

From: [Trey Powers](#)
To: [Trials](#); [Eldora L. Ellison](#); [Kushan, Jeffrey P.](#); [Peterson, Leif](#); [Tyler Liu](#); [Peterson, Leif](#); ["sue.wang@sidley.com"](#); ["khelm@dechert.com"](#); ["Blaine.Hackman@dechert.com"](#); ["christine.engen@sidley.com"](#); ["abhatla@sidley.com"](#); ["Brian.Goldberg@dechert.com"](#); ["mark.stewart@merck.com"](#); [Halozyme PGRs](#); [Lauren Martin](#); [Jennifer Chagnon](#); [David J. Kappos](#); [Aubrey Haddach](#); [David H. Holman](#); [Josh Mack](#); [Mark Snyder](#); [Zach Summers](#); [Louis Panzica](#); ["amy.mahan@sidley.com"](#); [Bill Flanigen](#)
Subject: RE: PGR2025-00003; PGR2025-00004; PGR2025-00006; PGR2025-00009; PGR2025-00017; PGR2025-00030; PGR2025-00024; PGR2025-00033; PGR2025-00039; PGR2025-00042; PGR2025-00046; PGR2025-00050; PGR2025-00052; and PGR2025-00053
Date: Wednesday, February 11, 2026 9:04:37 PM
Attachments: [image002.png](#)
[image003.png](#)

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PGR2025-00003 (11,952,600 B2)
PGR2025-00046 (12,091,692 B2)
PGR2025-00004 (12,018,298 B2)
PGR2025-00024 (12,060,590 B2)
PGR2025-00006 (12,152,262 B2)
PGR2025-00030 (12,054,758 B2)
PGR2025-00009 (12,123,035 B2)
PGR2025-00052 (12,264,345 B1)
PGR2025-00017 (12,110,520 B2)
PGR2025-00042 (12,037,618 B2)
PGR2025-00033 (12,049,652 B2)
PGR2025-00050 (12,077,791 B2)
PGR2025-00039 (12,104,185 B2)
PGR2025-00053 (12,195,773 B2)

Your Honors,

Further to the panels' order, the parties have met and conferred regarding an appropriate briefing schedule for Patent Owner's forthcoming motion to terminate in the event the Board authorizes the motion.

Oral Argument

If a motion to terminate is authorized, the parties respectfully suggest an allotment of an additional 15 minutes per side to address the motion. Petitioner recommends that argument on the motion should be taken up after argument on the merits is concluded, while Patent Owner submits that this is a threshold issue for the beginning of the hearing.

Patent Owner's proposal regarding briefs

Patent Owner proposes a 25 page opening brief (due February 16th), a 25 page opposition (due February 23rd), and a ten page reply due February 26th.

Petitioner’s proposal regarding briefs

Petitioner proposes a 10 page opening brief (due February 17th) and 10 page opposition (due February 26th).

The parties welcome the opportunity to discuss these issues with the panels during the scheduled call on Thursday 2/12.

Thanks very much,
R. Wilson Powers III
(Counsel for Patent Owner)

R. Wilson “Trey” Powers III, Ph.D.
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From: Trials <Trials@USPTO.GOV>
Sent: Monday, February 9, 2026 1:29 PM
To: Eldora L. Ellison <EELLISON@sternekessler.com>; Kushan, Jeffrey P. <jkushan@sidley.com>; Trials <Trials@USPTO.GOV>; Peterson, Leif <leif.peterson@Sidley.com>; Tyler Liu <TLIU@sternekessler.com>; Peterson, Leif <leif.peterson@Sidley.com>; 'sue.wang@sidley.com'; 'khelm@dechert.com'; 'Blaine.Hackman@dechert.com'; 'christine.engen@sidley.com'; 'abhatla@sidley.com'; 'Brian.Goldberg@dechert.com'; 'mark.stewart@merck.com'; Halozyme PGRs <HalozymePGRs@sidley.com>; Lauren Martin <laurenmartin@quinnemanuel.com>; Jennifer Chagnon <JChagnon@sternekessler.com>; David J. Kappos <dkappos@cravath.com>; Aubrey Haddach <ahaddach@halozyme.com>; David H. Holman <DHOLMAN@sternekessler.com>; Josh Mack <jmack@halozyme.com>; Mark Snyder <msnyder@halozyme.com>; Zach Summers <zachsummers@quinnemanuel.com>; Louis Panzica <LPanzica@sternekessler.com>; 'amy.mahan@sidley.com'; Bill Flanigen <BFLANIGEN@sternekessler.com>; Trey Powers <TPOWERS@sternekessler.com>
Subject: RE: PGR2025-00003; PGR2025-00004; PGR2025-00006; PGR2025-00009; PGR2025-00017; PGR2025-00030; PGR2025-00024; PGR2025-00033; PGR2025-00039; PGR2025-00042; PGR2025-00046; PGR2025-00050; PGR2025-00052; and PGR2025-00053

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Counsel,

Per an Order being filed today, the Board sets a conference call for 1:00 pm ET on Thursday, February 12, 2026. The dial in number is 540-566-5633 and the passcode is 22433877#

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Eldora L. Ellison <EELLISON@sternekessler.com>

Sent: Thursday, February 5, 2026 5:23 PM

To: Kushan, Jeffrey P. <jkushan@sidley.com>; Trials <Trials@USPTO.GOV>; Peterson, Leif <leif.peterson@Sidley.com>; Tyler Liu <TLIU@sternekessler.com>; Peterson, Leif <leif.peterson@Sidley.com>; 'sue.wang@sidley.com'; 'khelm@dechert.com'; 'Blaine.Hackman@dechert.com'; 'christine.engen@sidley.com'; 'abhatla@sidley.com'; 'Brian.Goldberg@dechert.com'; 'mark.stewart@merck.com'; Halozyme PGRs <HalozymePGRs@sidley.com>; Lauren Martin <laurenmartin@quinnemanuel.com>; Jennifer Chagnon <JChagnon@sternekessler.com>; David J. Kappos <dkappos@cravath.com>; Aubrey Haddach <ahaddach@halozyme.com>; David H. Holman <DHOLMAN@sternekessler.com>; Josh Mack <jmack@halozyme.com>; Mark Snyder <msnyder@halozyme.com>; Zach Summers <zachsummers@quinnemanuel.com>; Louis Panzica <LPanzica@sternekessler.com>; 'amy.mahan@sidley.com'; Bill Flanigen <BFLANIGEN@sternekessler.com>; Trey Powers <TPOWERS@sternekessler.com>

Subject: PGR2025-00003; PGR2025-00004; PGR2025-00006; PGR2025-00009; PGR2025-00017; PGR2025-00030; PGR2025-00024; PGR2025-00033; PGR2025-00039; PGR2025-00042; PGR2025-00046; PGR2025-00050; PGR2025-00052; and PGR2025-00053

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Dear Honorable Board,

Patent Owner Halozyme has a pending motion for additional discovery related to Petitioner's failure to name all RPIs in the above captioned cases. In its motion for additional discovery, Patent Owner indicated that it intended to seek leave to file a motion to dismiss the Petitions in these proceedings after the issue of additional discovery was decided. (*See e.g.*, PGR2025-00003, Paper 64 at 1). The briefing by both parties relating to additional discovery was completed on January 19, 2026, and is pending resolution.

Patent Owner first raised the issue of RPI with Petitioner shortly after the *Corning* case was designated as precedential. The parties engaged in a lengthy negotiation for appropriate additional discovery into the RPI issue, ultimately culminating in the pending motion for additional discovery. Notwithstanding that motion, in view of the Director's de-designation of the *Adello* and *Proppant* cases two days ago, and the looming oral hearing in the first four of these cases on **March 2**, Patent Owner respectfully requests leave to file a motion to dismiss the Petition in each of the above-captioned proceedings for failure to name all RPI. While Patent Owner had hoped to obtain the additional discovery before filing its motion to dismiss, Patent Owner nonetheless seeks leave to file the motion to dismiss given the upcoming oral hearing.

Petitioner has indicated that it opposes Patent Owner's request, and asked Patent Owner to include its counter position in this email, which is presented below. Patent Owner disagrees with Petitioner's position and believes its additional discovery briefing and evidence cited therein responds to some of the positions below.

Petitioner's Position:

- Petitioner disagrees that Halozyme has shown good cause to file a motion to terminate these proceedings. As Petitioner explained in its opposition to Patent Owner's motion for additional discovery, the fulsome (and voluntary) responses Merck provided to each of Halozyme's discovery requests demonstrates that Merck & Co., Inc. is not an RPI in these proceedings. Petitioner also explained that Halozyme waived the RPI issue in these proceedings. The Director's de-designation of *Adello* and *Proppant* does not alter the analysis of either of these issues.
- Halozyme also has not meaningfully met and conferred with Petitioner about this request and why Halozyme is seeking to file the motion now. For example, the parties have not conferred about how to address Halozyme's pending motion for additional discovery, which Halozyme told the Board was necessary to resolve Halozyme's arguments about RPI but now (for unexplained reasons) contends is unnecessary. Nor has Halozyme addressed Petitioner's explanations and evidence showing that MCI is not an RPI in this proceeding or why it has not waived the RPI issue in these proceedings.
- If the Board is inclined to entertain Halozyme's request for authorization to file a motion to terminate, Petitioner respectfully requests a conference call with the Board to discuss these issues further.

Availability for a Conference Call:

While Patent Owner respectfully submits that a call is not necessary to authorize the requested motion to dismiss, the parties can be available at the following times:

- Wednesday, 2/11, 9-11 am, 3 – 4 pm
- Thursday, 2/12, 11:30 am – 3 pm
- Friday 2/13, 10 am – 4 pm.

Respectfully submitted,

Eldora L. Ellison
Lead Counsel for Patent Owner

Eldora L. Ellison, Ph.D.

Director

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