

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

FRESENIUS KABI USA LLC

Petitioner,

v.

CUBIST PHARMACEUTICALS LLC

Patent Owner.

Case: IPR2015-01570

Patent No. 8,058,238

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Patent Owner Cubist Pharmaceuticals LLC (“Cubist”) presents the following objections to evidence served with the Petition of Fresenius Kabi USA LLC (“Fresenius”).

Cubist objects to Exhibit 1005, Expert Declaration of Ralph Tarantino, Ph.D. Cubist objects to this Exhibit generally as testimony on a topic on which the declarant is not qualified to opine (FRE 702, 703). Cubist further objects to ¶¶ 61, 71, 73-74, 77, 99-100, 104, 114, 119 and 122, as well as all paragraphs that rely on the aforementioned paragraphs, as not being based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts (FRE 702, 703, 705; 77 Fed. Reg. at 48,763; 37 C.F.R. § 42.65).

Respectfully submitted,

Date: February 11, 2016

By: /Emily R. Whelan/
Emily R. Whelan
Reg. No. 50,391
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109

CERTIFICATE OF SERVICE

I hereby certify that, on February 11, 2016, I caused a true and correct copy of the following materials:

- PATENT OWNER'S OBJECTIONS TO EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64

to be served via electronic mail on the following attorneys of record:

Elizabeth J. Holland, Esq.
eholland@goodwinprocter.com

Robert V. Cerwinski, Esq.
rcerwinski@goodwinprocter.com

Cynthia L. Hardman, Esq.
chardman@goodwinprocter.com

/Emily R. Whelan/
Emily R. Whelan
Reg. No. 50,391
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109