

Paper No. 10
Date Filed: April 6, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DANA-FARBER CANCER INSTITUTE, INC.
Petitioner

v.

BRISTOL-MYERS SQUIBB COMPANY,
Patent Owner

Case IPR2023-00249
U.S. Patent 10,323,092

**JOINT REQUEST THAT THE SETTLEMENT AGREEMENT BE
TREATED AS BUSINESS CONFIDENTIAL INFORMATION
PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(b), 37 C.F.R. § 42.74(c), and the Board's authorization via email on April 6, 2023, Petitioner Dana-Farber Cancer Institute, Inc. and Patent Owner Bristol-Myers Squibb Company jointly request that the Settlement Agreement (Exhibit 1073) referenced in the concurrently-filed Joint Motion to Terminate Proceeding be treated as business confidential information. This Settlement Agreement describes highly confidential commercial and financial terms of the parties' settlement, which constitutes confidential commercial information under the Board's rules. *See* 37 C.F.R. § 42.54; Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). The parties further jointly request that the Settlement Agreement be kept separate from the files of the involved patent and be made available only on a showing of good cause. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Dated: April 6, 2023

Respectfully submitted,

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Dana-Farber Cancer Institute, Inc.

CERTIFICATE OF SERVICE

I certify that today in

Dana-Farber Cancer Institute, Inc. v. Bristol-Myers Squibb Co., IPR2023-00249

I caused to be served a copy of:

Joint Request that the Settlement Agreement be Treated as Business
Confidential Information Pursuant to 35 U.S.C. § 317
Certificate of Service

upon:

Bristol-Myers Squibb Company c/o:
AKIN GUMP STRAUSS HAUER & FELD LLP
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via:

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Dated: April 6, 2023

Respectfully submitted,

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