

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
Petitioner,

v.

HORIZON THERAPEUTICS, LLC,
Patent Owner.

Case No.: IPR2017-01767
U.S. Patent No. 9,254,278

**AFFIDAVIT OF CHRISTOPHER M. GALLO IN SUPPORT OF
PETITIONER'S MOTION TO ACCEPT FILING OF PETITIONER'S
REPLY TO PATENT OWNER'S RESPONSE TO THE PETITION
ON AUGUST 16, 2018 UNDER 37 C.F.R. § 42.6(b)**

IPR2017-01767
Affidavit Christopher M. Gallo (Exhibit 1029)

1. I, Christopher M. Gallo, am more than eighteen years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein. Further, I make these statements with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

2. This affidavit is given in support of Petitioner Par Pharmaceutical, Inc.'s ("Par") Motion to Accept Filing of Petitioner's Reply to Patent Owner's Response to the Petition on August 16, 2018 Under 37 C.F.R. § 42.6(b) ("Par's Motion").

3. I am an Associate at the law firm of Axinn, Veltrop & Harkrider LLP and Back-Up Counsel for Petitioner Par. My United States Patent and Trademark Registration Number is No. 70,291.

4. On August 16, 2018, Par attempted to file its Reply to Patent Owner's Response to the Petition using the E2E system but was unable to do so because the E2E system was offline that entire day. Therefore, Par filed its Reply on August 16, 2018 using alternative means as directed by the Board.

5. Par contacted the Board for guidance in how to proceed and confirmed that it should follow the instructions provided at Question A2 of the PTAB E2E Frequently Asked Questions (*available at* <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal->

board/ptab-e2e-frequently-asked-questions).

6. Following these instructions, Par served by email its Reply and accompanying exhibits on counsel for Patent Owner Horizon Therapeutics, LLC (“Horizon”) (EX1030.)

7. Par notified the Board by email, with Horizon’s counsel copied, that it had served Horizon with those documents. (EX1031.)

8. On August 20, 2018, it came to Par’s attention that in the process of finalizing the Reply Declaration of Dr. Neal Sondheimer (EX1028) that was served on Horizon on August 16, 2018 that a “μ” symbol in the document was corrupted. (EX1032.)

9. Par contacted the Board to inquire if the Board would prefer Par to file its Reply with the corrupted “μ” symbol corrected or to file the served version of the Petition with a motion to file a corrected exhibit. The Board stated that it preferred that Par file EX1028 with the corrupted “μ” symbol corrected. (*Id.*)

10. Par notified Horizon of the Board’s request by email on August 20, 2018 and provided Horizon with a redlined version of EX1028 indicating where the corrupted “μ” symbol had been corrected. (*Id.*)

Affidavit Christopher M. Gallo (Exhibit 1029)

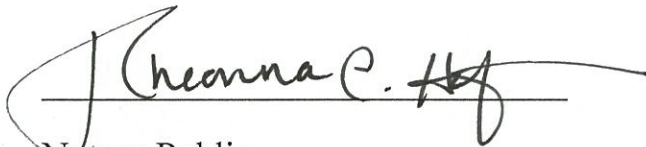
11. Par became aware on August 21, 2018 that the E2E system's functionality was restored.

RHEANNA C. HAFNER
NOTARY PUBLIC DISTRICT OF COLUMBIA
Commission Expires November 30, 2019



Christopher M. Gallo

Sworn to and subscribed before me
this 21st day of August, 2018.



Notary Public

