

Filed October 3, 2025

On behalf of **AZURITY PHARMACEUTICALS INC.**

By: Andrew Morrell, Ajay Kayal, Leah Digby
WINDELS MARX LANE & MITTENDORF, LLP
One Giralda Farms
Madison, NJ 07940
Tel.: 973-966-3200 Fax: 976-966-3250
Email: AzurityIPRs@windelsmarx.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AZURITY PHARMACEUTICALS, INC.

Petitioner,

v.

EXELIXIS, INC.

Patent Owner.

IPR2025-00427
Patent 12,128,039

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 \$24,000.00 to be paid to deposit account number 603243.

On January 9, 2025, Azurity filed a Petition for *Inter Partes* Review of U.S. Patent No. 12,128,039, *see* Paper 2, with the Patent Trial and Appeal Board that was assigned case number IPR2025-00427. 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 \$43,750.00, which included a \$19,000.00 request fee for up to twenty claims, a \$750.00 request fee for two claims in excess of twenty, a \$22,500.00 post-institution fee for up to twenty claims, and a \$1,500.00 post-institution fee for two claims in excess of twenty. On July 2, 2025, the Petition was denied institution. Paper 13.

Because the instant proceeding was not instituted, Azurity hereby requests a refund of \$24,000.00 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/

Andrew E. Morrell (Reg. No. 63,737)
Ajay Kayal (Reg. No. 66,691)
Leah Digby (Reg. No. 82,956)

WINDELS MARX LANE & MITTENDORF, LLP
Email: AzurityIPRs@windelsmarx.com

Attorneys/Practitioners for Petitioner
Azurity Pharmaceuticals, Inc.

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:

Emily R. Whelan
Emily.Whelehan@wilmerhale.com

Cindy Kan
Cindy.Kan@wilmerhale.com
WH_Exelixis_IPR@wilmerhale.com

WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109

Dated: October 3, 2025

By: /Andrew E. Morrell/

Andrew E. Morrell (Reg. No. 63,737)
Ajay Kayal (Reg. No. 66,691)
Leah Digby (Reg. No. 82,956)

WINDELS MARX LANE & MITTENDORF, LLP
Email: AzurityIPRs@windelsmarx.com

Attorneys/Practitioners for Petitioner
Azurity Pharmaceuticals, Inc.