UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Merck Sharp & Dohme LLC,
Petitioner,

v.

Halozyme Inc.,
Patent Owner.

Case No. IPR2026-00312
U.S. Patent No. 10,865,400

DECLARATION OF BRIAN M. GOLDBERG

I, Brian M. Goldberg, declare:

1. I am a partner of the IP Litigation Group in the law firm of Dechert LLP in the Philadelphia Office. I am an experienced patent litigator and have litigated numerous cases for more than a decade, appearing and acting as counsel and lead counsel in litigation matters before various U.S. District Courts and U.S. Courts of Appeals, including on appeal before the U.S. Courts of Appeals for the Federal Circuit. The majority of these cases have been related to intellectual property disputes and, in particular, patent litigation, in the pharmaceutical and biologics industries.

2. In the past three years, I have been admitted *pro hac vice* in the following proceedings before the Office: *Merck Sharp & Dohme LLC v. Halozyme Inc.*, Case Nos. PGR2025-00003, PGR2025-00004, PGR2025-00006, PGR2025-00009, PGR2025-00017, PGR2025-00024, PGR2025-00030, PGR2025-00033, PGR2025-00039, PGR2025-00042, PGR2025-00046, PGR2025-00050, PGR2025-00052, and PGR2025-00053. Contemporaneous with my application for admission in this matter, I am also applying for admission in IPR2026-00313 and IPR2026-00314.

3. I am a member in good standing in all jurisdictions and courts where I have been admitted to practice. This includes the bars in the State of New Jersey,

New York, and Pennsylvania as well as the following courts: United States Court of Appeals for the Federal Circuit, United States District Courts for the Southern and Eastern Districts of New York, and the United States District Court for the District of New Jersey.

4. I have never been suspended or disbarred from practice before any court or administrative body.

5. I have never been denied admission to practice before any court or administrative body.

6. No court or administrative body has ever imposed sanctions or contempt citations on me.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. part 42.

8. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq*. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. I have an established familiarity with the challenged patent U.S. Patent No. 10,865,400 ("'400 patent"), the filings, the prior art, and the subject matter more generally at issue in this proceeding. I am also counsel of record for Defendant in current litigation involving the '400 patent before the United States

District Court for the District of New Jersey (*Halozyme Inc., v. Merck Sharp and Dohme LLC*, C.A. No. 2:25-03179 (D. NJ)).

10. I have engaged, and will continue to engage, in strategic and substantive discussions regarding the legal and technical positions advanced in this proceeding with our team, including Lead Counsel and Backup Counsel for Petitioner in this proceeding.

* * * *

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willfully false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Dated: May 5, 2026

Respectfully submitted,

By: /*Brian M. Goldberg*/

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