

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MERCK SHARP & DOHME LLC,  
Petitioner

v.

HALOZYME INC.,  
Patent Owner

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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 B2)  
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)

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**PETITIONER'S MOTION TO SEAL**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. §§ 42.14, 42.54, 35 U.S.C. § 326(a)(1), the Patent Trial and Appeal Board's ("PTAB") Consolidated Trial Practice Guide, Section I.E., and the Default Protective Order filed on January 6, 2026 and entered on February 9, 2026, Petitioner moves to seal the confidential version of Petitioner's Opposition to Patent Owner's Motion to Terminate this Post-Grant Review Proceeding and exhibits thereto according to the terms of the Default Protective Order entered into this proceeding by the Board.

## **II. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION**

The Consolidated Trial Practice Guide provides that "the rules aim to strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." Consolidated Trial Practice Guide ("TPG"), § I(E). The rules also "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development or commercial information." *Id.* § I(E)(2) (citing 37 C.F.R. § 42.54).

Based on the procedure provided in the TPG, Petitioner seeks to prevent the disclosure of its confidential information.

### **III. IDENTIFICATION OF CONFIDENTIAL INFORMATION**

Specifically, Petitioner seeks to prevent disclosure of its confidential information contained in the following documents.

1. Petitioner's Opposition to Patent Owner's Motion to Terminate
2. EX1236: Jennifer\_Zachary WD\_Redacted – Protective Order Material
3. EX1242: ZacharyJennifer ADP\_Redacted – Protective Order Material
4. EX1244: 2024 Form 851 Affiliations Schedule

#### **A. Petitioner's Opposition to Patent Owner's Motion to Terminate**

Petitioner seeks to prevent the disclosure of confidential information contained in Petitioner's Opposition to Patent Owner's Motion to Terminate, which discusses Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The discussions of Petitioner's information and documents include references to certain categories of confidential information. The documents and information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public. Petitioner has, to the best of its ability, limited the material in its Opposition to Patent Owner's Motion to Terminate to non-confidential information. A public, redacted version of Opposition to Patent Owner's Motion to Terminate is filed herewith.

**B. Petitioner’s Exhibits 1236 and 1242**

Petitioner seeks to prevent the disclosure of confidential information contained in Exhibits 1236 and 1242, which are Petitioner’s confidential information and documents that Petitioner has marked as “PROTECTIVE ORDER MATERIAL.” The information contained therein is confidential and highly sensitive information relating to employee records of Petitioner that have not been published or otherwise made public.

**C. Petitioner’s Exhibit 1244**

Petitioner seeks to prevent the disclosure of confidential information contained in Exhibit 1244, which are Petitioner’s confidential information and documents that Petitioner has marked as “PROTECTIVE ORDER MATERIAL.” The information contained therein is confidential and highly sensitive information relating to Petitioner’s tax filings that have not been published or otherwise made public.

**IV. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Board seal the confidential version of Petitioner’s Opposition to Patent Owner’s Motion to Terminate and Exhibits 1236 and 1242.

Date: February 24, 2026

/Blaine M. Hackman/  
Blaine M. Hackman, Reg. No. 67,479  
*Counsel for Petitioner*

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 24th day of February, 2026, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by e-mail on the following counsel of record for Patent Owner:

Eldora L. Ellison, [eellison-PTAB@sternekessler.com](mailto:eellison-PTAB@sternekessler.com)  
R. Wilson Powers III, [tpowers-PTAB@sternekessler.com](mailto:tpowers-PTAB@sternekessler.com)  
Jennifer Meyer Chagnon, [jchagnon-PTAB@sternekessler.com](mailto:jchagnon-PTAB@sternekessler.com)  
David H. Holman, [dholman-PTAB@sternekessler.com](mailto:dholman-PTAB@sternekessler.com)  
Tyler C. Liu, [tliu-PTAB@sternekessler.com](mailto:tliu-PTAB@sternekessler.com)  
David J. Kappos, [dkappos@cravath.com](mailto:dkappos@cravath.com)  
Aubrey Haddach, [ahaddach@halozyme.com](mailto:ahaddach@halozyme.com)  
Louis P. Panzica, Jr., [lpantzica-PTAB@sternekessler.com](mailto:lpantzica-PTAB@sternekessler.com)  
Joshua A. Mack, [jmack@halozyme.com](mailto:jmack@halozyme.com)  
Lauren N. Martin, [laurenmartin@quinnemanuel.com](mailto:laurenmartin@quinnemanuel.com)  
Mark H. Snyder, [msnyder@halozyme.com](mailto:msnyder@halozyme.com)  
Pratibha Khanduri, [pkhanduri-PTAB@sternekessler.com](mailto:pkhanduri-PTAB@sternekessler.com)  
Zachariah Summers, [zachsummers@quinnemanuel.com](mailto:zachsummers@quinnemanuel.com)  
[PTAB@sternekessler.com](mailto:PTAB@sternekessler.com)

Date: February 24, 2026

/Blaine M. Hackman/

Blaine M. Hackman, Reg. No. 67,479  
Dechert LLP  
Three Bryant Park  
1095 Avenue of the Americas  
New York, NY 10036-6797  
Tel: 212-698-3500  
Fax: 212-698-3599  
[blaine.hackman@dechert.com](mailto:blaine.hackman@dechert.com)  
*Counsel for Petitioner*