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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.
Petitioner

v.

HORIZON THERAPEUTICS, INC.
Patent Owner

PETITION FOR INTER PARTES REVIEW OF U.S. PATENT
NO. 8,404,215/AND U.S. PATENT NO. 8,642,012

This is the Deposition of NEAL SONDEIMER, held at
the Offices of VICTORY VERBATIM REPORTING SERVICES, Suite
900, 222 Bay Street, Ernst & Young Tower, Toronto-Dominion
Centre, Toronto, Ontario, on the 10th day of March, 2016.

A P P E A R A N C E S:

DAVID H. SILVERSTEIN} --- for the Petitioner

AZIZ BURG }
Axinn, Veltrop & Harkrider

114 West 47th Street

New York, New York 10036

EMER SIMIC } --- for the Patent Owner

ROBERT GREEN}

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Chicago, Illinois 60611

ALSO PRESENT:

Lauren Stevens

INDEX OF PROCEEDINGS

PAGE NUMBER

NEAL SONDHEIMER, affirmed	
Examination by:	
Ms. Simic	3 - 188
Re-Examination by:	
Mr. Silverstein	188 - 233
INDEX OF EXHIBITS	234
CERTIFICATION	235
ERRATA	236

1 --- upon convening at 9:00 a.m.

2 --- upon commencing at 9:00 a.m.

3

4 MR. WEINGOTT: Good morning. It is nine
5 o'clock on the 10th of March, 2016. We're
6 at the offices of Victory Verbatim. This
7 is the deposition of Neal Sondheimer in the
8 matter of Par Pharmaceutical v. Horizon
9 Therapeutics. The reporter today is
10 Matthew Dixon and the videographer is Aaron
11 Weingott. Could I please have the parties
12 introduce themselves and who they act for?

13 MS. SIMIC: Emer Simic from Green
14 Griffith & Borg-Breen and with me is my
15 colleague, Robert Green, also of Green
16 Griffith. We represent Horizon
17 Therapeutics Inc., and also with us today
18 is Lauren Stevens from Horizon Therapeutics
19 Inc.

20 MR. SILVERSTEIN: David Silverstein from
21 Axinn, Veltrop & Harkrider, representing
22 Par Pharmaceutical Inc. in this matter, and
23 with me is my colleague, Aziz Burgy, also
24 from the Axinn firm.

25 MR. DIXON: So I'm just going to

1 administer the oath, sir. Would you just
2 raise your right hand? Do you solemnly
3 affirm that the evidence you're about to
4 give today will be the truth, the whole truth
5 and nothing but the truth?

6 MR. SONDHEIMER: I do.

7 MR. DIXON: Very good. Thank you.
8

9 NEAL SONDHEIMER, affirmed

10 EXAMINATION BY MS. SIMIC:
11

12 Q. Good morning, Dr. Sondheimer.

13 A. Good morning.

14 Q. So Dr. Sondheimer, you have
15 submitted an expert declaration in the inter partes
16 review concerning U.S. patent number 8,642,012. Is
17 that right?

18 A. That's correct.

19 Q. Okay. I will give you a copy of
20 your declaration. It has been marked pursuant to
21 the IPR, Exhibit 1002. So Dr. Sondheimer, in your
22 declaration, Exhibit 1002, at page 33 you state
23 that, "A person of ordinary..." At paragraph 66:

24 "...A person of ordinary skill in the art
25 would have recognized that the experiments

1 in Brusilow '91 by themselves were
2 insufficient to completely determine the
3 excretion rate of PAGN after a dose of PAA,
4 and would have sought additional
5 information, such as that contained in
6 Shiple and Sherwin to identify the true
7 rate of conversion..."

8 Correct?

9 A. That's correct. I will be calling
10 it Shiple.

11 Q. Sorry, how do you pronounce...

12 A. Shiple.

13 Q. Shiple, okay, me too, then. So both
14 Sherwin and Shiple report on the conversion rate of
15 PAA to PAGN in healthy subjects, correct?

16 A. That's correct. They are normal
17 subjects.

18 Q. Okay, and so they're not reporting
19 on conversion of PAA to PAGN in UCD patients. Is
20 that right?

21 A. That's correct.

22 Q. Okay, and prior to August, 2008, a
23 POSA would not have expected the amount of
24 conversion of PAA to PAGN in healthy subjects to be
25 the same as that in a urea cycle disorder patient.

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