

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Nexus Pharmaceuticals, LLC,
Petitioner

v.

Exela Pharma Sciences, LLC,
Patent Owner

Case No.: PGR2024-00016
Patent No. 11,642,370

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

Mail Stop: Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner Nexus Pharmaceuticals, LLC requests a refund in the amount of \$38,000 in connection with the above-reference matter. *See* 78 Fed. Reg. 4235 (Jan. 18, 2013) (indicating that the “entire [post-institution] fee would be returned to the petitioner if the Office does not institute a review”). In accordance with 37 C.F.R. § 42.15(b) a total of \$62,500 in filing fees was paid on February 8, 2024, upon filing the Petition for post grant review.

On August 8, 2024, the Board issued a decision denying the Petition and request for post grant review. Because the post grant review was not instituted, Petitioner, requests that Deposit Account No. 012300 be credited \$38,000 for the following fees:

Fee Description	Amount
Post-Institution Fee (37 C.F.R. § 42.15(b)(2))	\$27,500
Fee for reviewing 10 claims in excess of 20 (37 C.F.R. § 42.15(b)(2))	\$10,500

Respectfully submitted,

Dated: September 18, 2024

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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 PETITIONER’S REQUEST FOR REFUND OF POST-INSTITUTION FEES was served on September 18, 2024, on the Patent Owner’s designated counsel:

Richard Oakes
Corrin Drakulich (*pro hac vice* forthcoming)
Christina Brown-Marshall (*pro-hac vice* forthcoming)
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Dated: September 18, 2024

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