

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PAR PHARMACEUTICAL, INC.,  
Petitioner,

v.

HORIZON THERAPEUTICS, LLC,  
Patent Owner.

---

Case IPR2017-01767  
Patent 9,254,278

---

**PETITIONER'S LIST OF PROPOSED MOTIONS**

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

Pursuant to the Patent Trial and Appeal Board's Office Patent Trial Practice Guide, Petitioner Par Pharmaceutical, Inc. ("Par") hereby provides a list of the proposed motions it presently anticipates filing in the above-captioned *inter partes* review ("IPR") proceeding in addition to those that are automatically authorized by the Board such as motions for observations on cross-examination and motions to exclude evidence. The "[s]ubmission of [this] list [does] not preclude the filing of additional motions not contained in the list." *See* 77 Fed. Reg. 48,756, 48,765 (Aug. 14, 2012).

**List of Proposed Motions**

1. A motion to exclude evidence pursuant to 37 C.F.R. § 42.64(c) based at least on the grounds set forth in Petitioner's Objections to Evidence Pursuant to 37 C.F.R. 42.64 (IPR2017-01767, Paper No. 12), exhibits submitted by Patent Owner Horizon Therapeutics, LLC ("Patent Owner") on November 6, 2017 in connection with Patent Owner's Preliminary Response (IPR2017-01767, Paper No. 7) to Par's Petition for Inter Partes Review of U.S. Patent No. 9,254,278 ("the '278 patent");

2. A contingent motion for additional discovery pursuant to 37 C.F.R. § 42.51(b)(2) concerning relevant information inconsistent with a position advanced by Patent Owner during this proceeding;


3. A motion for additional discovery pursuant to 37 C.F.R. § 42.51(b)(2)

*IPR2017-01767 (Patent 9,254,278)*  
*Par's List of Proposed Motions*

concerning relevant information from related IPRs (e.g., IPR2016-00829, IPR2017-1159, IPR2017-01160);

4. A contingent motion for a protective order and motion(s) to seal confidential information pursuant to 37 C.F.R. § 42.54;
5. A motion to permit video-recording of depositions and submission of video-recorded testimony pursuant to 37 C.F.R. § 42.53(a);
6. A contingent motion for a briefing, oral argument and decision on claim construction in this proceeding prior to the oral hearing;
7. A motion to conduct a technology tutorial in this proceeding prior to the oral hearing pursuant to 37 C.F.R. § 42.70;
8. A contingent motion to cross-examine any witness or declarant relied upon by Patent Owner in this proceeding pursuant to 37 C.F.R. § 42.51(b)(1)(ii);  
and
9. A contingent motion to cross-examine any source of supplemental information and/or evidence submitted in this proceeding.

Dated: February 28, 2018

  
David H. Silverstein (Reg. No. 61,948)  
AXINN, VELTROP & HARKRIDER LLP  
114 West 47<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, NY 10036  
(212) 261-5651

*Attorney for Petitioner*  
*Par Pharmaceutical, Inc.*

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the above-captioned “Petitioner’s List of Proposed Motions” was served in its entirety on February 28, 2018 through the Patent Trial and Appeal Board End to End (PTAB E2E) system, and additionally upon the following parties via Electronic Mail, as agreed to by counsel:

Robert Green: rgreen@greengriffith.com  
Matthew Phillips: mphilips@lpiplaw.com  
Emer Simic: esimic@greengriffith.com  
Dennis Bennett: dennisbennett@globalpatentgroup.com

Dated: February 28, 2018



David H. Silverstein (Reg. No. 61,948)  
AXINN, VELTROP & HARKRIDER LLP  
114 West 47<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, NY 10036  
(212) 261-5651

*Attorney for Petitioner*  
*Par Pharmaceutical, Inc.*