UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATOSSA THERAPEUTICS, INC.,

Petitioner,

v.

JINA PHARMACEUTICALS, INC.,

Patent Owner.

Case PGR2026-00015
Patent No. 12,245,997

REQUEST FOR REFUND OF POST-INSTITUTION FEES

I. STATEMENT OF RELIEF REQUESTED

Petitioner Atossa Therapeutics, Inc. respectfully requests a refund of the $34,375 post-institution fee initially paid for the Petition for post-grant review (PGR2026-00015) of U.S. Patent No. 12,245,997 ("the '997 patent").

II. STATEMENT OF FACTS

Atossa Therapeutics, Inc. filed its Petition for post-grant review of the '997 patent claims on December 10, 2025 (Paper No. 2). The PGR challenged ten claims. Petitioner paid the USPTO $59,375 on December 10,2025, including a $25,000 payment for the post-grant review request fee and a $34,375 payment for the post-institution fee, as required by 37 C.F.R. § 42.15(b).

On April 22, 2026, the U.S. Patent and Trademark Office Patent Trial and Appeal Board entered a Decision Terminating the PGR following a Settlement Prior to Institution of Trial (Paper No. 17).

III. ARGUMENT

No trial has been instituted in this PGR and the proceeding has been terminated pre-institution. Therefore, Petitioner requests a refund of $34,375, the post-institution fees paid pursuant to 37 C.F.R. § 42.15(b)(2).

IV. CONCLUSION

For at least the foregoing reasons, Petitioner respectfully requests a refund of the $34,375 post-institution fee that it previously paid. The refund may be deposited in Deposit Account No. DA604974.

Respectfully submitted:
/s/ *Megan Raymond* April 23, 2026
Megan Raymond (Reg. No. 72,997)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on April 23, 2026 the foregoing document was served via email on the following counsel of record for the Patent Owner:

Alejandro Menchaca
Ben J. Mahon
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Dated: April 23, 2026

Respectfully submitted,
By:/*Sayem Osman*/
Sayem Osman