

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**BIOFRONTERA INCORPORATED,
BIOFRONTERA BIOSCIENCE GMBH,
BIOFRONTERA PHARMA GMBH,

AND

BIOFRONTERA AG**

Petitioner

v.

DUSA PHARMACEUTICALS, INC.

Patent Owner

***Inter Partes* Review No. IPR2022-00056
U.S. Patent No. 10,357,567**

**JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED
AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT
SEPARATE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Biofrontera Incorporated, Biofrontera Bioscience GmbH, Biofrontera Pharma GmbH, and Biofrontera AG (“Biofrontera”) and Patent Owner DUSA Pharmaceuticals, Inc. (“DUSA”) jointly request to file the Settlement Agreement (Ex. 1101) between the parties, as referenced in the Renewed Unopposed Motion To Dismiss Petition For Inter Partes Review, as business confidential information, which shall be kept separate from the file of the patent at issue, and only made available to Federal Government agencies upon written request..

The requested relief is appropriate because the terms of the Settlement Agreement are confidential business information and require Patent Owner and Petitioner to treat the Settlement Agreement as confidential information and limit their respective abilities to share the Settlement Agreement with or disclose its contents to third parties. Patent Owner and Petitioner have filed a copy of the Settlement Agreement (Ex. 1101) with the Board, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The confidential Settlement Agreement was filed in the PTAB E2E system to provide availability only to the Board.

Respectfully submitted,

Dated: January 18, 2022

By: /Lauren L. Fornarotto/
Lauren L. Fornarotto, Reg. No. 76,470
Counsel for Petitioner

By: /Andrew B. Patrick/
Andrew B. Patrick, Reg. No. 63,471
Counsel for Patent Owner

CERTIFICATE OF SERVICE

I certify that on January 18, 2022, I will cause a copy of the foregoing document, including any exhibits referred to therein, to be served via electronic mail, as previously consented to by Patent Owner, upon the following:

W. Karl Renner
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Email: IPR46697-0005IP1@fr.com

Heather L. Flanagan
Andrew B. Patrick
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
PTABInbound@fr.com
axf-ptab@fr.com
patrick@fr.com
flanagan@fr.com

Dated: January 18, 2022

By: /Lauren L. Fornarotto/
Lauren L. Fornarotto
Reg. No. 76,470