

No. 25A____

IN THE
Supreme Court of the United States

BRISTOL MYERS SQUIBB COMPANY,

Applicant,

v.

ROBERT F. KENNEDY, JR., SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court
and Circuit Justice for the Third Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Bristol Myers Squibb Company¹ respectfully requests an unopposed 16-day extension of time, up to and including December 19, 2025, to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Third Circuit, seeking review of that court’s decision in *Bristol Myers Squibb Co. v. Secretary, United States Department of Health and Human Services, et al.*, ___ F.4th ___, 2025 WL 2537005 (3d Cir. Sept. 4, 2025). The decision below is attached as Appendix A. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

¹ Pursuant to Supreme Court Rule 29.6, Applicant states that it has no parent corporation and that no publicly held company owns 10% of its stock.

2. The time to file a petition for a writ of certiorari will otherwise expire on December 3, 2025. This Application is timely because it has been filed more than ten days prior to the date on which the time for filing is due to expire.

3. Applicant has good cause for an extension of time. This petition involves important issues regarding the constitutionality of the “Medicare Drug Price Negotiation Program” created by the Inflation Reduction Act of 2022, including claims under the Fifth and First Amendments. In light of the other commitments described below, an extension would allow Applicant’s counsel to better develop the arguments in this case and to complete the requisite research and writing.

4. Applicant’s undersigned Counsel of Record faces a demanding schedule of briefs and oral arguments over the next two months, including argument before this Court in *NRSC v. FEC* (No. 24-621) on December 9, 2025. Counsel of Record also has argument before the Delaware Supreme Court on December 3, 2025, the day the time for filing the petition in this case is due to expire. Other members of the legal team likewise have conflicting professional commitments.

5. Respondents consent to this request.

WHEREFORE, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 16 days, up to and including December 19, 2025.

November 3, 2025

Respectfully submitted,

/s/ Noel J. Francisco
NOEL J. FRANCISCO

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