

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.

HORIZON THERAPEUTICS, INC.,  
Patent Owner.

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Case IPR2015-01117 (Patent 8,642,012 B2)  
Case IPR2015-01127 (Patent 8,404,215 B1)<sup>1, 2</sup>

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Before TONI R. SCHEINER, DEBORAH KATZ, and  
GRACE KARAFFA OBERMANN, *Administrative Patent Judges*.

SCHEINER, *Administrative Patent Judge*.

ORDER  
*Trial Hearing*  
37 C.F.R. § 42.70

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<sup>1</sup> We exercise our discretion to issue one Order to be filed in both cases. The parties are not authorized to use this style heading for any subsequent papers.

<sup>2</sup> Case IPR2016-00283 has been joined with Case IPR2015-01117 and case IPR2016-00284 has been joined with Case IPR2015-01127.

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A trial in each of these proceedings was instituted on November 4, 2015. IPR2015-01117, Paper 13; IPR2015-01127, Paper 13. A Scheduling Order entered on the same date set the oral hearing for July 26, 2016, if requested by the parties and granted by the Board. IPR2015-01117, Paper 14; IPR2015-01127, Paper 14. Patent Owner and Petitioner each requested oral hearing pursuant to 37 C.F.R. § 42.70(a) in each of these proceedings. IPR2015-01117, Papers 37, 39; IPR2015-01127, Papers 34, 36. In addition, Petitioner requested that both cases be heard together. IPR2015-01117, Paper 39; IPR2015-01127, Paper 36. The parties' requests are *granted* according to the terms set forth below.

A consolidated oral argument for IPR2015-01117 and IPR2015-01127 will commence at 10:00 AM Eastern Time, on July 26, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Petitioner and Patent Owner each will have 60 minutes to present arguments. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Petitioner will, therefore, open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve time to reply to arguments presented by Patent Owner.

The oral hearing will be open to the public for in-person attendance. In-person attendance will be accommodated on a first come, first serve basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing for both cases.

Any demonstrative exhibits must be served at least *five business days* before the hearing. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least *five business days* prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov), and the parties shall not file their demonstrative

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exhibits in these proceedings without prior authorization from the Board. Each party shall provide a hard copy of their demonstratives to the court reporter at the hearing. Demonstrative exhibits are not evidence and are intended only to assist the parties in presenting their oral argument to the panel. Instead, demonstrative exhibits should cite to evidence in the record. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. The parties shall meet and confer to discuss any objections to demonstrative exhibits at least *three business days* before the hearing. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative exhibits at least *two business days* before the hearing. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits not presented timely will be considered waived. The parties also are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) or page of the record referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present in person at the hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the hearing, that party should initiate a joint telephone conference with the other party and the panel no later than *two business days* prior to the hearing to discuss the matter.

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Any special requests for audio visual equipment should be directed to [Trials@uspto.gov](mailto:Trials@uspto.gov) at least three business days in advance of the hearing.

It is

ORDERED that oral argument will commence at 10:00 AM ET, on July 26, 2016.

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