

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 NOTICE OF *SOTERA* PLUS STIPULATION

Petitioner Merck Sharp & Dohme LLC (“Petitioner”) hereby notifies the Board and Patent Owner that Petitioner is submitting the following broadened *Sotera* stipulation (“*Sotera* Plus stipulation”) in connection with the Petition in IPR2026-00312. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18–19 (PTAB Dec. 1, 2020) (“*Sotera*”) (describing the standard, unbroadened *Sotera* stipulation).

Petitioner hereby stipulates that, broader than the stipulation made by the petitioner in *Sotera*, if and when the Board institutes *inter partes* review (and that institution is not subsequently vacated) in this proceeding (IPR2026-00312), Petitioner will not advance in the co-pending district court proceeding, *Halozyme, Inc. v. Merck Sharp & Dohme LLC*, Case No. 2-25-cv-03179 (D.N.J.): (i) the specific grounds raised in this proceeding; or (ii) any other ground that reasonably could have been raised in this proceeding. (i.e., any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on a combination of system prior art and the references asserted as part of a ground raised in IPR2026-00312.

Petitioner’s *Sotera* Plus stipulation above is not intended and should not be construed to limit Petitioner’s ability to assert invalidity of any claims of the patents-at-issue in the co-pending lawsuit based on any other ground.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 21st day of July, 2026, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by e-mail on the following counsel:

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Respectfully Submitted,

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