

**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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Case: IPR2015-01570  
Patent No. 8,058,238

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**JOINT REQUEST TO FILE AGREEMENT AS  
BUSINESS CONFIDENTIAL INFORMATION  
UNDER 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, Petitioner Fresenius Kabi USA LLC and Patent Owner Cubist Pharmaceuticals LLC jointly request to file the Stipulation and Agreement to Narrow Issues in the Litigation and IPR Proceedings and Covenant Not to Sue, as referenced in the Joint Motion to Limit Petition and filed herewith as Exhibit 1041, as business confidential information, which shall be kept separate from the files of the involved patents.

Dated: September 1, 2015

Respectfully submitted,

/Elizabeth J. Holland/

**Elizabeth J. Holland**

**Reg. No. 47,657**

Lead Attorney for Petitioner Fresenius Kabi  
USA LLC

Dated: September 1, 2015

Respectfully submitted,

/Emily R. Whelan/

**Emily R. Whelan**

**Reg. No. 50,391**

Lead Attorney for Patent Owner Cubist  
Pharmaceuticals LLC

**CERTIFICATE OF SERVICE**

I hereby certify that “Joint Request to File an Agreement as Business Confidential Information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74” was served via electronic mail on September 1, 2015, upon:

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Dated: September 1, 2015

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