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. PGR2025-00003
U.S. Patent No. 11,952,600

Declaration of Jeffrey P. Kushan for Petitioner's Reply

I, Jeffrey P. Kushan, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Sidley Austin LLP.

2. I provide this declaration in connection with the above-identified post grant review proceeding before the United States Patent and Trademark Office and initiated by Merck Sharp & Dohme LLC ("Merck") against Halozyme Inc. under 35 U.S.C. § 321. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. For each of the exhibits addressed below, an exhibit label and page numbers have been added, but no other alterations have been made. Where the exhibit is a PDF generated from a webpage displayed in a web browser, the PDF may contain information in the header and footer (*e.g.*, the URL, the title of the page being displayed, or similar items), which was generated automatically by the web browser displaying the page.

4. EX1154 is a document mapping citations in Merck's Petitioner Reply (Paper 68) and the Declaration of James Naismith, Ph.D. (EX1133) to U.S. Patent No. 11,952,600 ("the '600 Patent") to corresponding text in U.S. Patent Application No. 13/694,731 ("the '731 Application"). This mapping was prepared by staff at my law firm working under my supervision, and is true and accurate to the best of my knowledge.

5. Exhibit 1193 ("CDC Press Release: 'Highly Pathogenic Avian Influenza A (H5N1) Virus Infection Reported in a Person in the U.S.'") is a true and correct copy of the web page available from the following URL: https://www.cdc.gov/media/releases/2024/p0401-avian-flu.html.

I, Jeffrey P. Kushan, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code.

Dated: January 20, 2026

Respectfully Submitted,

/Jeffrey P. Kushan

Jeffrey P. Kushan

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