IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT DIABETES CARE INC.,
Petitioner,

v.

DEXCOM, INC.,
Patent Owner.

Case No. IPR2024-00840
Patent No. 9,119,528

JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Petitioner Abbott Diabetes Care Inc. ("Abbott") and Patent Owner Dexcom, Inc. ("DexCom") (collectively "the parties") jointly request that the settlement agreement filed as Confidential Exhibit 1033 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.

Date: January 14, 2025

Respectfully submitted,

/Scott C. Weidenfeller/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that the foregoing Joint Request to Treat Settlement Agreement as Business Confidential Information was served by electronic mail on the following counsel of record for Patent Owner:

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RGiunta-PTAB@wolfgreenfield.com
GNieberg-PTAB@wolfgreenfield.com

Date: January 14, 2025

/Scott C. Weidenfeller/
Scott Weidenfeller (Reg. No. 54,531)