

From: [Director_PTABDecision_Review](#)
To: [Peterson, Leif; eellison-ptab@sternekessler.com; Kushan, Jeffrey P.; dholman-ptab@sternekessler.com; jchagnon-ptab@sternekessler.com; tliu-ptab@sternekessler.com; tpowers-ptab@sternekessler.com; blaine.hackman@dechert.com; mark.stewart@merck.com; ahaddach@halozyme.com; Halozyme PGRs; Merck-Halozyme-Dechert](#)
Subject: RE: PGR2025-00003: Director Review Request -Petitioner - Authorized to respond to argument
Date: Tuesday, June 16, 2026 7:04:00 AM

Counsel,

Petitioner is authorized only to respond to arguments presented in Patent Owner's Request for Director Review of the Final Written Decision, filed on June 11, 2026 (Paper 142).

Thanks.

PGR2025-00003
Ex. 3105

From: Peterson, Leif <leif.peterson@Sidley.com>
Sent: Friday, June 12, 2026 9:46 AM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; eellison-ptab@sternekessler.com; Kushan, Jeffrey P. <jkushan@sidley.com>; dholman-ptab@sternekessler.com; jchagnon-ptab@sternekessler.com; tliu-ptab@sternekessler.com; tpowers-ptab@sternekessler.com; blaine.hackman@dechert.com; mark.stewart@merck.com; ahaddach@halozyme.com
Cc: Halozyme PGRs <HalozymePGRs@sidley.com>; Merck-Halozyme-Dechert <merck-halozyme-dechert@dechert.com>
Subject: RE: PGR2025-00003: Director Review Request

You don't often get email from leif.peterson@sidley.com. [Learn why this is important](#)

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Honorable Director,

Petitioner seeks a clarification that the Director's authorization is for a response to Patent Owner's June 11, 2026 Request for Director Review request (Paper 142). Petitioner seeks this clarification because on May 26, 2026 Patent Owner filed another paper (Paper 140) that is labeled a "Director Review" request (i.e., "Patent Owner's Request for Director Review of Order Denying Patent Owner's Motion to Terminate"). Pursuant to 37 C.F.R. 42.75(a), a party cannot seek Director Review of an interlocutory order that is not a "final decision under [35 U.S.C. § 328], any decision granting rehearing of such a decision, or any other decision concluding a proceeding brought under [35 U.S.C. § 321]." The subject of Paper 140 is the Board's denial of Patent Owner's motion to terminate, which is an interlocutory order because it did not conclude the proceeding.

Petitioner also seeks clarification regarding whether the Director considers the arguments in Paper 140 to be properly incorporated by reference into Paper 142. See Paper 142 at 2 ("Halozyme's May 26, 2026 Request for Director Review (Paper 140) sets forth in detail the basis for termination of this proceeding."). Such incorporation by reference violates Office rules stating: "Arguments must not be incorporated by reference from one document into

another document. Combined motions, oppositions, replies, or other combined documents are not permitted.” 37 CFR 42.6(a)(3). Adherence to this rule supports fairness and efficiency, including compliance with page limits. Patent Owner’s combined requests (Paper 140 and Paper 142) present nineteen pages of argument, exceeding the fifteen-page limit of 37 C.F.R. § 42.24(a)(1)(v). Petitioner respectfully submits that the attempted incorporation by reference of Paper 140 was improper and therefore should not be considered.

To the extent the Director may consider arguments made by Patent Owner in Paper 140, Petitioner seeks leave to file a separate response to that paper.

If the Director believes that a discussion with the parties would help address these issues, Petitioner will be available at the Director’s convenience.

Thank you,
Leif Peterson
LEIF E. PETERSON II

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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Thursday, June 11, 2026 10:04 PM
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Subject: RE: PGR2025-00003: Director Review Request

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Counsel,

Patent Owner’s request for Director Review has been received in the above-referenced case. Petitioner is authorized to submit a response limited to the issues raised in the Director Review request, of no more than 15 pages, to be filed within five business days of this email. Any such response must be filed in P-TACTS, i.e., by selecting the “Other: other” paper type and the paper must be titled “Authorized Response to Director Review Request” or it may not be considered. No new evidence is permitted. No further briefing is authorized at this time.

The Director will determine whether review will be granted or denied and the parties will be notified of the result of the Director Review request.

Thank you.

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