

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ETON PHARMACEUTICALS, INC.,

Petitioner

v.

EXELA PHARMA SCIENCES, LLC,

Patent Owner

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**U.S. PATENT NO. 10,478,453**

PGR2020-00064

**PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE**

Petitioner requests a refund of \$27,775, the post-institution fee.

On May 19, 2020, Petitioner filed a Petition for *post grant* review (“PGR”) of U.S. Patent No. 10,478,453 and paid a filing fee of \$44,525, which included a \$16,750 request fee and a \$27,775 post-institution fee. On November 18, 2020, the Board denied institution of Petitioner’s PGR (Paper 12) and, on July 21, 2021, the Board denied Petitioner’s Request for Rehearing (Paper 14).

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 \$27,775—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)

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*Counsel for Petitioner*

**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**

*Person served* Dorothy P. Whelan  
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*/s/ Ralph J. Gabric*

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