

**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.

Case: IPR2015-01571

Patent No. 8,058,238

**PATENT OWNER MANDATORY NOTICES
UNDER 37 C.F.R. §42.8**

MANDATORY NOTICES FROM CUBIST PHARMACEUTICALS LLC

Pursuant to 37 C.F.R. § 42.8, Patent Owner Cubist Pharmaceuticals LLC, formerly known as Cubist Pharmaceuticals, Inc., (“Cubist”) respectfully submits the following Mandatory Notices.

I. REAL PARTY IN INTEREST

The real parties in interest are Cubist Pharmaceuticals LLC, its parent company, Merck & Co., Inc., and Merck Sharp & Dohme Corp.

II. RELATED MATTERS

In accordance with 37 C.F.R. § 42.8 (b)(2), Cubist identifies the following related matters:

Cubist Pharmaceuticals, Inc. v. Hospira, Inc., 1:12-cv-00367-GMS (D.Del.)

Cubist Pharmaceuticals, Inc. v. Agila Specialties Inc. and Mylan

Laboratories Limited, formerly Cubist Pharmaceuticals, Inc. v. Strides Inc. and Agila Specialties Private Ltd., 1:13-cv-01679-GMS (D.Del.)

Cubist Pharmaceuticals, Inc. v. Fresenius-Kabi USA LLC, 1:14-cv-00914-GMS (D.Del.)

Cubist Pharmaceuticals, Inc. v. Strides Inc. and Agila Specialties Private Ltd., 1:13-cv-06016-NLH-JS (D.N.J.) (Terminated)

Cubist Pharmaceuticals, Inc. v. Teva Parenteral Medicines, Inc., et al.,

1:09-cv-00189-GMS (D. Del) (Terminated)

Agila Specialties Inc. and Mylan Pharmaceuticals, Inc. v. Cubist Pharmaceuticals, Inc., IPR2015-00140 (PTAB) (Terminated)

Agila Specialties Inc. and Mylan Pharmaceuticals, Inc. v. Cubist Pharmaceuticals, Inc., IPR2015-00141 (PTAB) (Terminated)

Agila Specialties Inc. and Mylan Pharmaceuticals, Inc. v. Cubist Pharmaceuticals, Inc., IPR2015-00142 (PTAB) (Terminated)

Agila Specialties Inc. and Mylan Pharmaceuticals, Inc. v. Cubist Pharmaceuticals, Inc., IPR2015-00143 (PTAB) (Terminated)

Agila Specialties Inc. and Mylan Pharmaceuticals, Inc. v. Cubist Pharmaceuticals, Inc., IPR2015-00144 (PTAB) (Terminated)

Fresenius Kabi USA LLC v. Cubist Pharmaceuticals, Inc., IPR2015-01566 (PTAB)

Fresenius Kabi USA LLC v. Cubist Pharmaceuticals, Inc., IPR2015-01570 (PTAB)

Fresenius Kabi USA LLC v. Cubist Pharmaceuticals, Inc., IPR2015-01572 (PTAB)

US Application Serial No. 60/177,170

US Application Serial No. PCT/US01/01748

US Application Serial No. 09/735,191

US Application Serial No. 10/747,485

US Application Serial No. 11/739,180

US Application Serial No. 12/888,233

US Application Serial No. 13/398,219

US Application Serial No. 13/918,083

US Application Serial No. 14/073,281

US Application Serial No. 14/475,319

Cubist Pharmaceuticals, Inc. v. Hospira, Inc., 15-1197 (Fed. Cir. docketed Dec. 18, 2014), which is an appeal of *Cubist Pharmaceuticals, Inc. v. Hospira, Inc.*, 1:12-cv-00367-GMS (D. Del.)

III. COUNSEL

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Respectfully submitted,

Date: July 30, 2015

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