

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION PHARMACEUTICALS, INC.,
Petitioner,

v.

UNIVERSITÄT HEIDELBERG AND THE EUROPEAN ATOMIC ENERGY
COMMUNITY (EURATOM), REPRESENTED BY THE EUROPEAN
COMMISSION,
Patent Owners

Case No. IPR2023-00551
Patent No. 10,980,901 B2

**JOINT REQUEST THAT THE PARTIES' AGREEMENTS BE TREATED
AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35
U.S.C. § 317 AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, and the authorization provided by the Board via email on February 29, 2024, Petitioner Fusion Pharmaceuticals, Inc. (“Petitioner”) and Patent Owners Universität Heidelberg and The European Atomic Energy Community (EURATOM), Represented by The European Commission (“Patent Owners”) jointly request that the License Agreement (Confidential Exhibit 1041) and Settlement Agreement (Confidential Exhibit 1042) (together “Agreements”) between the parties, which have been filed concurrently with this request and are referenced in the parties’ Joint Motion to Terminate, be treated as business confidential information, be kept separate from the file of the involved patent and this IPR, and be made available only to Federal Government agencies on written request or to other persons upon a showing of good cause. The parties consider the Agreements to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed.

The parties further jointly request that the Board order that any written request by a person or entity, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the Agreements, must simultaneously be served upon Petitioner and Patent Owners on the day the written request is provided to the Board. To the extent this request is not granted, the parties respectfully request, in the alternative, that they be provided

timely notice that the Board has received a request for access to the Agreements and, if requested pursuant to 37 C.F.R. § 42.74(c)(2), of the nature of the requester's attempt to demonstrate "good cause," so that they may, as appropriate, seek to take further steps for continued confidentiality.

DATED: March 1, 2024

Respectfully submitted,

GOODWIN PROCTER LLP

By /Linnea Cipriano/

Linnea Cipriano

Reg. No. 67,729

Lead Counsel for Petitioner

LEWIS ROCA ROTHGERBER

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Lead Counsel for Patent Owners

CERTIFICATE OF SERVICE

The undersigned hereby certifies the foregoing paper and associated exhibits were served on March 1, 2024 via email to the Patent Owners by serving the correspondence email addresses of record as follows:

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Dated: March 1, 2024

Respectfully Submitted,

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