

From: [Trials](#)
To: [Antons, Amanda](#); [Trials](#)
Cc: [Helm, Katherine](#); [Leibowitz, Noah](#); [D-FCI Team](#); [BMS-DF-IPR](#); [Maslowski, Steven](#); [Pearson, Matthew](#); [Elsby, Rachel](#); [Weil, Jason](#)
Subject: RE: IPR2023-00249, -00252, -00501
Date: Thursday, April 6, 2023 8:13:15 AM

Counsel:

From the Board –

The parties' request for authorization to file joint motions to terminate the referenced proceedings is granted.

In each proceeding, the parties are authorized to file, within five business days, the following: (1) a joint motion to terminate the proceeding; (2) a true copy of the parties' written settlement agreement as a confidential exhibit; and (3) a joint request to treat the written settlement agreement as business confidential information and kept separate from the files of the involved patent. The parties should include in the joint motion a statement that the agreement filed is a true copy of their settlement agreement, and that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.

The parties must file the confidential settlement agreement electronically in Patent Trial and Appeal Board End to End (PTAB E2E) as an exhibit in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). The parties are directed to FAQ G2 on the Board's website at <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/ptab-e2e-frequently-asked-questions> for guidance on how to file their settlement agreement as confidential.

No conference call is necessary.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Antons, Amanda <Amanda.Antons@dechert.com>
Sent: Wednesday, April 5, 2023 3:00 PM
To: Trials <Trials@USPTO.GOV>
Cc: Helm, Katherine <khelm@dechert.com>; Leibowitz, Noah <Noah.Leibowitz@dechert.com>; D-FCI Team <D-FCI@dechert.com>; BMS-DF-IPR <BMS-DF-IPR@akingump.com>; Maslowski, Steven <smaslowski@AKINGUMP.com>; Pearson, Matthew <mpearson@AKINGUMP.com>; Elsby, Rachel <relsby@akingump.com>; Weil, Jason <jweil@akingump.com>

Subject: IPR2023-00249, -00252, -00501

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Re: IPR2023-00249 (*Dana-Farber Cancer Institute, Inc. v. Bristol-Myers Squibb Co.*)
IPR2023-00252 (*Dana-Farber Cancer Institute, Inc. v. Bristol-Myers Squibb Co.*)
IPR2023-00501 (*Dana-Farber Cancer Institute, Inc. v. E. R. Squibb & Sons, L.L.C.*
***and Ono Pharmaceuticals Co., Ltd.*)**

Dear Board:

The parties in the above-captioned IPRs have executed a settlement agreement dated April 4, 2023 resolving all disputes related to the subject patents in the above-captioned IPR proceedings. The proceedings are in the pre-institution stage. Patent Owner has not yet filed a preliminary response in any of the proceedings. Accordingly, the parties jointly respectfully request authorization to file the following documents:

- 1) joint motions to terminate each of the referenced IPR proceedings, and
- 2) the settlement agreement and requests for the settlement agreement to be treated as business confidential information, pursuant to 37 CFR §42.74(c).

The parties are available for a telephone conference if the Board deems it necessary.

Respectfully submitted,
Amanda

Amanda Antons, Ph.D.
Partner

Dechert LLP
312.646.5822
amanda.antons@dechert.com
dechert.com

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