

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AGILA SPECIALTIES INC. AND
MYLAN PHARMACEUTICALS INC.,
Petitioners,

v.

CUBIST PHARMACEUTICALS, INC.,
Patent Owner

Patent No. 8,058,238

Case IPR2015-00141

PETITIONERS' UPDATED EXHIBIT LIST UNDER 37 C.F.R. §42.63

EXHIBIT LIST

| Exhibit No. | Reference |
|-------------|---|
| 1001 | High Purity Lipopeptides, U.S. Patent No. 8,058,238 (filed Apr. 24, 2007) (issued Nov. 15, 2011). |
| 1002 | High Purity Lipopeptides, U.S. Patent No. 8,129,342 (filed Sept. 22, 2010) (issued Mar. 6, 2012). |
| 1003 | File History U.S. Patent No. 8,058,238 |
| 1004 | File History U.S. Patent No. 8,129,342 |
| 1005 | Declaration of Catherine N. Mulligan re U.S. Patent No. 8,052,238 |
| 1006 | Declaration of Catherine N. Mulligan re U.S. Patent No. 8,129,342 |
| 1007 | Chromatographic Purification Process, U.S. Patent No. 4,874,843 (filed Dec. 3, 1987) (issued Oct. 17, 1989). |
| 1008 | Richard H. Baltz, <i>Lipopeptide Antibiotics Produced by Streptomyces roseosporus and Streptomyces fradiae</i> , in BIOTECHNOLOGY OF ANTIBIOTICS (W.R. Strohl ed.,1997). (“Baltz”) |
| 1009 | Peptide Antibiotics, U.S. Patent No. 4,331,594 (filed Nov. 14, 1980) (issued May 25, 1982). |
| 1010 | Anhydro- and Isomer-A-21978C Cyclic Peptides, U.S. Patent No. 5,912,226 (filed Dec. 16, 1991) (issued Jun. 15, 1999). |
| 1011 | F.M. Huber et al., <i>The formation of daptomycin by supplying decanoic acid to Streptomyces roseosporus cultures producing the antibiotic complex A21978C</i> , J. BIOTECHNOL. 7:283-92 (1988). |
| 1012 | F.M. Huber et al., <i>Dispersal of insoluble fatty acid precursors in stirred reactors as a mechanism to control antibiotic factor distribution</i> , in BIOTECHNOLOGY PROCESSES (Ho and Oldshue eds., 1987). |

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| 1013 | Catherine N. Mulligan & Bernard F. Gibbs, <i>Recovery of Biosurfactants by Ultrafiltration</i> , J. CHEM. TECHNOL. BIOTECHNOL. 47:23-9 (1990). |
| 1014 | Sung-Chyr Lin and Horng-Jyh Jiang, <i>Recovery and Purification of the Lipopeptide Biosurfactant Bacillus subtilis by Ultrafiltration</i> , BIOTECHNOLOGY TECHNIQUES, 11:413-16 (1997). (“Lin I”) |
| 1015 | Sung-Chyr Lin et al., <i>General Approach for the Development of High-Performance Liquid Chromatography Methods for Biosurfactant Analysis and Purification</i> , JOURNAL OF CHROMATOGRAPHY, 825:145-49 (1998). (“Lin II”) |
| 1016 | Method of Producing Surfactin with the Use of Mutant of <i>Bacillus Subtilis</i> , U.S. Patent No. 5,227,294 (filed June 20, 1991) (issued Jul. 13, 1993). |
| 1017 | Mohamad Osman et al., <i>Tuning micelles of a bioactive heptapeptide biosurfactant via extrinsically induced conformational transition of surfactin assembly</i> , J. PEPTIDE SCI., 4:449-58 (1998). (“Osman”) |
| 1018 | F.P. Tally et al., <i>Daptomycin: A Novel Agent for Gram-positive Infections</i> , EXPERT OPIN. INVEST. DRUGS 8:1223-38 (1999). |
| 1019 | BIOSURFACTANTS: RESEARCH TRENDS & APPLICATIONS (Catherine N. Mulligan ed., 2014). |
| 1020 | Sung-Chyr Lin, <i>Biosurfactant: Recent Advances</i> , J. CHEM. TECH. BIOTECHNOL. 66:109-20 (1996). |
| 1021 | Kei Arima et al., <i>Surfactin, a crystalline peptide lipid surfactant produced by Bacillus subtilis: Isolation, characterization and its inhibition of fibrin clot formation</i> , BIOCHEM. BIOPHYS. RES. COMM. 31:488-94 (1968). |
| 1022 | Atsushi Kakinuma et al., <i>Confirmation of the structure of surfactin by mass spectrometry</i> , AG. BIOL. CHEM. 33:1669-72 (1969). |

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| 1023 | A.W. Bernheimer et al., <i>Nature and properties of a cytolytic agent produced by Bacillus subtilis</i> , J. GEN. MICROBIOL. 61:361-69 (1970). |
| 1024 | David G. Cooper, <i>Biosurfactants</i> , MICROBIOL. SCI. 3:145-47 (1986). |
| 1025 | Dirk Vollenbroich et al., <i>Antimycoplasma properties and application on cell surface of surfactin, a lipopeptide antibiotic from Bacillus subtilis</i> , APPL. ENVIRON. MICROBIOL. 63:44-69 (1997). |
| 1026 | Catherine N. Mulligan et al., <i>Selection of microbes producing biosurfactants in media without hydrocarbons</i> , J. FERMENT. TECHNOL. 62:311-14 (1984). |
| 1027 | Catherine N. Mulligan & Bernard F. Gibbs, <i>Correlation of nitrogen metabolism with biosurfactant production</i> , APPL. ENVIRON. MICROBIOL. 55:3016-69 (1989). |
| 1028 | Catherine N. Mulligan et al., <i>Enhanced biosurfactant production by a mutant Bacillus subtilis strain</i> , APPL. MICROBIOL. 31:486-69 (1989). |
| 1029 | Enhanced Production of Biosurfactant Through the Use of a Mutated B Subtilis Strain, U.S. Patent No. 5,037,758 (filed Jan. 1989) (issued Aug. 6, 1991). |
| 1030 | H.E. Reiling et al., <i>Pilot plant production of rhamnolipid biosurfactant by Pseudomonas aeruginosa</i> , APPL. ENVIRON. MICROBIOL., 51:985-89 (1986). |
| 1031 | Sung-Chyr Lin et al., <i>Structural and immunological characterization of a biosurfactant produced by Bacillus licheniformis JF-2</i> , APPL. ENV. MICROBIOL. 60:31-8 (1994). |
| 1032 | Jitendra D. Desai and Ibrahim M. Banat, <i>Microbial production of surfactants and their commercial potential</i> , MOL. BIOL. REV. 61:47-64, 57 (1997). |

| Exhibit No. | Reference |
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| 1033 | Plaintiff's Complaint, Filed October 9, 2013, ECF No. 1. Cubist Pharmaceuticals, Inc. v. Strides, Inc. and Agila Specialties Private Ltd., Case No. 13-cv-1679-GMS (D. Del. filed Oct. 9, 2013). |
| 1034 | Proof of Service of Strides, Inc., Filed October 23, 2013, ECF No. 6. Cubist Pharmaceuticals, Inc. v. Strides, Inc. and Agila Specialties Private Ltd., Case No. 13-cv-1679-GMS (D. Del. filed Oct. 9, 2013). |
| 1035 | Proof of Service of Agila Specialties Private Limited, Filed October 23, 2013, ECF No. 7. Cubist Pharmaceuticals, Inc. v. Strides, Inc. and Agila Specialties Private Ltd., Case No. 13-cv-1679-GMS (D. Del. filed Oct. 9, 2013). |
| 1036 | Plaintiff's Complaint, Filed October 9, 2013 ECF No. 1. Cubist Pharmaceuticals, Inc. v. Strides, Inc. and Agila Specialties Private Ltd., Case No. 13-cv-06016-NLH, (D. N.J. filed Oct. 9, 2013, voluntarily dismissed Oct. 24, 2013). |
| 1037 | Plaintiff's Notice of Voluntary Dismissal, Filed October 24, 2013, ECF No.8. Cubist Pharmaceuticals, Inc. v. Strides, Inc. and Agila Specialties Private Ltd., Case No. 13-cv-06016-NLH, (D. N.J. filed Oct. 9, 2013, voluntarily dismissed Oct. 24, 2013). |
| 1038 | Memorandum Opinion, Filed December 8, 2014 ECF No. 135. Cubist Pharmaceuticals, Inc. v. Hospira, Inc., Case No. 12-367-GMS, (D. Delaware) |
| 1039 | Court Order, Filed December 8, 2014 ECF No. 136. Cubist Pharmaceuticals, Inc. v. Hospira, Inc., Case No. 12-367-GMS, (D. Delaware) |

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