

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'S REQUEST FOR CLARIFICATION
OF DECISION TO INSTITUTE *INTER PARTES* REVIEW**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

IPR2015-01117
Patent No. 8,642,012
Petitioner's Request For Clarification

On November 4, 2015, the Board issued a Decision under 37 C.F.R. § 42.108 (the “Decision”) *inter alia* authorizing *inter partes* review of claims 1–12 of U.S. Patent No. 8,642,012 (“the ’012 patent”).

In Section F, the Decision states that “Petitioner has demonstrated a reasonable likelihood of showing that claims 6 and 11 would have been obvious over Brusilow ’91, Sherwin, Shiple, Kasumov, and the **’979 patent.**” *See id.* at 19 (emphasis added). On page 21, however, the Decision states that under 35 U.S.C. § 103, claims 6 and 11 are unpatentable over Brusilow ’91, Sherwin, Shiple, and Kasumov. *See* Decision at 21 (Paper 13). The Decision has an apparent typographical error on page 21 because it omits the ’979 patent as part of the instituted ground for claims 6 and 11.

Petitioner respectfully requests that the Board clarify its Decision so that the Granted grounds correspond to the Decision, specifically that claims 6 and 11 are obvious in view of Brusilow ’91, Sherwin, Shiple, Kasumov, *and the ’979 patent*, as reflected in Section F of the Decision.

Date: May 13, 2016
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Respectfully Submitted,



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CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

The undersigned hereby certifies that the above-captioned “Petitioner’s Request for Clarification of Decision to Institute *Inter Partes* Review” was served in its entirety on May 13, 2016 through the Patent Review Processing System, and additionally upon the following parties via Electronic Mail:

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