

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, the proceeding was closed to the public at times to allow the presentation of confidential information. When a transcript of the proceeding was available, the parties were given an opportunity to confer and jointly suggest redactions to the version of the transcript to be made publicly available.

The parties were unable to come to an agreement on redactions, disagreeing about the extent to which confidential information provided in Exhibit 1116 was discussed. (*See* Ex. 3011.) Patent Owner argues that statements regarding Exhibit 1116 should be redacted because public disclosure of the information contained in it would risk harm to Patent Owner by revealing confidential research and regulatory strategies. (*See id.*) Petitioner argues that even if the underlying document of Exhibit 1116 is confidential, the statements made did not reveal any confidential information. (*See id.*)

Petitioner included Exhibit 1116 in a Motion to Seal, indicating that “JHU produced these documents to Merck, and has indicated that these documents contain Highly Confidential Information.” (Paper 60, 2.) Because Exhibit 1116 was presented as being Highly Confidential subject to the Protective Order between the parties, we agree with Patent Owner that references to Exhibit 1116 should be redacted in the transcript of the oral argument.

ORDER

It is

ORDERED that a redacted transcript including all of the redactions indicated by either party be included in the public record.

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