

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MILTENYI BIOMEDICINE GmbH and MILTENYI BIOTEC INC.
Petitioner

v.

FRED HUTCHINSON CANCER CENTER
Patent Owner

Case No. IPR2023-00760
U.S. Patent No. 9,987,308

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

Petitioner MILTENYI BIOMEDICINE GmbH and MILTENYI BIOTEC INC. (“Miltenyi”) respectfully requests a refund of post-institution fees in the amount of \$30,000.

On March 22, 2023, Miltenyi filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,987,308. As required by C.F.R. § 42.15(a), Miltenyi deposited \$52,750 with the U.S. Patent and Trademark Office (“USPTO”) at the time of filing the Petition in order to cover associated fees. Miltenyi’s payment consisted of \$22,750 in fees associated with the request for *Inter Partes* Review, and a further \$30,000 in post-institution fees.

On September 25, 2023, the U.S. Patent Trial and Appeal Board issued a Decision Denying Institution of *Inter Partes* Review (Paper No. 10). On October 25, 2023, Miltenyi filed a Request for Rehearing of Institution Decision (Paper No. 11). The Board denied that Request on February 22, 2024 (Paper No. 12). Thus, *inter partes* review was not instituted. Accordingly, Miltenyi requests a refund of the post-institution fees paid to the USPTO in connection with this proceeding, totaling \$30,000, to be paid to Deposit Account No. 15-0665 (referencing Attorney Docket 52449.4).

Dated: March 21, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 21, 2024, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for the Patent Owner:

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