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Paper 81
Entered: February 13, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner,

v.

HALOZYME, INC.,
Patent Owner.

PGR2025-00003 (11,952,600 B2)	PGR2025-00046 (12,091,692 B2)
PGR2025-00004 (12,018,298 B2)	PGR2025-00024 (12,060,590 B2)
PGR2025-00006 (12,152,262 B2)	PGR2025-00030 (12,054,758 B2)
PGR2025-00009 (12,123,035 B2)	PGR2025-00052 (12,264,345 B1)
PGR2025-00017 (12,110,520 B2)	PGR2025-00042 (12,037,618 B2)
PGR2025-00033 (12,049,652 B2)	PGR2025-00050 (12,077,791 B2)
PGR2025-00039 (12,104,185 B2)	PGR2025-00053 (12,195,773 B2)

Before JEFFREY N. FREDMAN, SUSAN L. C. MITCHELL, CYNTHIA M. HARDMAN, and MICHAEL A. VALEK, *Administrative Patent Judges.*[1]

PER CURIAM

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

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[1] This Order addresses issues in each of the identified proceedings.We exercise our discretion to issue one Order to be filed in each proceeding. This is not a decision by an expanded panel of the Board. Rather, the listed judges are paneled on various of the listed cases.

Patent Owner Halozyme Inc. sought authorization to file a motion to terminate these proceedings because of the alleged failure of Petitioner Merck Sharp & Dohme LLC to name its corporate parent Merck & Co., Inc. ("MCI") as a real party-in-interest ("RPI"), hereinafter "the Motion." *See* Ex. 3102 (email to Board dated Feb. 5, 2026). As we understand it, the primary dispute for the Motion is whether MCI is, in fact, a RPI to these proceedings.

We previously indicated that we would allow the Motion and asked the parties to meet and confer to discuss a briefing schedule. Paper 75, 5.[2] The parties submitted competing proposals for that schedule. Ex. 3001 (email to Board dated Feb. 11, 2026).

On February 12, 2026, we held a conference call with the parties to discuss the briefing schedule for the Motion. We noted that both sides agreed that briefing on the Motion could be complete in advance of the oral hearing in the first set of these cases on March 2, 2026, and that each side would be allotted additional time during that hearing to address the Motion. We also proposed a compromise briefing schedule that would give both sides the same total number of pages (twenty-five) for common briefing filed in all fourteen cases, while allowing Patent Owner to reserve up to five of its twenty-five page total for a reply. New exhibts could be offered with the Motion and Opposition, but not in reply. The parties indicated this proposal was reasonable and that neither side anticipated offering new declaration testimony, which might delay the schedule.

[2] We refer to the paper and exhibit numbers in PGR2025-00003. The same order was filed in the other captioned proceedings.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner may file the Motion in each of the fourteen captioned cases. Patent Owner's Motion shall be the same in all fourteen cases and filed no later than 5 pm EST on February 16, 2026, along with any new exhibits offered in support of the Motion.

ORDERED that Petitioner may file an opposition to the Motion. Petitioner's Opposition shall be the same in all fourteen cases and filed no later than 5 pm EST on February 24, 2026, along with any new exhibits offered in support of the Opposition.

ORDERED that each side is allowed up to a total of 25 pages for their briefing. Patent Owner may reserve up to 5 pages of that total for a reply, which shall be the same in all fourteen cases and filed no later than midnight EST on February 26, 2026. No new exhibits are authorized with that reply.

FURTHER ORDERED that the parties are authorized to use the common style heading in this order for their papers relating to the Motion.

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