

# SHAW KELLER

---

LLP

Karen E. Keller  
300 Delaware Avenue, Suite 1120  
Wilmington, DE 19801  
(302) 298-0700  
(302) 298-0702 - Direct  
kkeller@shawkeller.com

January 29, 2016

**BY CM/ECF**

The Honorable Gregory M. Sleet  
United States District Court  
For the District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *Cubist Pharmaceuticals, Inc. v. Fresenius Kabi USA, LLC*,  
C.A. No. 14-914-GMS

Dear Judge Sleet:

We write on behalf of all parties in the civil action *Cubist Pharms., Inc. v. Fresenius Kabi USA, LLC*, C.A. No. 14-914 -GMS (the “Fresenius action”).

As the Court is no doubt aware, the U.S. Court of Appeals for the Federal Circuit has affirmed the Court’s judgment of patent invalidity in *Cubist Pharms., Inc. v. Hospira, Inc.*, C.A. No. 12-367-GMS (the “Hospira action”), and denied Cubist’s petition for further review of that affirmance. Today, the Federal Circuit issued its mandate. The Hospira and Fresenius actions involve the same patents and claims.

In accord with their stipulation, D.I. 78, the parties to the Fresenius action respectfully request immediate entry of the attached Consent Judgment, which dismisses the action in its entirety with prejudice.

Respectfully submitted,

/s/ Karen E. Keller

Karen E. Keller (No. 4489)

Enclosure

cc: Counsel of Record (via e-mail)