

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CUBIST PHARMACEUTICALS, INC.  
Patent Owner

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Patent No. 8,058,238

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Case IPR2015-00143

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**NOTICE OF DECISION IN RELATED JUDICIAL MATTER  
UNDER 37 C.F.R. § 42.8(b)(2)**

Pursuant to 37 C.F.R. § 42.8(b)(2), Petitioner Agila files this notice identifying for the Board a decision dated December 8, 2014 in related judicial matter *Cubist Pharmaceuticals Inc. v. Hospira Inc.*, (D. Delaware, 12-367-GMS). Exhs. 1038 and 1039. The decision details a finding of invalidity under 35 U.S.C. §§ 102 and 103 for claims asserted by patent owner Cubist Pharmaceuticals in U.S. Patent Nos. 6,468,967 (claims 16, 17, 34 and 35); 6,852,689 (claims 51 and 52); 8,058,238 (claims 91, 98 and 187) and 8,129,342 (claims 23 and 53).

Respectfully submitted,

Dated: December 10, 2014

/Peter R. Munson/

**Peter R. Munson**

Lead Attorney for Petitioners, AGILA  
SPECIALTIES INC. AND MYLAN  
PHARMACEUTICALS INC.

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e), I certify that I caused to be served a true and correct copy of **Petitioner's Notice of Decision in Related Judicial Matter Under 37 C.F.R. § 42.8(b)(2)** by electronic mail on the patent owner Cubist Pharmaceuticals, Inc. at:

William DeVaul: [William.DeVaul@cubist.com](mailto:William.DeVaul@cubist.com)

Henry Gu: [Henry.Gu@cubist.com](mailto:Henry.Gu@cubist.com)

Dated: December 10, 2014

/Lorelei P. Westin/

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