

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.

Petitioner

v.

HYPERION THERAPEUTICS, INC.

Patent Owner

Case IPR2015-01117 (Patent 8,642,012)

**PETITIONER PAR PHARMACEUTICAL, INC.'S
MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL**

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Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

I. 37 C.F.R. § 42.10 – STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Petitioner respectfully requests that the Board authorize the withdrawal of Michael J. Freno and Sanjay K. Murthy of K&L Gates LLP as its counsel; and authorize the designation of David H. Silverstein of Axinn, Veltrop & Harkrider LLP as lead counsel, and Aziz Burgy of Axinn, Veltrop & Harkrider LLP as backup counsel in this matter.

II. STATEMENT OF FACTS SUPPORTING WITHDRAWAL AND SUBSTITUTION OF COUNSEL

On April 29, 2015, Petitioner submitted its Petition for *Inter Partes* Review for U.S. PATENT NO. 8,642,012, designating Michael J. Freno as lead counsel, Sanjay K. Murthy and David H. Silverstein as backup counsel in the above-captioned *inter partes* review under 37 C.F.R. § 42.8(b)(3). (Paper 2.) On January 12, 2016, Petitioner sought permission to file the instant motion, and received permission to file from the Board on January 13.

Petitioner requests that the current designated lead counsel Michael J. Freno and backup counsel Sanjay K. Murthy be deemed withdrawn from the present proceeding, and substitute David H. Silverstein as new lead counsel and Aziz Burgy as new backup counsel (“Substitute Counsel”) in this proceeding. No prejudice would result from granting the motion.

Patent Owner has been notified, and has indicated that it does not oppose the requested withdrawal and substitution of counsel for Petitioner.

III. CONCLUSION

Petitioner respectfully requests that the Board grant its motion to authorize withdrawal of counsel and permit substitution of counsel. Upon grant of this motion, new counsel for Petitioner will promptly file Amended Petitioner's Mandatory Notices and Power of Attorney in accordance with 37 C.F.R. §§ 42.8 and 42.10.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITIONER PAR PHARMACEUTICAL, INC.'S MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL is being served on January 13, 2016 via email on the following counsel:

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