

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.
Petitioner

v.

JAZZ PHARMACEUTICALS, INC.
Patent Owner

CASE IPR: Unassigned
Patent 8,772,306

PAR PHARMACEUTICAL, INC.'S EXHIBIT LIST
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,772,306

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

*Inter Partes Review of USPN 8,772,306
Par Exhibit List*

Exhibit #	Description
1001	Eller, M., U.S. Patent No. 8,772,306 (filed Apr. 29, 2013; issued Jul. 8, 2014)
1002	File History for U.S. Patent No. 8,772,306 (filed Apr. 29, 2013; issued Jul. 8, 2014)
1003	Declaration of John W. Winkelman, M.D., Ph.D.
1004	Curriculum Vitae of John W. Winkelman, M.D., Ph.D.
1005	Orange Book Patent Exclusivity Listing for XYREM (http://www.accessdata.fda.gov/scripts/cder/ob/docs/patexclnew.cfm?Appl_No=021196&Product_No=001&table1=OB_Rx)
1006	Jazz Pharmaceuticals, Inc., Prescribing Information and Medication Guide for XYREM (sodium oxybate) (Nov. 18, 2005)
1007	Abbvie, Inc., Prescribing Information and Medication Guide for DEPAKOTE (divalproex sodium) (Oct. 7, 2011)
1008	Cagnin, A. et al., <i>γ-Hydroxybutyric Acid-Induced Psychosis and Seizures</i> , 21(2) <i>Epilepsy Behav.</i> 203–05 (2011) (“Cagnin”)
1009	Waszkielewicz, A. et al., <i>γ-Hydroxybutyric Acid (GHB) and Its Chemical Modifications: A Review of the GHBergic System</i> , 56(1) <i>Pol. J. Pharmacol.</i> 43–49 (2004) (“Waszkielewicz”)
1010	Weiss, T. et al., <i>Gamma-Hydroxybutyrate (GHB) and Topiramate—Clinically Relevant Drug Interaction Suggested by a Case of Coma and Increased Plasma GHB Concentration</i> , 69(5) <i>Eur. J. Clin. Pharmacol.</i> 1193–94 (2013) (“Weiss”)
1011	FDA’s Center for Drug Evaluation and Research, <i>Guidance for Industry: Drug Interaction Studies—Study Design, Data Analysis, Implications for Dosing, and Labeling Recommendations</i> (Feb. 2012) (“FDA Guidance”)
1012	Vayer, P. et al., <i>Is the Anticonvulsant Mechanism of Valproate Linked to Its Interaction with the Cerebral γ-Hydroxybutyrate System?</i> , 9(4) <i>Trends Pharmacol. Sci.</i> 127–29 (1988) (“Vayer”)

*Inter Partes Review of USPN 8,772,306
Par Exhibit List*

Exhibit #	Description
1013	Shinka, T. et al., <i>Effect of Valproic Acid on the Urinary Metabolic Profile of a Patient with Succinic Semialdehyde Dehydrogenase Deficiency</i> , 792(1) J. Chromatogr. B 99–106 (2003) (“Shinka”)
1014	Hechler, V. et al., <i>γ-Hydroxybutyrate Conversion into GABA Induces Displacement of GABAB Binding That Is Blocked by Valproate and Ethosuximide</i> , 281(2) J. Pharmacol. Exp. Ther. 735–60 (1997)
1015	Kaufman, E. et al., <i>An Overview of γ-Hydroxybutyrate Catabolism: The Role of the Cytosolic NADP⁺-Dependent Oxidoreductase EC 1.1.1.19 and of a Mitochondrial Hydroxyacid-Oxoacid Transhydrogenase in the Initial, Rate-Limiting Step in This Pathway</i> , 16(9) Neurochem. Res. 965–74 (1991)
1016	Draft Guidance for Industry on Drug Interaction Studies— Study Design, Data Analysis, Implications for Dosing, and Labeling Recommendations, 77 Fed. Reg. 9,946 (Feb. 21, 2012)
1017	FDA Approval Letter for Xyrem (Nov. 18, 2005)
1018	FDA Approval Letter for Depakote Label (Oct. 7, 2011)
1019	Bhattacharya, I. et al., <i>Potential γ-Hydroxybutyric Acid (GHB) Interactions Through Blood–Brain Barrier Transport Inhibition: A Pharmacokinetic Simulation-Based Evaluation</i> , 33(5) J. Pharmacokinetics & Pharmacodynamics 657–81 (2006) (“Bhattacharya”)
1020	Swann, A., <i>Major System Toxicities and Side Effects of Anticonvulsants</i> , 62(Suppl. 14) J. Clin. Psychiatry 16–21 (2001) (“Swann”)
1021	European Medicines Agency, <i>Scientific Discussion: Sodium Oxybate</i> (Aug. 9, 2006)
1022	European Medicines Agency, <i>Find medicine – Xyrem – Assessment History</i> (last visited Oct. 5, 2015), available at http://www.ema.europa.eu/ema/index.jsp?curl=pages/medicines/human/medicines/000593/human_med_001163.jsp&mid=WC0b01ac058001d124

*Inter Partes Review of USPN 8,772,306
Par Exhibit List*

Exhibit #	Description
1023	FDA Approval Letter for Xyrem (Jul. 17, 2002)
1024	Jazz Pharmaceuticals, Inc., Prescribing Information and Medication Guide for XYREM (sodium oxybate) (2014)
1025	Ciprainsi, A. et al., <i>Valproic Acid, Valproate and Divalproex in the Maintenance Treatment of Bipolar Disorder (Review)</i> , 10 Cochrane Database Syst. Rev. CD003196 (2013)
1026	Bhattacharya, I. et al., <i>GHB (γ-Hydroxybutyrate) Carrier-Mediated Transport across the Blood-Brain Barrier</i> , 311(1) J. Pharmacol. Exp. Ther. 92–98 (2004)
1027	Cui, D. et al., <i>The Drug of Abuse γ-Hydroxybutyrate Is a Substrate for Sodium-Coupled Monocarboxylate Transporter (SMCT) 1 (SLC5A8): Characterization of SMCT-Mediated Uptake and Inhibition</i> , 37(7) Drug Metab. Dispos. 1404–10 (2009)
1028	Eller, M. et al., <i>Evaluation of Drug–Drug Interactions of Sodium Oxybate with Divalproex: Results from a Pharmacokinetic/Pharmacodynamics Study</i> , 14S Abs. Sleep Med. e302–e303 (2013)
1029	Harvey, P. et al., <i>The Inhibitory Effect of Sodium n-Dipropyl Acetate on the Degradative Enzymes of the GABA Shunt</i> , 52(2) FEBS Lett. 251–54 (1975)
1030	Kaufman, E. et al., <i>Oxidation of γ-Hydroxybutyrate to Succinic Semialdehyde by a Mitochondrial Pyridine Nucleotide-Independent Enzyme</i> , 51(4) J. Neurochem. 1079–84 (1988)
1031	Kaufman, E. et al., <i>Evidence of the Participation of a Cytosolic NADP⁺-Dependent Oxidoreductase in the Catabolism of γ-Hydroxybutyrate in Vivo</i> , 48(6) J. Neurochem. 1935–41 (1987)
1032	Kennedy, G. et al., <i>CNS Adverse Events Associated with Antiepileptic Drugs</i> , 22(9) CNS Drugs 739–60 (2008)
1033	Löscher, W., <i>Basic Pharmacology of Valproate: A Review after 35 Years of Clinical Use for the Treatment of Epilepsy</i> , 16(10) CNS Drugs 669–42 (2002)
1034	Morris, M. et al., <i>Overview of the Proton-Coupled MCT (SLC16A) Family of Transporters: Characterization, Function and Role in the Transport of the Drug of Abuse γ-Hydroxybutyric Acid</i> , 10(2) AAPS J. 311–21 (2008)

*Inter Partes Review of USPN 8,772,306
Par Exhibit List*

Exhibit #	Description
1035	Rumigny, J. et al., <i>Specific and Non-Specific Succinic Semialdehyde Reductases from Rat Brain: Isolation and Properties</i> , 117(1) FEBS Lett. 111–16 (1980)
1036	Schep, L. et al., <i>The Clinical Toxicology of Gamma-Hydroxybutyrate, Gamma-Butyrolactone and 1,4-Butanediol</i> , 50(6) Clin. Toxicol. (Phila). 458–70 (2012)
1037	Thompson, P.J. et al., <i>Sodium Valproate and Cognitive Functioning in Normal Volunteers</i> , 12(6) Br. J. Clin. Pharmacol. 819–24 (1981)
1038	Van der Laan, J.W. et al., <i>Di-n-Propylacetate and GABA Degradation: Preferential Inhibition of Succinic Semialdehyde Dehydrogenase and Indirect Inhibition of GABA-Transaminase</i> , 32(4) J. Neurochem. 1769–80 (1979)
1039	Vayer, P. et al., <i>3'-5' Cyclic-Guanosine Monophosphate Increase in Rat Brain Hippocampus after Gamma-Hydroxybutyrate Administration: Prevention by Valproate and Naloxone</i> , 41(5) Life Sci. 605–10 (1987)
1040	Whittle, S. et al., <i>Effects of Anticonvulsants on the Formation of γ-Hydroxybutyrate from γ-Aminobutyrate in Rat Brain</i> , 38(3) J. Neurochem. 848–51 (1982)

Respectfully Submitted,



Arent Fox LLP
Aziz Burgy
Registration No. 51,514
Attorney for Petitioner

Date: October 6, 2015
Arent Fox LLP
1717 K Street, NW
Washington, DC 20036
202.857.6000

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.