § 42.15(a)(2) and (a)(4) because no trial was instituted in this IPR.

Petitioners now withdraw that Request for Refund, but reserve their right to re-file it at a later date.

Date: November 1, 2019

Respectfully Submitted,

By: /s/ Huiya Wu  
Huiya Wu (Reg. No. 44,411)  
GOODWIN PROCTER LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
(212) 813-8800 (telephone)

*Counsel for Petitioners*

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), the undersigned certifies that on November 1, 2019, a copy of the foregoing **NOTICE TO WITHDRAW 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: November 1, 2019

/s/ Huiya Wu  
Huiya Wu  
Registration No. 44411