

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

Case IPR2024-00240
Patent 11,591,393 B2

**PATENT OWNER'S MOTION TO SEAL ORAL HEARING
DEMONSTRATIVES**

Pursuant to 37 C.F.R. § 42.54 and the Board’s Scheduling Order (Paper 11), Patent Owner Johns Hopkins University (“JHU”) submits this Motion to Seal JHU’s oral hearing demonstratives, submitted concurrently with this Motion. Good cause exists for granting this Motion because the oral hearing demonstratives contain information that either Patent Owner JHU’s and/or Petitioner Merck Sharp & Dohme LLC (“Merck”) has designated as highly confidential. Merck has informed JHU that it does not oppose this Motion to Seal.

The Parties have agreed to, and previously filed, a proposed modified protective order. *See* Paper 37 at 7-9, Appx A. The Parties respectfully request entry of the modified protective order for the reasons previously explained. *Id.*

**I. GOOD CAUSE EXISTS FOR SEALING JHU’S AND MERCK’S
HIGHLY CONFIDENTIAL INFORMATION**

In an *inter partes* review (“IPR”), the party moving to seal information must demonstrate “good cause.” 37 C.F.R. § 42.20(c). The Board has explained that “a movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.”

Argentum Pharmaceuticals LLC v. Alcon Research, Ltd., IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative).

A. Documents Requested to be Sealed

JHU respectfully moves to seal the oral hearing demonstratives being filed concurrently with this Motion. The oral hearing demonstratives cite to the following confidential documents that were previously the subject of Motions to Seal in Papers 37, 60, and 68:

- **Exhibit 1151** – This document is an expert declaration from Sean Sheridan, Ph.D., which contains Dr. Sheridan’s analysis of Merck’s and third-party IQVIA’s Highly Confidential Information contained in Exhibits 1157 and 2187.
- **Exhibits 2168, 2169, and 2181** – Merck produced these documents to JHU pursuant to the Board’s Order authorizing JHU’s motion for additional discovery. *See* Paper 32. Merck has indicated that these documents contain Highly Confidential Information under the MPO.
- **Exhibit 2191** – This document is an expert declaration from Mr. Brian Segers, which contains Mr. Segers’ analysis of Highly Confidential Information contained in Exhibits 2187 and 2188.
- **Exhibit 2404** – This document is a deposition transcript from the deposition of Merck’s declarant Paul E. Oberstein, M.D., which

includes discussion of documents that JHU marked as Highly Confidential during his deposition.

JHU and Merck have previously provided explanations in support of motions to seal these documents. *See* Paper 37 (addressing Exhibits 2168-2169, 2181, and 2191); Paper 60 (addressing Exhibit 1151); Paper 68 (addressing Exhibit 2404).

JHU will file a redacted copy of the oral hearing demonstratives concurrently with this Motion. *See* Exhibit 3005.

II. CONCLUSION

JHU respectfully requests that the Board seal and protect the confidential version of the Patent Owner's oral hearing demonstratives.

Respectfully submitted,

Date: March 24, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4), the undersigned certifies that on March 24, 2025, a complete and entire copy of this Motion to Seal Patent Owner's Oral Hearing Demonstratives was provided by email to the Petitioner by serving the correspondence address of record as follows:

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