

# Deceit, parody, or something else? \$BMYRT's strange twitter account

I've spent a lot of time on BMY's CVR (BMY-R or BMYRT) over the past few years. On top of endlessly disclosing that CVRs are insanely risky and nothing on this blog or anything else I do is ever investing advice (a disclosure I will reiterate here, as well as noting nothing on here is legal advice!), I've written the CVR up, I've done not one but two podcasts on it, and I've spent countless hours thinking about it / talking on the phone about it and parsing through every tiny change in management commentary or body language or whatever to look for clues on CVR approval.

The time spent on the CVR has been an interesting endeavor. At times, it's been fun, and I've certainly met a lot of new people through it. But, with the end game upon us, it's largely been a stressful and fruitless endeavor; Liso-cel must be approved by December 31 in order for the CVR to payout, and the clock is running out.

Is there a chance that Liso-cel gets approved in the next ~39 hours (I'm writing this at 9 AM EST December 30) and the CVR remains on track for payout? Absolutely! But the odds are certainly against it at this point; with the CVR trading for \$1.30/share (as I write this), the market is pricing in somewhere between a 5-30% chance of approval by year end (depending on what your view of litigation value is; I get lots of questions about this and please know that is something I won't be discussing! Again, nothing on here is investing or legal advice).

Anyway, I've spent enough time and brain cells on the CVR this year, so I don't want to rehash the whole thing here.

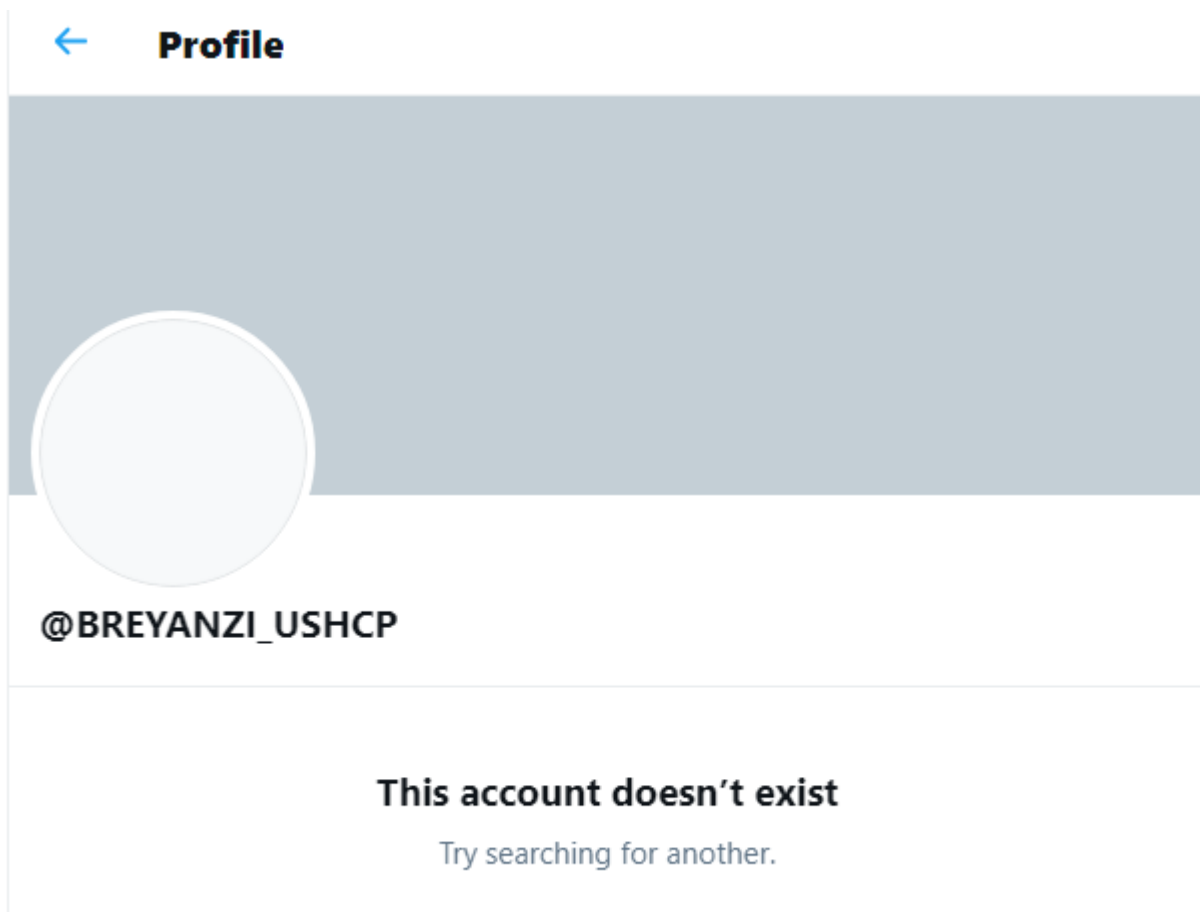
What I did want to highlight was something curious that happened with the CVR yesterday. A twitter account (Breyanzi\_USHCP) popped up as "the official U.S. account for Breyanzi" (liso-cel's marketing name). I've included a screenshot of the account below (as I'll discuss, the account has since been deleted, so a screen shot is necessary!).



Astute traders noticed this account and figured that liso-cel's approval was imminent, and they responded by bidding up the CVR. Intraday, the CVR went from ~\$1.30 before the account was discovered to a peak of ~\$2/share.



Then something curious happened: the account was deleted, and that "pop" quickly faded.



Now, you could spin the account getting deleted a couple of ways. You could say that someone at BMY jumped the gun and created the account a day or three early, and then deleted it

when people noticed it. Or you could say that people noticed the account and started asking BMY about it, BMY said the account wasn't theirs, and whoever created the account deleted it as people started looking at it a little further. There are all sorts of different explanations that branch off of that (i.e. if Bristol said the account wasn't theirs, were they being honest or were they trying to cover up a mistake)?

I tend to believe the second story (BMY didn't create the account, denied the account when asked about it, and whoever created it deleted the account when questions started pouring in), but I'm not taking a strong view. I'm sure the real story will come out in time.

But the twitter account created an interesting hypothetical for me: if stocks can move just on a twitter account getting created, what is the regulation around that?

For example, say someone ("Trader X") created that Breyanzi twitter account that moved the CVR. Say before they did it, they bought a bunch of CVRs at the day's lows of ~\$1.30, then they created the twitter account and did absolutely nothing else, and then sold when the shares popped.

Did they do anything wrong? Ethically I'd say yeah, absolutely. But legally? I have no idea. All they did was create a twitter account. They didn't promote it in anyway or give anyone any investing advice.

Again, I don't know. It feels wrong to me. But if they just created the page and never told anyone, and then other people discovered it, are they really on the hook? They didn't

recommend anything or even point people to that page; people simply discovered the page on their own and made their own conclusions.

I have no idea. I'm really interested. I don't want to live in a world where people just start creating random twitter accounts and webpages hoping sleuths find them and send share prices screaming higher for a quick pop, but I also am not sure I want to live in a world where you could open a twitter account or webpage and get a fine / criminal prosecution for doing so without promoting it in anyway (even if you were trading around it). And who has the standing to sue here: is it the people who traded around finding the fake twitter account? Or is the company themselves? Both?

Would the legality answer change if Trader X had bought shares, made the twitter account, called up a friend and said, "hey, take a look at this page, what do you think?", and then sold everything once their friend drew their own conclusions and started telling people to look at that page. It certainly gets more unethical at that point, and I would think Trader X just destroyed a friendship, but again.... not sure!

I know it's no where close to the same given the possibility that someone was trading shares around this, but for some reason the "Dumb Starbucks" prank and how it was protected by parody law keeps running through my head when thinking about this. If it turns out bored Elon has been trading Tesla stock in their spare time, I don't particularly care, but I'm sure someone at some point made a trade on Tesla mistaking bored Elon for the real one. How far is the line between the current CVR situation and that? Heck, how far is the line from the BMV situation and people trading on actual Elon's Twitter?

Again, don't know. Ethically I think the BMYRT situation and fake twitter account are awful, but ethics and the law are two hugely different things (and often for very good reason!).