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

NOTICE TO WITHDRAW REQUEST FOR REFUND OF POST-INSTITUTION FEES

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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: <u>/s/ Huiya Wu</u> 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)

Find authenticated court documents without watermarks at docketalarm.com.

Counsel for Petitioners

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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

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Dated: November 1, 2019

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<u>/s/ Huiya Wu</u> Huiya Wu Registration No. 44411