

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PAR PHARMACEUTICAL, INC.  
Petitioner

v.

HYPERION THERAPEUTICS, INC.  
Patent Owner

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Case IPR2015-01117\*  
Patent 8,642,012

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

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\* Case IPR2015-00283, instituted on a petition filed by Lupin Ltd. and Lupin Pharmaceuticals, Inc., has been joined with this proceeding.

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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”).<sup>1</sup> 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:

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<sup>1</sup> 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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