

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

**FRESENIUS KABI USA LLC  
Petitioner,**

**v.**

**CUBIST PHARMACEUTICALS, INC.  
Patent Owner.**

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**IPR2015-01570**

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**NOTICE OF STIPULATION TO CHANGE DUE DATES**

**Mail Stop "PATENT BOARD"  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Petitioner Fresenius Kabi USA, LLC and Patent Owner Cubist

Pharmaceuticals LLC give notice to the Board that they hereby jointly stipulate to revise the schedule, as indicated below. Additionally, the Board has granted Petitioner an extension of time to respond to Patent Owner's evidentiary objections, as indicated below. A complete listing of all dates, including the stipulated revisions, follows:

<b>Deadline for Petitioner to respond to Patent Owner's Objections to Evidence Pursuant to 37 C.F.R. 42.64 (served February 11, 2016)</b>	<del>February 26, 2016</del>	April 15, 2016
<b>Due Date 1</b>	<del>April 15, 2016</del>	June 3, 2016
<b>Due Date 2</b>	<del>July 1, 2016</del>	August 5, 2016
<b>Due Date 3</b>	<del>July 29, 2016</del>	Not needed <sup>1</sup>
<b>Due Date 4</b>	<del>August 19, 2016</del>	August 26, 2016
<b>Due Date 5</b>	September 2, 2016	
<b>Due Date 6</b>	September 9, 2016	
<b>Due Date 7</b>	September 21, 2016	

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<sup>1</sup> Patent Owner does not intend to file a Motion to Amend the claims in this proceeding. Therefore, Due Date 3 is no longer necessary.

The Board authorized a stipulation to change Due Dates 1-4 in the Scheduling Order entered January 28, 2016 (Paper 21, at 3). The Board authorized the extension for the deadline for Petitioner to respond to Patent Owner's evidentiary objections in a February 24, 2016 email to the parties.

Dated: February 24, 2016

Respectfully submitted,

/Cynthia Lambert Hardman/  
Elizabeth J. Holland (Reg. No. 47,657)  
Robert V. Cerwinski  
Cynthia Lambert Hardman (Reg. No.  
53,179)  
Goodwin Procter LLP  
620 Eighth Avenue  
New York, NY 10018  
Tel: 212-813-8800  
Fax: 212-355-3333

*Counsel for Petitioner Fresenius Kabi USA  
LLC*

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

*Counsel for Patent Owner Cubist  
Pharmaceuticals LLC*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing NOTICE OF STIPULATION TO CHANGE DUE DATES was served electronically via e-mail on this 24th day of February, 2016, on the following:

Emily R. Whelan  
Andrej Barbic, Ph.D.  
Gerard M. Devlin, Jr.  
Lisa A. Jakob  
Emily.Whelan@wilmerhale.com  
Andrej.Barbic@wilmerhale.com  
Gerard.Devlin@merck.com  
Lisa.Jakob@merck.com

Dated: February 24, 2016

/Cynthia Lambert Hardman/  
Cynthia Lambert Hardman (Reg. No.  
53,179)