

From: [Zeilberger, Daniel](#)
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Cc: [Ratliff, Preston K.](#); [Wexler, Bruce M.](#); [Modi, Naveen](#); [Stauring, Jessica](#); [PH-MSD-JHU-IPR](#); [Casey Kraning](#); [Nicholas Stephens](#); [IPR52261-0006IP1](#); [IPR52261-0007IP1](#); [IPR52261-0008IP1](#); [IPR52261-0012IP1](#)
Subject: IPR2024-00622, -623, -624, and -648
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Your Honors,

Petitioner Merck and Patent Owner JHU write pursuant to the September 20, 2025 General Order issued in IPR2024-00622, -623, -624, and -648. Nine IPR proceedings are identified as related under 37 C.F.R. § 42.8(b)(2): IPR2024-00240, -622, -623, -624, -625, -647, -648, -649, and -650. The Office has thus far issued Final Written Decisions in five of the nine related IPR proceedings (IPR2024-00240, -625, -647, -649, and -650). Petitioner believes that the patent claims in Patent Owner's nine patents, which claim priority to the same provisional applications and share the same specification, are substantially similar, and, as Patent Owner stated, raise "similar (if not identical)" issues of validity. (IPR2024-00240, Paper 92, at 3 (citing *Merck Sharp & Dohme LLC v. The Johns Hopkins Univ.*, No. 1-22-cv-03059-JRR, D.I. 51, at 4 (D. Md. Aug. 24, 2023) (JHU statement)).) Patent Owner consents to this submission out of an abundance of caution and does not necessarily agree that the claims at issue in these cases are "substantially similar."

With respect to IPR2024-00240, the Board issued its Final Written Decision on June 9, 2025, holding all 42 patent claims unpatentable as anticipated by the MSI-H Study Record ("MSR") and/or obvious over the MSR and additional references. (See Paper 90 at 2-3, 17-41 (anticipation), 41-50 (obviousness).) JHU subsequently requested Director Review of the Final Written Decision, and Merck filed an authorized response (Paper 92). The Director denied JHU's request on August 5, 2025. (Paper 93.). The Parties also subsequently requested cancellation of the oral hearings in the eight related IPR proceedings. (See IPR2024-00622, Ex. 3009; see also IPR2024-00622, Paper 58; IPR2024-00648, Paper 49.)

On September 18, 2025, the Board issued its Final Written Decision in related proceeding IPR2024-00625, holding all eight patent claims unpatentable as anticipated by the MSR and/or obvious over the MSR and additional references. (See Paper 60 at 2-3, 9-28 (anticipation), 28-37 (obviousness).)

On September 19, 2025, the Board issued its Final Written Decision in related proceeding IPR2024-00650, holding all 38 patent claims unpatentable as anticipated by the MSR and/or obvious over the MSR and additional references. (See Paper 52 at 2-3, 17-43 (anticipation), 43-52 (obviousness).)

On September 23, 2025, the Board issued its Final Written Decision in related proceeding IPR2024-00647, holding all 36 patent claims unpatentable as anticipated by the MSR and/or obvious over the MSR and additional references. (See Paper 53 at 2, 20-42 (anticipation), 42-50 (obviousness).) Additionally, the Board issued its Final Written Decision in related proceeding IPR2024-00649, holding all 28 patent claims unpatentable as anticipated by the MSR and/or obvious over the MSR and additional references. (See Paper 52 at 1, 20-43 (anticipation), 43-48 (obviousness).)

The Board's remaining related Final Written Decisions are presently due by November 7, 2025 (IPR2024-00622, -623, -624) and November 18, 2025 (IPR2024-00648).

Consistent with the General Order, and after consulting with the Board, the Parties will be prepared to file the following relevant materials (and anything additional identified by the Board) from related matters IPR2024-00240, IPR2024-00625, IPR2024-00647, IPR2024-00649, and IPR2024-00650:

- IPR2024-00240 Final Written Decision (Paper 90)
- IPR2024-00625 Final Written Decision (Paper 60)
- IPR2024-00647 Final Written Decision (Paper 53)
- IPR2024-00649 Final Written Decision (Paper 52)
- IPR2024-00650 Final Written Decision (Paper 52)
- IPR2024-00240 JHU Request for Director Review (Paper 91)
- IPR2024-00240 Merck Authorized Response to JHU Request for Director Review (Paper 92)
- IPR2024-00240 Order Denying Request for Director Review (Paper 93)

Respectfully submitted,

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