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

PETITIONER'S MOTION TO SEAL

I. Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14, 42.54, 35 U.S.C. § 326(a)(1), the Patent Trial and Appeal Board's ("PTAB") Consolidated Trial Practice Guide, Section I.E., and the Default Protective Order filed on May 27, 2026, Petitioner moves to seal the confidential version of Petitioner's Reply to Patent Owner's Discretionary Denial Brief and exhibits thereto according to the terms of the Default Protective Order filed in this proceeding by Patent Owner.

II. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The Consolidated Trial Practice Guide provides that "the rules aim to strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." Consolidated Trial Practice Guide ("TPG"), § I(E). The rules also "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development or commercial information." *Id.* § I(E)(2) (citing 37 C.F.R. § 42.54).

Based on the procedure provided in the TPG, Petitioner seeks to prevent the disclosure of its confidential information.

III. IDENTIFICATION OF CONFIDENTIAL INFORMATION

Specifically, Petitioner seeks to prevent disclosure of its confidential information contained in the following documents. With the exception of Petitioner's Reply to Patent Owner's Discretionary Denial Brief, which is being filed for the first time in this proceeding, all of the materials below have previously been filed under motions to seal that were granted by the Board in parallel PGR proceedings. *See e.g.*, PGR2025-00003, Papers 62, 78, 92, 102, 112, 115.

1. Petitioner's Reply to Patent Owner's Discretionary Denial Brief
2. EX1224: Declaration of Kelly Grez – Protective Order Material
3. EX1236: Jennifer_Zachary WD_Redacted – Protective Order Material
4. EX1242: ZacharyJennifer ADP_Redacted – Protective Order Material
5. EX1244: 2024 Form 851 Affiliations Schedule
6. EX1251: PGR2025-00003 EX2401 – E-mail Correspondence between Counsel for Petitioner and Patent Owner, November 11, 2025 – January 6, 2026
7. EX1252: PGR2025-00003 EX2402 – MERCK_PGR00006-34 – MERCK_PGR00006 – 30 November 2023 Merck 031988 Master Agreement - executed 49326153-3216 1_Redacted
8. EX1253: PGR2025-00003 EX2403 – MERCK_PGR00056-85 – MSA - Term 4 - Dechert LLP_Signed_Redacted
9. EX1254: PGR2025-00003 EX2404 – MERCK_PGR00467-473 – Mark Stewart Offer Letter_Redacted
10. EX1255: PGR2025-00003 EX2405 – MERCK_PGR00052-55 – Hecht Engagement Letter (719)_Signed (Redacted)_Redacted
11. EX1256: PGR2025-00003 EX2406 – MERCK_PGR00086-89 – Park Engagement Letter with signature - sjp (redacted)_Redacted

12. EX1258: PGR2025-00003 EX2426 – MERCK_PGR00035 - 20250813 Payment Remittance (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

13. EX1259: PGR2025-00003 EX2427 – MERCK_PGR00042 - Dechert T360 Halozyme (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

14. EX1260: PGR2025-00003 EX2428 – MERCK_PGR00045 - FW_ Attn_ Accounts Receivable Dept (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

15. EX1261: PGR2025-00003 EX2429 – MERCK_PGR00049 - Halozyme - 202000447 - Invoices (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

16. EX1262: PGR2025-00003 EX2430 – MERCK_PGR00465 - Mark Stewart Payroll Statement (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

17. EX1263: PGR2025-00003 EX2431 – MERCK_PGR00001 - Ginkel Organization Screen Shot (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

18. EX1264: PGR2025-00003 EX2432 – MERCK_PGR00002 - Lally Organization Screen Shot (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

19. EX1265: PGR2025-00003 EX2433 – MERCK_PGR00003 - Majchrzak Organization Screen Shot (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

20. EX1266: PGR2025-00003 EX2434 – MERCK_PGR00004 - Stewart Organization Screen Shot (CONFIDENTIAL - PROTECTIVE ORDER MATERIAL)

21. EX1267: PGR2025-00003 EX2435 – MERCK_PGR00005 – Workday - Su Organization Screen Shot

22. EX1268: PGR2025-00003 EX2436 – MERCK_PGR00036 – 20250903 Payment Remittance_Redacted

23. EX1269: PGR2025-00003 EX2437 – MERCK_PGR00037 – 20251001 Payment Remittance_Redacted

24. EX1270: PGR2025-00003 EX2438 – MERCK_PGR00038-39 – 20251203 Payment Remittance_Redacted

25. EX1271: PGR2025-00003 EX2439 – MERCK_PGR00040-41 – 20251215 Payment Remittance_Redacted

26. EX1272: PGR2025-00003 EX2440 – MERCK_PGR00046 – FW_ Attn_ Accounts Receivable Dept - PAYMENT REMITTANCE DETAIL (Oct 2025)_Redacted

27. EX1273: PGR2025-00003 EX2441 – MERCK_PGR00047 – FW_ Attn_ Accounts Receivable Dept - PAYMENT REMITTANCE DETAIL (Sept 2025)_Redacted

28. EX1274: PGR2025-00003 EX2442 – MERCK_PGR00048 – Halozyme - 202000447 - Invoice IN00125072310 Review History

29. EX1275: PGR2025-00003 EX2443 – MERCK_PGR00050 – Halozyme - 202000447 - Invoices 5_1_2024-12_22_2025_2 of 3_Redacted

30. EX1276: PGR2025-00003 EX2444 – MERCK_PGR00051 – Halozyme - 202000447 - Invoices 5_1_2024-12_22_2025_3 of 3_Redacted

A. Petitioner's Reply to Patent Owner's Discretionary Denial Brief

Petitioner seeks to prevent the disclosure of confidential information contained in Petitioner's Reply to Patent Owner's Discretionary Denial Brief, which discusses Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The discussions of Petitioner's information and documents include references to certain categories of confidential information. The documents and information contained therein are

indeed confidential, the information sought to be sealed has not been published or otherwise made public. Petitioner has, to the best of its ability, limited the material in its Reply to Patent Owner's Discretionary Denial Brief to non-confidential information. A public, redacted version of Reply to Patent Owner's Discretionary Denial Brief is filed herewith.

B. Petitioner's Exhibits 1224

Petitioner seeks to prevent the disclosure of confidential information contained in the Declaration of Kelly Grez, which discusses Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The discussions of Petitioner's information and documents include references to certain categories of confidential information. Such material includes confidential and highly sensitive information relating to employee records of Petitioner, engagement letters with counsel, and Petitioner's tax filings and payment records that have not been published or otherwise made public. The documents and information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public. Petitioner has, to the best of its ability, limited the material in the Declaration of Kelly Grez to non-confidential information. A public, redacted version of the Declaration of Kelly Grez is filed herewith. The Board has

previously granted a motion to seal this exhibit in parallel PGR proceedings. *See e.g.*, PGR2025-00003, Papers 112, 115.

C. Petitioner's Exhibits 1236 and 1242

Petitioner seeks to prevent the disclosure of confidential information contained in Exhibits 1236 and 1242, which are Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The information contained therein is confidential and highly sensitive information relating to employee records of Petitioner that have not been published or otherwise made public. The Board has previously granted a motion to seal these exhibits in parallel PGR proceedings. *See e.g.*, PGR2025-00003, Papers 92, 102.

D. Petitioner's Exhibits 1244

Petitioner seeks to prevent the disclosure of confidential information contained in Exhibit 1244, which are Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The information contained therein is confidential and highly sensitive information relating to Petitioner's tax filings that have not been published or otherwise made public. The Board has previously granted a motion to seal this exhibit in parallel PGR proceedings. *See e.g.*, PGR2025-00003, Papers 92, 102.

E. Petitioner's Exhibits 1251–1256, and 1258–1276

Petitioner seeks to prevent the disclosure of confidential information contained in Exhibits 1251–1256, and 1258–1276, which are Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The information contained therein is confidential and highly sensitive information relating to employee records of Petitioner that have not been published or otherwise made public. The Board has previously granted a motion to seal these exhibits in parallel PGR proceedings. *See e.g.*, PGR2025-00003, Papers 62, 78.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board seal the confidential version of Petitioner's Reply to Patent Owner's Discretionary Denial Brief and Exhibits 1224, 1236, 1242, 1244, 1251–1256, and 1258–1276.

Dated: June 29, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 29th day of June, 2026, I caused to be served a true and correct copy of the foregoing by e-mail on the following counsel of record for Patent Owner:

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