

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETON PHARMACEUTICALS, INC.,

Petitioner

v.

EXELA PHARMA SCIENCES, LLC,

Patent Owner

U.S. PATENT NO. 10,583,155

PGR2020-00068

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEE

Petitioner requests a refund of \$34,375, the post-institution fee.

On June 8, 2020, Petitioner filed a Petition for *post grant* review (“PGR”) of U.S. Patent No. 10,583,155 and paid a filing fee of \$54,125, which included a \$19,750 request fee and a \$34,375 post-institution fee. On December 15, 2020, the Board denied institution of Petitioner’s PGR (Paper 11) and, on July 21, 2021, the Board denied Petitioner’s Request for Rehearing (Paper 13).

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 \$34,375—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

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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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