

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner,

v.

THE JOHNS HOPKINS UNIVERSITY,
Patent Owner.

IPR2024-00240
Patent 11,591,393 B2

Before DEBORAH KATZ, ROBERT A. POLLOCK, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On February 19, 2025, Patent Owner contacted the Board seeking authorization for a 25% increase (from 5,600 words to 7,000 words) in the word count limit for its Sur-Reply to match the increases the Board previously authorized for the Patent Owner's Response and the Petitioner's Reply. (*See* Ex. 3008.) Patent Owner argues that the increase is "warranted so that [Patent Owner] JHU may equitably respond to the range of issues and new evidence raised in Merck's extended Reply brief, including two new expert declarations totaling more than 130 pages and objective indicia arguments, with the same word limit that applied to the Reply." (*Id.*)

Petitioner opposes Patent Owner's request, arguing that Patent Owner has already been granted more words than Petitioner because of the higher word count of Patent Owner's Response when compared to Petitioner's Reply.

Patent Owner's general request for additional words to respond to the volume of Petitioner's Reply fails to establish good cause in light of the previous additionally granted increase.

ORDER

Accordingly, it is

ORDERED that Patent Owner's request is DENIED and no increase in Patent Owner's Sur-Reply Brief is authorized.

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