

**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 IPR2015-01571

Patent No. 8,058,238

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**NOTICE OF STIPULATION – MODIFICATION OF DUE DATES 1 & 2**

Patent Owner Cubist Pharmaceuticals LLC and Petitioner Fresenius Kabi USA LLC, by and through their respective counsel of record, have stipulated as follows:

1. On January 28, 2016, the Patent Trial and Appeal Board issued a Scheduling Order (Paper No. 21) in the *Inter Partes* Review of U.S. Patent No. 8,058,238 (Case No. IPR2015-01571) setting forth due dates “for the parties to take action after institution of the proceeding.” Scheduling Order at 3.

2. The Scheduling Order further states that “[t]he parties may stipulate to different dates for DUE DATES 1 through 5 (earlier or later, but not later than the date set herein for DUE DATE 6).” Scheduling Order at 3.

3. The parties previously stipulated to modify DUE DATES 1 through 4 as follows:

DUE DATE 1: June 3, 2016

DUE DATE 2: August 5, 2016

DUE DATE 3: Not needed

DUE DATE 4: August 26, 2016

Notice of Stipulation to Amend Due Dates (Paper No. 23) at 2.

4. The parties have now stipulated to further modify DUE DATES 1 and 2 as follows (without prejudice to requesting further changes to the schedule):

DUE DATE 1: June 28, 2016

DUE DATE 2: August 8, 2016

5. This stipulation does not affect or otherwise modify dates for DUE DATES 3 through 7 in the Scheduling Order, as modified by the Notice of Stipulation to Amend Due Dates (Paper No. 23).

Respectfully submitted,

Date: May 13, 2016

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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 13, 2016, I caused a true and correct copy of the foregoing materials:

- NOTICE OF STIPULATION – MODIFICATION OF DUE DATES  
1 & 2

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

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