

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

**PATENT OWNER HORIZON THERAPEUTICS, INC.'S PATENT OWNER
RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	Background	1
B.	Relief Requested.....	2
C.	Related Proceedings	2
D.	Summary of Argument.....	2
II.	RELEVANT LAW	7
III.	RELEVANT TECHNICAL BACKGROUND	9
A.	Nitrogen Retention Disorders.....	9
B.	Prior to August 2008, There was a Need for Reliable Biomarkers to Determine Effective Dosages of PAA Prodrugs.....	14
C.	Prior to August 2008, Conversion of PAA to PAGN was assumed to be Complete or Nearly Complete in UCD Patients	17
D.	The Development of the Inventions of the '012 Patent	23
E.	The Challenged Claims of the '012 Patent	24
IV.	LEVEL OF SKILL IN THE ART	26
V.	INTERPRETATIONS OF THE '012 PATENT CLAIMS	27
VI.	THE SCOPE AND CONTENT OF THE PRIOR ART.....	28
A.	Brusilow '91	28
B.	Sherwin '19	30
C.	Shiple.....	32
D.	Comte	33

E.	Kasumov.....	34
F.	Fernandes.....	34
G.	'647 Patent.....	34
VII.	ARGUMENT.....	35
A.	Petitioner's Argument that Claims 1, 3-4, 7- 8, 10 and 12 are Obvious over Brusilow '91 in view of Sherwin '19, Comte and Shiple Fails Because it Hinges on Dr. Sondheimer's Misreading of Brusilow '91 in Combination with Sherwin '19, a Discredited Reference.....	35
1.	Petitioner's Assertion that a POSA Would Have Been Motivated to Combine Brusilow '91 with Sherwin 1919 Fails because Sherwin '19 was Later Discredited	42
2.	Sherwin '19, Shiple and Comte Fail to Cure the Deficiencies of Brusilow '91 because a POSA would not have Understood those References to Teach or Suggest Incomplete Conversion	47
B.	Petitioner's Argument that Claim 5 is Obvious over Brusilow '91 in view of Sherwin '19, Shiple and Fernandes Fails Because it Hinges on Dr. Sondheimer's Misreading of Brusilow '91 in Combination with Sherwin '19, a Discredited Reference.....	51
C.	Petitioner's Argument that Claims 2 and 9 are Obvious over Brusilow '91 in view of Sherwin '19, Shiple and the '647 patent Fails Because it Hinges on Dr. Sondheimer's Misreading of Brusilow '91 in Combination with Sherwin '19, a Discredited Reference.....	52
D.	Petitioner's Argument that Claims 6 and 11 are Obvious over Brusilow '91 in view of Sherwin '19, Shiple and Kasumov Fails Because it Hinges on Dr. Sondheimer's Misreading of Brusilow '91 in Combination with Sherwin '19, a Discredited Reference.....	53
VIII.	CONCLUSION.....	54

TABLE OF AUTHORITIES

Cases

<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	8
<i>In re Cyclobenzaprine Hydrochloride Extended Release Capsule Patent Litig.</i> , 676 F.3d 1063 (Fed. Cir. 2012)	8
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	8
<i>Panduit Corp. v. Dennison Mfg. Co.</i> , 810 F.2d 1561 (Fed. Cir. 1987)	9
<i>Ricoh Co., Ltd. v. Quanta Computer, Inc.</i> , 550 F.3d 1325 (Fed. Cir. 2008)	9
<i>Transocean Offshore Drilling v. Maersk Drilling USA, Inc.</i> , 699 F.3d 1340 (Fed. Cir. 2012)	8
<i>Unigene Labs Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011)	8
<i>W.L. Gore & Assocs., Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983)	9
<i>Wyers v. Master Lock Co.</i> , 616 F.3d 1231 (Fed. Cir. 2010)	8

Statutes

35 U.S.C. § 103(a)	7
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Other Authorities

MPEP 2141.02	9
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I. INTRODUCTION

A. Background

The Board has ordered an investigation into the patentability of claims 1-12 (collectively “the challenged claims”) of U.S. Patent No. 8,642,012 (“the ’012 patent”).¹ The present *inter partes* review has been instituted for the challenged claims solely on obviousness grounds.

Petitioner’s obviousness arguments require combining features of several prior art publications. The prior art references at issue are Brusilow ’91 (Ex. 1012), Comte (Ex. 1025), Shiple (Ex. 1017), Sherwin ’19 (Ex. 1016), the ’674 patent (Ex. 1018), Kausmov (Ex.1015) and Fernandes (Ex. 1011). Petitioner asserts various combinations of the cited references as rendering the challenged claims obvious, as seen in the summary table below:

¹ Lupin Ltd. and Lupin Pharmaceuticals, Inc. (“Lupin”) have filed a Petition for *inter partes* review of the ’215 patent that is substantively identical to Par’s Petition. (See Petition, Paper No. 1, IPR2016-00283.) Lupin filed an unopposed motion for joinder to the instant *inter partes* review but their motion has not yet been granted. (See Motion for Joinder, Paper No. 4 at 4, IPR2016-00284.)

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