

Filed October 3, 2025

On behalf of **AZURITY PHARMACEUTICALS INC.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AZURITY PHARMACEUTICALS, INC.

Petitioner,

v.

EXELIXIS, INC.

Patent Owner.

IPR2025-00210
Patent 11,298,349

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

Pursuant to the Patent and Trademark Office’s (“USPTO”) Final Rule Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4232-4234 (Jan. 18, 2013), Petitioner Azurity Pharmaceuticals, Inc. (“Azurity”), respectfully requests a refund of post-institution fees in the amount of \$22,500.00 to be paid to deposit account number 603243.

On November 18, 2024, Azurity filed a Petition for *Inter Partes* Review of U.S. Patent No. 11,298,349, *see* Paper 2, with the Patent Trial and Appeal Board that was assigned case number IPR2025-00210. In accordance with the fee schedule specified in 37 C.F.R. § 42.15(a), Azurity paid the USPTO via electronic funds transfer a total of \$41,500.00, which included a \$19,000.00 request fee and a \$22,500.00 post-institution fee. On June 4, 2025, the Board denied institution. Paper 11.

Because the instant proceeding was not instituted, Azurity hereby requests a refund of \$22,500.00 for the post-institution fee that they paid to the USPTO in connection with this matter by electronic funds transfer to the same account that the fee was paid from. *See* 78 Fed. Reg. 4212, 4232-4234 (Jan. 18, 2013).

Respectfully submitted,

Dated: October 3, 2025

By: /Andrew E. Morrell/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER’S REQUEST FOR REFUND OF POST-INSTITUTION FEES** is being served on October 3, 2025, via email pursuant to agreement of the parties to:

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