

**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

**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/

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Reg. No. 47,657

Lead Attorney for Petitioner Fresenius Kabi
USA LLC

Dated: September 1, 2015

Respectfully submitted,

/Emily R. Whelan/

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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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