

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, SHERIDAN K. SNEDDEN, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

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

During the course of the oral argument held on March 31, 2025, counsel for Patent Owner objected to arguments made and evidence cited by counsel for Petitioner as being raised for the first time in the oral argument. Patent Owner requested briefing to respond to the purportedly newly raised arguments and evidence. To permit the Board to evaluate this issue,

Petitioner may file a notice of objection to new arguments and evidence. The notice shall identify with particularity which portions of Petitioner's rebuttal are objected to and may include a one (1) sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections, and may reserve ruling on the objections. (*See Paper 65, 4.*)

Petitioner may file a responding notice to the extent Petitioner wishes to identify support for arguments and evidence cited in rebuttal.

ORDER

It is

ORDERED that Patent Owner may file a notice as indicated above of not more than three (3) pages by April 4, 2025; and

further ORDERED that Petitioner may file a responding notice as indicated above of not more than three (3) pages by April 9, 2025.

IPR2024-00240
Patent 11,591,393 B2

FOR PETITIONER:

Naveen Modi
Bruce Wexler
Preston Ratliff
Daniel Zeilberger
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
brucewexler@paulhastings.com
prestonratliff@paulhastings.com
danielzeilberger@paulhastings.com

FOR PATENT OWNER:

Nicholas Stephens
Grace Kim
Matthew Chun
Todd G. Miller
Kristi Sawert
FISH & RICHARDSON P.C.
nstephens@fr.com
gkim@fr.com
mchun@fr.com
miller@fr.com
sawert@fr.com