

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Merck Sharp & Dohme LLC,
Petitioner,

v.

Halozyme Inc.,
Patent Owner.

Case No. PGR2025-00017
U.S. Patent No. 12,110,520

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Merck hereby submits objections to evidence served by Halozyme on June 11, 2025 in support of its Preliminary Response (Paper 21) and on May 12, 2025 in support of its Discretionary Denial Brief (Paper 17). The discussion below identifies the evidence to which Merck objects and summarizes Merck's objections, including the Federal Rules of Evidence ("FRE") that form the basis for the objections.

1. Exhibit 2005

Petitioner Merck objects to Exhibit 2005 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807.

2. Exhibit 2015

Petitioner Merck objects to Exhibit 2015 because it is not relevant to any issue in this proceeding, and any theoretical relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403. Petitioner Merck also objects to Exhibit 2015 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2015 is, how it was acquired, or how it was made.

3. Exhibit 2046

Petitioner Merck objects to Exhibit 2046 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2046 as not being authenticated and it is not self-

authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2046 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2046 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

4. Exhibit 2047

Petitioner Merck objects to Exhibit 2047 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2047 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2047 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

5. Exhibit 2048

Petitioner Merck objects to Exhibit 2048 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2048 as not being authenticated and it is not self-

authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2048 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2048 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

6. Exhibit 2050

Petitioner Merck objects to Exhibit 2050 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2050 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2050 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2050 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

7. Exhibit 2051

Petitioner Merck objects to Exhibit 2051 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2051 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2051 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2051 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

8. Exhibit 2052

Petitioner Merck objects to Exhibit 2052 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2052 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2052 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2052 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of

confusion, substantial danger of unfair prejudice, and/or misleading the fact finder.

See FRE 401-403.

9. Exhibit 2053

Petitioner Merck objects to Exhibit 2053 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2053 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2053 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2053 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

10. Exhibit 2054

Petitioner Merck objects to Exhibit 2054 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2054 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2054 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2054 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

11. Exhibit 2059

Petitioner Merck objects to Exhibit 2059 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* FRE 801-807. Petitioner Merck objects to Exhibit 2059 as not being authenticated and it is not self-authenticating. *See* FRE 901-902. Halozyme provides no authenticating declaration explaining what Exhibit 2059 is, how it was acquired, or how it was made.

Petitioner Merck also objects to Exhibit 2059 because it is not relevant to any issue in this proceeding, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* FRE 401-403.

Dated: September 22, 2025

Respectfully Submitted,

/Jeffrey P. Kushan/
Jeffrey P. Kushan
Reg. No. 43,401
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

jkushan@sidley.com
(202) 736-8914
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 22nd day of September, 2025, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by electronic mail on the following counsel:

Eldora L. Ellison, eellison-PTAB@sternekessler.com
R. Wilson Powers III, tpowers-PTAB@sternekessler.com
Jennifer Meyer Chagnon, jchagnon-PTAB@sternekessler.com
David H. Holman, dholman-PTAB@sternekessler.com
Tyler C. Liu, tliu-PTAB@sternekessler.com
David J. Kappos, dkappos@cravath.com
Aubrey Haddach, ahaddach@halozyme.com
Louis P. Panzica, Jr., lpanzica-PTAB@sternekessler.com
Joshua A. Mack, jmack@halozyme.com
Lauren N. Martin, laurenmartin@quinnemanuel.com
Mark H. Snyder, msnyder@halozyme.com
PTAB@sternekessler.com

Dated: September 22, 2025

Respectfully Submitted,

/Jeffrey P. Kushan/
Jeffrey P. Kushan
Reg. No. 43,401
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
jkushan@sidley.com
(202) 736-8914
Attorney for Petitioner