

**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

UPDATED PATENT OWNER'S EXHIBIT

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

Exhibit No.	Description
2001	<i>Routes of Administration and Dosage Forms: Pharmacology Introduction</i> , MERCK VETERINARY MANUAL (March 7, 2016), available at: http://www.merckvetmanual.com/mvm/pharmacology/pharmacology_introduction/routes_of_administration_and_dosage_forms.htm
2002	George H. Hopkins, <i>Elastomeric Closures for Pharmaceutical Packaging</i> , T.J., Vol. 54, No. 1, 138-143 (1965)
2003	Steven L. Shafer, et al., <i>Intravenous Anesthesia: Techniques and New Drugs</i> (1990)
2004	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)
2005	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)
2006	D. Lomax, <i>Propofol Injection Pain</i> , Anaesthesia and Intensive Care, Vol. 22, No. 4 (Aug. 4, 1994)
2007	Eric L. Cermin, et al., <i>Any Propofol Compatibility Study Must Include an Emulsion Stability Analysis</i> , Anesth. Analg., 91, 1306-13 (2000)
2008	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)

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

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

2032	Declaration of Samuel E. Sherry in Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission of Samuel E. Sherry Under 37 C.F.R. § 42.10(c)
2033	Declaration of Daryl L. Wiesen in Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission of Daryl L. Wiesen Under 37 C.F.R. § 42.10(c)
2034	Declaration of John T. Bennett in Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission of John T. Bennett Under 37 C.F.R. § 42.10(c)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.