

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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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,

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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:

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Dated: November 1, 2019

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