

**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: IPR2015-01572  
Patent No. 8,058,238

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**UPDATE TO PETITIONER'S MANDATORY NOTICES  
PURSUANT TO 37 C.F.R. § 42.8(a)(3)**

Pursuant to 37 C.F.R. § 42.8(a)(3), Petitioner Fresenius Kabi USA LLC submits the following update to its Mandatory Notices:

**Related Matters (37 C.F.R. § 42.8(b)(2)):** On November 12, 2015, the Court of Appeals for the Federal Circuit affirmed the judgment of the United States District Court for the District of Delaware finding the following claims invalid:

- claims 16, 17, 34, and 35 of U.S. Patent 6,468,967,
- claims 51 and 52 of U.S. Patent 6,852,689,
- claims 91, 98, and 187 of U.S. Patent 8,058,238, and
- claims 23 and 53 of U.S. Patent 8,129,342.

*See Cubist Pharms., Inc. v. Hospira, Inc.*, Nos. 2015-1197, 2015-1204, and 2015-1259, --- F.3d ---, 2015 WL 7005029, at \*13-\*17 (Fed. Cir. Nov. 12, 2015).

Respectfully submitted,

Dated: November 27, 2015

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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing UPDATE TO PETITIONER'S MANDATORY NOTICE PURSUANT TO 37 C.F.R. § 42.8(a)(3) was served on November 27, 2015 by causing it to be sent by email to counsel for Patent Owners at the following email addresses:

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