

INTELLECTUAL PROPERTY LAW

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(Electronically Filed)
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Inter Partes Review of U.S. Patent No. 8,476,010
Exhibit Cover Letter Per 37 C.F.R. § 42.6(e)(4)(ii)

Dear Patent Trial and Appeal Board:

This transmittal letter identifies Exhibits 1001-1033, being filed concurrently with the present Petition for *Inter Partes* Review. Pursuant to 37 C.F.R. § 42.6(e)(4)(ii), the Certificate of Service attached to the end of the Petition for *Inter Partes* Review filed herewith, incorporates Exhibits 1001-1032, as listed below:

Exhibit #	Reference
1001	U.S. Patent No. 8,476,010
1002	Declaration of Thomas N. Feinberg, PhD
1003	<i>Curriculum Vitae</i> of Thomas N. Feinberg, PhD
1004	Smith <i>et al.</i> , "Siliconization of Parenteral Drug Packaging Components," 1988, 42 <i>J. of Parenteral Sci. and Tech.</i> , at S4 (1988 Supp.)
1005	Entry for Diprivan® in the Physician's Desk Reference, 51st Edition, 1997, pp.341, 2939-2945
1006	R. Farinotti, "Physio-chemical Interactions and Storage of Diprivan®," <i>Ann. Fr. Anesth. Reanim.</i> , 1994 (French Publication)
1007	Certified English Language Translation of Exhibit 1006
1008	August 3, 2001 Web page for Diprivan® FAQs
1009	Han <i>et al.</i> , <i>Physical properties and stability of two emulsion formulations of propofol</i> , <i>Int'l J. of Pharmaceutics</i> , 215 (2001) 207-220
1010	U.S. Patent No. 5,114,794
1011	West 1999 Bulletin
1012	West 2000 Bulletin
1013	<i>Siliconization: As Applied to Containers and Closures</i> , Bulletin of the Parenteral Drug Association, Vol. 22, No. 2 March/April 1968
1014	U.S. Patent No. 5,714,520

Exhibit #	Reference
1015	Complaint from related litigation — 14-CV-00160-RGA, Document 1 (Filed 02/06/14)
1016	Waiver of Service of Summons from related litigation — 14-cv-00160, Document 5 (Filed 03/10/14)
1017	September 6, 2007 Response to Office Action, U.S. Serial No. 10/616,709
1018	July 13, 2012 Office Action, U.S. Serial No. 10/616,709
1019	December 16, 2010 Response to Office Action, U.S. Serial No. 10/616,709
1020	February 4, 2013 Response to Office Action, U.S. Serial No. 10/616,709
1021	May 15, 2013 Interview Summary, U.S. Serial No. 10/616,709
1022	May 15, 2013 Notice of Allowability and Examiner's Amendment, U.S. Serial No. 10/616,709
1023	Excerpts from "Plaintiff Fresenius Kabi USA, LLC's Opening Claim Construction Brief"
1024	<i>Webster's Third New International Dictionary</i> (2002) selected pages
1025	Colas, <i>Silicones in Pharmaceutical Applications</i> , Dow Corning Healthcare Industries (2001)
1026	<i>Hawley's Condensed Chemical Dictionary</i> , 13th Ed., 1997
1027	Dutch Diprivan® Label 10 mg SmPC RVG 25809
1028	Certified English Language Translation of Exhibit 1027
1029	Excerpts from file history of U.S. Patent No. 6,576,245 (Lundgren <i>et al.</i>)
1030	Declaration of Peggy Frandolig with attached Exhibits A and B (Exhs. 1011, 1012).
1031	Lundgren WO20000012043
1032	<i>In re Cuozzo Speed Techs., LLC</i> , No. 2014-1301, Slip. Op. at 16, 19 (Fed. Cir. Feb. 4, 2015)

Sincerely yours,

LERNER, DAVID, LITTENBERG,
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MHT/dmf