

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
LUPIN LTD., and LUPIN PHARMACEUTICALS, INC.,

Petitioners,

v.

HORIZON THERAPEUTICS, LLC,
Patent Owner.

Case IPR2015-01117¹
Patent 8,642,012 B2

PETITIONER PAR'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Case IPR2016-00283, instituted on a petition filed by Lupin Ltd. and Lupin Pharmaceuticals, Inc. (collectively "Lupin"), has been joined with Case IPR2015-01117. (*See* Paper 32.) Lupin is not joining in this Notice of Appeal.

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Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §90.2(a), 90.3(a), Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), that Petitioner Par Pharmaceutical, Inc. (“Par”) appeals from the Patent Trial and Appeal Board’s Final Written Decision entered on November 3, 2016 (Paper 53) in the above-captioned *inter partes* review of U.S. Patent No. 8,642,012 (“the ’012 patent”) to the United States Court of Appeals for the Federal Circuit. Par’s appeal includes any underlying orders, decisions, rulings, and opinions as well as any issues raised during these proceedings. This notice is timely filed within 63 days of the Board’s Final Written Decision. 37 C.F.R. § 90.3(a)(1).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Par further indicates that the issues on appeal include, without limitation, the following: (i) the Board’s determination that Par has not proved by a preponderance of the evidence that claims 1–12 of the ’012 patent are unpatentable over the art of record in this proceeding; (ii) the Board’s claim constructions; and (iii) any finding or determination supporting or related to the above-mentioned issues as well as other issues decided adversely to Par including in any orders, decisions, rulings, and/or opinions.

Simultaneous with this submission, Par is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office

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and electronically filing the same, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Date: December 29, 2016

Axinn, Veltrop & Harkrider LLP
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Washington, DC 20004
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Respectfully Submitted,



Aziz Burgy
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Par Pharmaceutical, Inc.

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through USPTO Patent Trial and Appeal Board End-to-End System, a true and correct copy of the above-captioned "PETITIONER PAR'S NOTICE OF APPEAL" is being filed by Express Mail with the Director of the U.S. Patent and Trademark Office on December 29, 2016, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned "PETITIONER PAR'S NOTICE OF APPEAL" and the filing fee is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on December 29, 2016.

Date: December 29, 2016

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Respectfully Submitted,



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

The undersigned hereby certifies that a true and correct copy of the above-captioned “PETITIONER PAR’S NOTICE OF APPEAL” was served in its entirety on December 29, 2016 through the USPTO Patent Trial and Appeal Board End-to-End System, and additionally upon the following parties via electronic mail:

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