

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

Case IPR2023-01251
Patent 11,298,056 B2

**JOINT REQUEST TO TREAT SETTLEMENT
AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION**

Petitioner DexCom, Inc. (“DexCom”) and Patent Owner Abbott Diabetes Care Inc. (“Abbott”) (collectively “the parties”) jointly request that the settlement agreement filed as Confidential Exhibit 1068 be treated as business confidential information and be kept separate from the publicly available files of the involved patent.

Section 317(b) provides that:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or
- (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed along with the Settlement Agreement, is timely and in accordance with the foregoing authority.

Therefore, the parties respectfully submit that this request for confidential treatment should be granted.

Respectfully submitted,

Dated: January 6, 2025

By: /Andrew M. Mason/

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CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(E)(4)

The undersigned certifies that on January 6, 2025, a complete copy of
JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION was served on Patent Owner via
electronic mail as follows:

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