

each of their respective heirs, predecessors, successors, and assigns, and investment funds that any of the Defendants managed or advised and such funds' respective affiliates, agents, employees, directors, predecessors, and successors.

III. CLAIMANT IDENTIFICATION

If you (i) held Trius common stock and received consideration for your shares in the acquisition of Trius by Cubist at the price of \$13.50 per share in cash and one Contingent Value Right per share (the "Acquisition"), and (ii) held the share(s) in your name, you are the beneficial holder as well as the record holder. If, however, you held Trius common stock and the share(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial holder and the third party is the record holder.

Use Part I of this form entitled "Claimant Identification" to identify each holder of record ("nominee"), if different from the beneficial holder of Trius common stock which forms the basis of this claim. **THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL HOLDER(S) OR THE LEGAL REPRESENTATIVE OF SUCH HOLDER(S) OF THE TRIUS COMMON STOCK UPON WHICH THIS CLAIM IS BASED.**

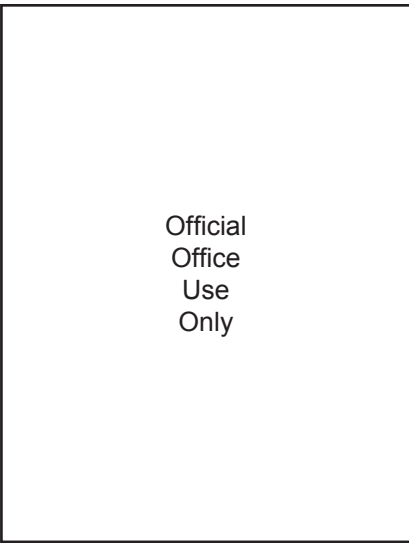
All joint holders must sign this claim. Executors, administrators, guardians, conservators, and trustees must complete and sign this claim on behalf of Persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of the beneficial holder may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

IV. CLAIM FORM

Use Part II of this form entitled "Schedule of Transactions in Trius Common Stock" to supply the number of shares of Trius common stock you held and received consideration for in the Acquisition.

Broker confirmations or other documents, verifying that you held Trius common stock and received consideration for it in the Acquisition, should be attached to your claim. Failure to do so could delay verification of your claim or result in rejection of your claim.

NOTICE REGARDING ELECTRONIC FILES: Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic format. All claimants **MUST** submit a manually signed paper Proof of Claim whether or not they also submit electronic copies. If you wish to file your claim electronically, you must contact the Claims Administrator at 1-844-535-0115 to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the claimant a written acknowledgment of receipt and acceptance of electronically submitted data.



Must Be Postmarked (if Mailed) or Received (if Filed Electronically) No Later Than November 7, 2016

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO

TRUIS

Bemis v. Trius Therapeutics, Inc.,

Lead Case No. 37-2013-00060593-CU-BT-CTL



PROOF OF CLAIM AND RELEASE

Please Type or Print in the Boxes Below Do NOT use Red Ink, Pencil, or Staples

PART I: CLAIMANT IDENTIFICATION

Last Name M.I. First Name

Last Name (Co-Beneficial Owner) M.I. First Name (Co-Beneficial Owner)

IRA Joint Tenancy Employee Individual Other (specify)

Company Name (Beneficial Owner - If Claimant is not an Individual) or Custodian Name if an IRA

Trustee/Asset Manager/Nominee/Record Owner's Name (If Different from Beneficial Owner Listed Above)

Account#/Fund# (Not Necessary for Individual Filers)

Last Four Digits of Social Security Number Taxpayer Identification Number

Telephone Number (Primary Daytime) Telephone Number (Alternate)

Email Address

MAILING INFORMATION

Address

Address

City State Zip Code

Foreign Province Foreign Postal Code Foreign Country Name/Abbreviation

FOR CLAIMS PROCESSING ONLY OB CB ATP BE FL OP KE DR ME RE ICI EM ND SH MM/DD/YYYY FOR CLAIMS PROCESSING ONLY



PART II. SCHEDULE OF TRANSACTIONS IN TRIUS COMMON STOCK

A. Number of shares of Trius common stock you held and received consideration for in the acquisition of Trius by Cubist at the price of \$13.50 per share in cash and one Contingent Value Right per share

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Proof Enclosed?
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V. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim under the terms of the Stipulation described in the Notice. I (We) also submit to the jurisdiction of the Superior Court of the State of California, County of San Diego, with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the Trius common stock I (we) held and received consideration for in the Acquisition at the price of \$13.50 per share in cash and one Contingent Value Right per share, and know of no other person having done so on my (our) behalf.

VI. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, and discharge from and covenant not to sue with respect to, the Released Plaintiffs' Claims each and all of the Released Defendant Parties.

2. "Released Plaintiffs' Claims" means any and all manner of claims, demands, losses, rights, causes of action (including Unknown Claims), liabilities, damages, obligations, judgments, suits, disputes, fees, expenses, costs, matters and issues of any kind or nature whatsoever, whether known or unknown, contingent or absolute, suspected or unsuspected, disclosed or undisclosed, matured or unmatured, that have been or could have been asserted in the Action, Related Actions, Delaware Actions, or in any court, tribunal, forum or proceeding (including, but not limited to, any claims arising under federal, state or foreign law, common law, statute, rule, or regulation relating to alleged fraud, breach of any duty, negligence, violations of the federal securities laws, or otherwise, and including all claims within the exclusive jurisdiction of the federal courts), by any Class Member in his, her, or its capacity as a stockholder of Trius, against the Released Defendant Parties, and that arise out of, relate to, concern, or are based upon the allegations, conduct, facts, events, transactions, acts, occurrences, statements, representations, misrepresentations, omissions, or any other matter, thing or cause whatsoever, or any series thereof embraced, involved, or set forth or otherwise related, directly or indirectly, to: (i) the Action; (ii) the Merger Agreement (including, but not limited to, any deliberations or negotiations in connection with the Merger Agreement); (iii) the Acquisition (including, but not limited to, the consideration received by Class Members in connection with the Acquisition); (iv) any fiduciary obligations of any of the Defendants or Released Defendant Parties in connection with the Acquisition; (v) the negotiations in connection with the Acquisition, including any deal-protection devices; (vi) the disclosures or disclosure obligations of any of the Defendants or Released Defendant Parties in connection with the Acquisition; and (vii) any alleged improper personal benefit or conflict of interest in connection with the Acquisition; provided, however, that the Released Plaintiffs' Claims shall not include a claim to enforce the Stipulation.

3. This release shall be of no force or effect unless and until the Court approves the Stipulation and the Stipulation becomes effective on the Effective Date (as defined in the Stipulation).

4. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

5. I (We) hereby warrant and represent that I (we) have included information about all of my (our) holdings in Trius common stock requested in this Proof of Claim.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ in _____
(Month/Year) (City/State/Country)

(Sign your name here)

(Sign your name here)

(Type or print your name here)

(Type or print your name here)

(Capacity of person(s) signing, e.g.,
Beneficial Holder, Executor or Administrator)

(Capacity of person(s) signing, e.g.,
Beneficial Holder, Executor or Administrator)



**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign the above release and declaration.
2. If this claim is being made on behalf of Joint Claimants, then both must sign.
3. Remember to attach copies of supporting documentation, if available.
4. **Do not send** originals of certificates.
5. Keep a copy of your claim form and all supporting documentation for your records.
6. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.
7. If you move, please send your new address to the address below.
8. **Do not use red pen or highlighter** on the Proof of Claim or supporting documentation.

**THIS PROOF OF CLAIM MUST BE SUBMITTED ONLINE OR, IF MAILED,
POSTMARKED NO LATER THAN NOVEMBER 7, 2016,
ADDRESSED AS FOLLOWS:**

Trius Securities Litigation
Claims Administrator
c/o Gilardi & Co. LLC
P.O. Box 40007
College Station, TX 77842-4007
www.triussecuritieslitigation.com



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