

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**J KYLE BASS and ERICH SPANGENBERG,**

*Petitioners*

v.

**FRESENIUS KABI USA, LLC**

*Patent Owner*

**Case No. IPR2016-00254**

**U.S. Patent No. 8,476,010**

**PATENT OWNER'S EXHIBIT LIST**

Pursuant to 37 C.F.R. § 42.63(e), Patent Owner submits the following exhibit list.

<b>Exhibit No.</b>	<b>Description</b>
<b>2001</b>	<i>Routes of Administration and Dosage Forms: Pharmacology Introduction</i> , MERCK VETERINARY MANUAL (March 7, 2016), available at: <a href="http://www.merckvetmanual.com/mvm/pharmacology/pharmacology_introduction/routes_of_administration_and_dosage_forms.htm">http://www.merckvetmanual.com/mvm/pharmacology/pharmacology_introduction/routes_of_administration_and_dosage_forms.htm</a>
<b>2002</b>	George H. Hopkins, <i>Elastomeric Closures for Pharmaceutical Packaging</i> , T.J., Vol. 54, No. 1, 138-143 (1965)
<b>2003</b>	Steven L. Shafer, et al., <i>Intravenous Anesthesia: Techniques and New Drugs</i> (1990)
<b>2004</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Information Disclosure Statement dated Nov. 10, 2011 (including International Search Report and Written Opinion of the International Search Authority concerning PCT/US2004/020923)
<b>2005</b>	David F. Capes, et al., <i>The Effect on Syringe Performance of Fluid Storage and Repeated Use: Implications for Syringe Pumps</i> , PDA J. Pharm. Sci. and Tech. 1996, 50, 40-50 (1996)
<b>2006</b>	D. Lomax, <i>Propofol Injection Pain</i> , Anaesthesia and Intensive Care, Vol. 22, No. 4 (Aug. 4, 1994)
<b>2007</b>	Eric L. Cermin, et al., <i>Any Propofol Compatibility Study Must Include an Emulsion Stability Analysis</i> , Anesth. Analg., 91, 1306-13 (2000)
<b>2008</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Examiner-Initialed Copy of Information Disclosure Statement (considered July 20, 2006)

<b>2009</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Information Disclosure Statement (including EP 390,244 A1)
<b>2010</b>	U.S. Patent No. 6,576,245
<b>2011</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Office Action dated Aug. 23, 2006
<b>2012</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Reply to Office Action dated Nov. 16, 2006
<b>2013</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Office Action dated Mar. 22, 2010
<b>2014</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Response to Office Action dated Dec. 16, 2010
<b>2015</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Office Action dated Nov. 29, 2011
<b>2016</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Reasons for Pre-Appeal Brief Request for Review dated Mar. 29, 2012
<b>2017</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Notice of Panel Decision from Pre-Appeal Brief Review dated Apr. 20, 2012
<b>2018</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Applicant-Initiated Interview Summary dated Nov. 16, 2012
<b>2019</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Notice of Allowability dated Apr. 30, 2013
<b>2020</b>	Joseph Walker, et al., <i>New Hedge Fund Strategy: Dispute the Patent, Short the Stock</i> , WALL STREET JOURNAL, Apr. 7, 2015, available at: <a href="http://www.wsj.com/articles/hedge-fund-manager-kyle-bass-challenges-jazz-pharmaceuticals-patent-1428417408">www.wsj.com/articles/hedge-fund-manager-kyle-bass-challenges-jazz-pharmaceuticals-patent-1428417408</a>

<b>2021</b>	Zachary Silbersher, <i>Why Are Bass and Spangenberg Filing IPR Petitions By Themselves?</i> , Markman Advisors, Nov. 30, 2015, available at: <a href="http://www.markmanadvisors.com/blog/2015/11/30/why-are-bass-and-spangenberg-filing-ipr-petitions-by-themselves/">http://www.markmanadvisors.com/blog/2015/11/30/why-are-bass-and-spangenberg-filing-ipr-petitions-by-themselves/</a>
<b>2022</b>	Lisa Schuchman, <i>The Saga Continues: Kyle Bass and Partner File Personal, 'Altruistic' Challenges to Drug Patents</i> , CORPORATE COUNSEL, Dec. 1, 2015, available at: <a href="http://www.corpcounsel.com/id=1202743748187/The-Saga-Continues-Kyle-Bass-and-Partner-File-Personal-Altruistic-Challenges-to-Drug-Patents">http://www.corpcounsel.com/id=1202743748187/The-Saga-Continues-Kyle-Bass-and-Partner-File-Personal-Altruistic-Challenges-to-Drug-Patents</a>
<b>2023</b>	Michael Loney, <i>Kyle Bass's Success at the PTAB – An Update</i> , MANAGING INTELLECTUAL PROPERTY, Dec. 22, 2015, available at: <a href="http://www.managingip.com/Blog/3516275/Kyle-Basss-success-rate-at-the-PTAB-an-update.html">http://www.managingip.com/Blog/3516275/Kyle-Basss-success-rate-at-the-PTAB-an-update.html</a>
<b>2024</b>	U.S. Patent No. 5,163,919
<b>2025</b>	<i>Diazepam</i> , IARC Monograph, Vol. 66
<b>2026</b>	Max T. Baker, et al., <i>Propofol – The Challenges of Formulation</i> , Anesthesiology, Vol. 103, No. 4 (Oct. 2005)
<b>2027</b>	Intentionally Left Blank
<b>2028</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Office Action dated Jul. 6, 2009
<b>2029</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Office Action dated Jan. 28, 2011
<b>2030</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Reply to Office Action dated Nov. 5, 2009
<b>2031</b>	Excerpt from file history of U.S. Pat. App. Serial. No. 10/616,709, Response to Office Action dated Jul. 28, 2011

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document captioned  
PATENT OWNER'S EXHIBIT LIST and all exhibits identified therein were  
served electronically via e-mail on this 10th day of March, 2016, as follows:

Gregory Gonsalves  
gonsalves@gonsalveslawfirm.com

Christopher Casieri  
McNeely, Hare & War LLP  
chris@miplaw.com

Dated: March 10, 2016

/Eleanor M. Yost/