

Filed October 3, 2025

On behalf of **AZURITY PHARMACEUTICALS INC.**

By: Andrew Morrell, Robert Delafield II, 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.

AZURITY PHARMA INDIA LLP

SLAYBACK PHARMA LLC

Petitioner,

v.

HERON THERAPEUTICS, INC.

Patent Owner.

PGR2025-00035

Patent 12,115,254

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), Petitioners Azurity Pharmaceuticals, Inc., Azurity Pharma India LLP, and Slayback Pharma LLC (collectively, “Azurity”), respectfully requests a refund of post-institution fees in the amount of \$47,525.00 to be paid to deposit account number 603243.

On February 28, 2025, Azurity filed a Petition for Post-Grant Review of U.S. Patent No. 12,115,254, *see* Paper 2, with the Patent Trial and Appeal Board that was assigned case number PGR2025-00035. 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 \$78,475.00, which included a \$25,000.00 request fee for up to twenty claims, a \$5,950.00 request fee for ten claims in excess of twenty, a \$34,375.00 post-institution fee for up to twenty claims, and a \$13,150.00 post-institution fee for ten claims in excess of twenty. On August 14, 2025, the Petition was denied institution. Paper 11.

Because the instant proceeding was not instituted, Azurity hereby requests a refund of \$47,525.00 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)
Robert A. Delafield II (Reg. No. 64,709)
Leah Digby (Reg. No. 82,956)

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

Attorneys/Practitioners for Petitioners:
Azurity Pharmaceuticals, Inc.
Azurity Pharma India LLP
Slayback Pharma LLC

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:

PH-Azurity-Heron-IPR@paulhastings.com

Dated: October 3, 2025

By: /Andrew E. Morrell

Andrew E. Morrell (Reg. No. 63,737)
Robert A. Delafield II (Reg. No. 64,709)
Leah Digby (Reg. No. 82,956)

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

Attorneys/Practitioners for Petitioners:
Azurity Pharmaceuticals, Inc.
Azurity Pharma India LLP
Slayback Pharma LLC