

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONCUSP THERAPEUTICS SUB, INC.,
Petitioner,

v.

DAIICHI SANKYO CO LTD,
Patent Owner.

Case No. PGR2023-00037
Patent No. 11,446,386

PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES

OnCusp Therapeutics Sub, Inc. (“Petitioner”) filed a petition requesting post-grant review of claim 1-18 of U.S. Patent No. 11,446,386 (“the ’386 patent”). At the time of filing, Petitioner submitted a fee of \$47,500.00 consisting of a \$20,000.00 request fee and a \$27,500.00 post-institution fee in accordance with 37 C.F.R § 42.15(b). On December 20, 2023, the parties jointly requested termination of the proceedings. On January 5, 2024, the Board granted the motion and terminated this proceeding prior to issuing any institution decision. In view of the Board’s termination of this proceeding prior to issuing an institution decision, Petitioner respectfully requests a refund of the post grant review post-institution fee of \$27,500.00 that was submitted with its petition pursuant to 37 C.F.R. § 42.15(b)(2) as set forth in the Board’s Final Rule, Setting and Adjusting Patent Fees, 78 Fed. Reg. 4212, 4234-35 (Jan. 18, 2013) (authorizing refunds of post-institution fees for proceedings terminated prior to institution); *see also* 37 C.F.R. § 1.26(a) (“The Director may refund any fee paid...in excess of that required.”). Petitioner requests that the refund be deposited Deposit Account No. 50-1943, under Order No. 345522.00002 from which the undersigned is authorized to draw.

Dated: January 12, 2024

Respectfully submitted,

By: /s/ Ryan N. Miller

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CERTIFICATE OF SERVICE

The undersigned certifies to 37 C.F.R. §42.6(e) and §42.105 that the above document was served on January 12, 2024, by filing this document through the Patent Trial and Appeal Board End to End system as well as by delivering a copy via electronic mail to the attorneys of record for the Patent Owner:

Daiichi.OnCusp.PGR@weil.com

Dated: January 12, 2024

/s/ Ryan N. Miller
Ryan N. Miller
USPTO Registration 68,262
Counsel for OnCusp Therapeutics Sub, LLC