

**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 UPDATED EXHIBIT LIST

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)

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Patent Owner's Updated Exhibit List

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)
2035	Deposition Transcript of Thomas N. Feinberg, Ph.D. (Aug. 11, 2016).
2036	Declaration of Stanley S. Davis Ph.D.
2037	<i>Curriculum Vitae</i> of Stanley S. Davis Ph.D.
2038	Stanley S. Davis et al., <i>Lipid emulsions as drug delivery systems</i> , Ann. NY Acad. Sci., 507 (1987).
2039	Duck Hwan Bae, et al., <i>Silicone Nanoemulsion Stabilized with Hydrogenated Lecithin</i> , J. Korean Ind. Eng. Chem., Vol. 11, No. 5 (Aug. 2000).
2040	U.S. Patent 4,973,504
2041	Jukka Pekka Mannermaa, et al., <i>Comparison of Different Rubber Stoppers; the Effect of Sterilization on the Number of Particles Released</i> , J. Parenter. Sci. Technol., Vol. 46 No. 3 (May, 1992).
2042	U.S. Patent 5,114,794
2043	U.S. Application 2003/0148030
2044	Steven J. Borchert et al., <i>Particulate Matter in Parenteral Products: A Review</i> , J Parenter. Sci. Technol., Vol. 40 No. 5 (Sept. 1986).

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