UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner

v.

HALOZYME INC.,
Patent Owner

Case PGR2025-00006
U.S. Patent No. 12,152,262

PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY

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PATENT OWNER'S UPDATED EXHIBIT LIST

Ex. No.	Description
2001	Declaration of Barbara Triggs-Raine, Ph.D. in support of Patent Owner Preliminary Response (WITHDRAWN)
2002	*Curriculum Vitae* of Barbara Triggs-Raine, Ph.D.
2003	Disclaimer in a Patent under 37 C.F.R. § 1.321(a), filed in U.S. Patent Application No. 18/340,802, April 8, 2025
2004	"Halozyme Therapeutics to Present Data on PEGPH20 at the Upcoming 2011 EORTC-NCIASCO Annual Meeting," Halozyme Therapeutics, Inc. Press Release, October 24, 2011
2005	LinkedIn profiles of Michael Shepard, Robert Connor, Ge (Gina) Wei, and Qiping Zhao
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2065	Declaration of Michael Hecht, Ph.D. (Exhibit 1003), *Merck Sharp & Dohme LLC v. Halozyme Inc.*, Case No. PGR2025-00046 (P.T.A.B.), April 29, 2025
2066	Declaration of Michael Hecht, Ph.D. (Exhibit 1003), *Merck Sharp & Dohme LLC v. Halozyme Inc.*, Case No. PGR2025-00053 (P.T.A.B.), June 6, 2025
2067	Declaration of Michael Hecht, Ph.D. (Exhibit 1003), *Merck Sharp & Dohme LLC v. Halozyme Inc.*, Case No. PGR2025-00052 (P.T.A.B.), June 27, 2025
2068	Declaration of Melanie A. Simpson, Ph.D. in Support of Patent Owner's Response
2069	*Curriculum Vitae* of Melanie A. Simpson, Ph.D.
2070	Declaration of Gregory A. Petsko, Ph.D. in Support of Patent Owner's Response
2071	*Curriculum Vitae* of Gregory A. Petsko, Ph.D.
2072	Declaration of Gary N. Cherr, Ph.D. in Support of Patent Owner's Response
2073	*Curriculum Vitae* of Gary N. Cherr, Ph.D.
2074	Declaration of James J. Moon, Ph.D. in Support of Patent Owner's Response
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2169	"BLAST Topics," National Institutes of Health (accessible at https://blast.ncbi.nlm.nih.gov/doc/blast-topics, last accessed September 22, 2025)
2170	Chain, E. et al., "Identity of Hyaluronidase and Spreading Factor," *British Journal of Experimental Pathology*, 21(6):324-338 (1940)
2171	Tollner, T. et al., "Macaque Sperm Release ESP13.2 and PSP94 During Capacitation: The Absence of ESP13.2 Is Linked to Sperm-Zona Recognition and Binding," *Molecular Reproduction and Development*, 69:325-337 (2004)
2172	Yudin, A. et al., "Characterization of the active site of monkey sperm hyaluronidase," *Reproduction*, 121:735-743 (2001)
2173	Yudin, A. et al., "PH-20 but Not Acrosin Is Involved in Sperm Penetration of the Macaque Zona Pellucida," *Molecular Reproduction and Development*, 53:350-362 (1999)
2174	Errata from Park Deposition (introduced during Park deposition and marked by court reporter as "Park 2068")

Ex. No.	Description
2175	Mutational Analysis Table, 2024-11-7, Native Excel File (introduced during Park deposition and marked by court reporter as "Park 2069")
2176	Mutational Analysis Table, 2024-11-7, PDF File (introduced during Park deposition and marked by court reporter as "Park 2070")
2177	E-mail Correspondence dated August 14, 2025
2178	1LOH pdb file
2179	1FCV pdb file
2180	2PE4 pdb file
2181	8SMN pdb file
2182	L317H Swiss Model
2183	L317I Swiss Model
2184	L317K Swiss Model
2185	L317M Swiss Model
2186	L317Q, N47A, N219A Swiss Model
2187	L317Q, N47A, N131A Swiss Model
2188	L317Q, N47A, N131A, N219A Swiss Model
2189	L317Q, N131A, N219A Swiss Model
2190	Orangutan L317Q Swiss Model
2191	PH20 Swiss Model
2192	L317Q Swiss Model
2193	L317R Swiss Model
2194	L317S Swiss Model
2195	Chimpanzee L317Q Swiss Model
2196	Gibbon L317Q Swiss Model
2197-2399	*Intentionally Left Blank*
2400	Merck & Co., Inc. Form 10-Q, Securities and Exchange Commission, November 5, 2025
2401	E-mail Correspondence between Counsel for Petitioner and Patent Owner, January 6, 2026 (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2402	MERCK_PGR00006 - 30November2023 Merck 031988 Master Agreement - executed 4932-6153-3216 1_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2403	MERCK_PGR00056 - MSA - Term 4 - Dechert LLP_Signed_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)

Ex. No.	Description
2404	MERCK_PGR00467 - Mark Stewart Offer Letter_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2405	MERCK_PGR00052 - Hecht Engagement Letter (7-19)_Signed (Redacted)_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2406	MERCK_PGR00086 - Park Engagement Letter with signature - sjp (redacted)_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2407	"Executive team," MSD, accessible at http://www.msd.com/company-overview/leadership/executive-team/ (last accessed January 5, 2026)
2408	"Executive team," Merck, accessible at http://www.merck.com/company-overview/leadership/executive-team/ (last accessed January 5, 2026)
2409	"Board of directors," MSD, accessible at http://www.msd.com/company-overview/leadership/board-of-directors/ (last accessed January 5, 2026)
2410	"Board of directors," Merck, accessible at http://www.merck.com/company-overview/leadership/ board-of-directors/ (last accessed January 5, 2026)
2411	"Contact us," MSD, accessible at http://www.msd.com/contact-us/ (last accessed January 5, 2026)
2412	"Contact us," Merck, accessible at http://www.merck.com/contact-us/ (last accessed January 5, 2026)
2413	"Who we are," MSD, accessible at http://www.msd.com/company-overview/ (last accessed January 5, 2026)
2414	"Who we are," Merck, accessible at http://www.merck.com/company-overview/ (last accessed January 5, 2026)
2415	Merck & Co., Inc. Form 10-K, Securities and Exchange Commission, February 25, 2025
2416	USPTO OED Practitioner Search - Mark J. Stewart
2417	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00240 (P.T.A.B.), November 30, 2023
2418	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00622 (P.T.A.B.), March 4, 2024

Ex. No.	Description
2419	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00623 (P.T.A.B.), March 4, 2024
2420	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00624 (P.T.A.B.), March 4, 2024
2421	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00625 (P.T.A.B.), March 4, 2024
2422	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00647 (P.T.A.B.), March 13, 2024
2423	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00648 (P.T.A.B.), March 13, 2024
2424	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00649 (P.T.A.B.), March 13, 2024
2425	Petition for *Inter Partes* Review, *Merck Sharp & Dohme LLC v. The Johns Hopkins University*, IPR2024-00650 (P.T.A.B.), March 13, 2024
2426	MERCK_PGR00035 - 20250813 Payment Remittance_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2427	MERCK_PGR00042 - Dechert T360 Halozyme - 202500327_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2428	MERCK_PGR00045 - FW_ Attn_ Accounts Receivable Dept - PAYMENT REMITTANCE DETAIL (Nov 2025)_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2429	MERCK_PGR00049 - Halozyme - 202000447 - Invoices 5_1_2024-12_22_2025_1 of 3_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2430	MERCK_PGR00465 - Mark Stewart Payroll Statement for Dec 12 2025_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2431	MERCK_PGR00001 - Workday - Ginkel Organization Screen Shot (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)

Ex. No.	Description
2432	MERCK_PGR00002 - Workday - Lally Organization Screen Shot (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2433	MERCK_PGR00003 - Workday - Majchrzak Organization Screen Shot (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2434	MERCK_PGR00004 - Workday - Stewart Organization Screen Shot (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2435	MERCK_PGR00005 - Workday - Su Organization Screen Shot (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2436	MERCK_PGR00036 - 20250903 Payment Remittance_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2437	MERCK_PGR00037 - 20251001 Payment Remittance_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2438	MERCK_PGR00038 - 20251203 Payment Remittance_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2439	MERCK_PGR00040 - 20251215 Payment Remittance_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2440	MERCK_PGR00046 - FW_ Attn_ Accounts Receivable Dept - PAYMENT REMITTANCE DETAIL (Oct 2025)_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2441	MERCK_PGR00047 - FW_ Attn_ Accounts Receivable Dept - PAYMENT REMITTANCE DETAIL (Sept 2025)_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2442	MERCK_PGR00048 - Halozyme - 202000447 - Invoice IN00125072310 Review History (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2443	MERCK_PGR00050 - Halozyme - 202000447 - Invoices 5_1_2024-12_22_2025_2 of 3_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2444	MERCK_PGR00051 - Halozyme - 202000447 - Invoices 5_1_2024-12_22_2025_3 of 3_Redacted (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)
2445	By-Laws of Merck & Co., Inc., Effective as of November 19, 2024

As authorized by email on December 19, 2025, Patent Owner Halozyme, Inc., moves for additional discovery from Merck Sharp & Dohme LLC ("MSD").

I. INTRODUCTION: DISCOVERY IS WARRANTED

The Petition here names Petitioner MSD as the *sole* real party-in-interest ("RPI"). *See*, *e.g.*, Pet. at 6. But information obtained by Halozyme indicates that Merck & Co., Inc. ("Merck & Co."), MSD's corporate parent, should have been named as an RPI. Unredacted versions of documents Halozyme seeks via this motion are highly relevant because, as held in *Corning*, a petition that fails to identify all RPI cannot be considered by the Board. *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 at 24 (P.T.A.B. Aug. 18, 2015) (designated precedential Oct. 28, 2025) ("*Corning*").

Even if Petitioner chooses later to amend its Petition to correctly name all RPI, under *Corning*, the Petition will be given a new filing date, which will render it ineligible for PGR review because that date would be after the statutory deadline to file a PGR. 37 C.F.R. § 42.206; *see Corning* at 23-25. In that situation, as in *Corning*, the Board should dismiss the Petition for failure to name all RPI, vacate the Decision on Institution, and terminate the proceeding.[1] *Corning* at 23-25.

In this motion, Halozyme seeks targeted discovery from MSD as it relates to

[1] Halozyme expects to request leave to file a motion to dismiss the Petition after the additional discovery process concludes.

RPI. After previously refusing to produce any documents, and only after this motion was authorized, Petitioner reversed course and produced documents containing *extensive* unjustified redactions. This motion merely seeks production of unredacted versions of already produced documents. *See* EX2402-EX2406, EX2426-EX2430, EX2436-EX2441, and EX2443-EX2444.

As discussed below, information available so far indicates, beyond a mere possibility or speculation, that the requested additional discovery is likely to uncover evidence confirming that at least MSD's parent company, Merck & Co., is an unnamed RPI. *See infra* 8-9. For instance, Petitioner admitted after being pressed by Halozyme that it had "[redacted]" EX2401 at 5 (Dec. 30, 2025 email). Yet Petitioner still refuses to produce unredacted versions of the already produced documents. Those documents and other evidence will likely reveal blurred corporate lines between MSD and Merck & Co., as well as the ability of Merck & Co. to control and fund this PGR proceeding. *Id*.; *Corning* at 15.

Good cause exists for the Board to grant this motion, which merely asks the Board to require Petitioner to produce unredacted copies of documents it has already produced. It is clear from redacted versions already that, at minimum, unredacted versions of these documents are likely relevant to the issue of blurred

lines between MSD and Merck & Co. Unredacted versions of these documents may be produced under seal, per the Board's Default Protective Order, already agreed to by the parties. 37 C.F.R. § 42.224(a); 35 U.S.C. § 326(a)(1), (5).

II. BACKGROUND: PETITIONER HAS REFUSED TO PROVIDE UNREDACTED VERSIONS OF RELEVANT DOCUMENTS

Petitioner has serially filed 15 PGR Petitions challenging 15 related patents owned by Halozyme. All 15 Petitions name MSD as the *sole* RPI. *See*, *e.g.*, Pet. at 6. Meanwhile, after several of the PGR Petitions were filed, Halozyme filed a lawsuit alleging that MSD's product, KEYTRUDA QLEX™, a second generation KEYTRUDA® product, infringes 12 of Halozyme's patents now involved in these PGR proceedings. EX2058.

On October 28, 2025, the USPTO Director designated *Corning* precedential for its holding that petitions failing to identify all RPI "have not met the requirements" of 35 U.S.C. § 322(a)(2), "and, therefore, are incomplete and cannot be considered." *Corning* at 24. Once *Corning* was designated precedential, rendering the RPI issue outcome-dispositive, Halozyme immediately investigated the issue and contacted Petitioner seeking relevant discovery. Petitioner refused to produce any discovery. Halozyme promptly contacted the Board and sought authorization for this motion, which the Board granted. EX2401 at 2-3.

After that authorization, Petitioner finally provided requested information and *heavily redacted* documents on December 23, 2025, while again maintaining

that Merck & Co. is not an RPI. EX2401 at 7-10 (Dec. 23, 2025 email).

Thereafter, Halozyme has repeatedly requested unredacted versions of the produced documents, and Petitioner has repeatedly refused. EX2401 at 2-3, 5. In doing so, Petitioner has effectively asserted that Halozyme must accept that the redacted portions are irrelevant simply because Petitioner says so.

III. ARGUMENT: PETITIONER SHOULD PROVIDE UNREDACTED VERSIONS OF ALL DOCUMENTS

In this motion, Halozyme requests *unredacted* versions of *all* documents already produced by Petitioner. Some of the most relevant and heavily redacted documents include, for example:

- Engagement Letters for Petitioner's two outside law firms, with Guideline attachments and exhibits, which currently include heavy redactions to entire sections (~75% of ~30 pages), *see* EX2402, EX2403 (MERCK_PGR00006-034 and MERCK_PGR00056-85);
- Retainer letters for Petitioner's experts Dr. Hecht (MERCK_PGR00052-055) and Dr. Park (MERCK_PGR00086-89), which currently redact entire sections (in 2 out of 3 pages). *See* EX2405, EX2406.
- Employment Offer Letter of Petitioner's back-up counsel Mark Stewart. which currently includes heavy redactions to entire sections (>70% of 7 pages), *see* EX2404 (MERCK_PGR00467-473);

Halozyme requests unredacted versions of these and other documents that Petitioner produced on December 23, 2025. *See* EX2402-EX2406, EX2426-EX2430, EX2436-EX2441, and EX2443-EX2444.

Notwithstanding Petitioner's conclusory statements to Halozyme, many of the redacted portions of the produced documents appear highly relevant and non-privileged. For instance, Petitioner admitted for the first time in its December 30, 2025 email that Mr. Stewart's Offer Letter "[redacted]" EX2401 at 5 (Dec. 30, 2025 email). Despite Halozyme's request, Petitioner has not produced an unredacted version of even this portion of his Offer Letter.

As other examples, the two outside counsel engagement agreements include sections [redacted]. It is likely that these sections contain information that bears on the issue of RPI; for example, one or more of these sections is likely to identify or refer to MSD affiliates or corporate partners. As a matter of fairness, Halozyme needs to determine for itself whether these redacted sections are relevant to the issue of RPI and not merely depend on Petitioner's allegations that they are not.

Halozyme thus requests in this motion unredacted versions of the documents (*see* EX2402-EX2406, EX2426-EX2430, EX2436-EX2441, EX2443-EX2444), except to the extent the redacted information is privileged, reflects specific dollar amounts in relation to payment remittances or Mr. Stewart's compensation, or contains information entirely personal to Mr. Stewart, such as his social security

number or home address. EX2401 at 3-4 (Jan. 1, 2026 email). To the extent any information is redacted for these reasons, Halozyme also requests that Petitioner provide a log identifying each document by Bates number, and the exact basis for each individual redaction. *Id*.

When attempting to justify its heavy redactions, Petitioner cited rules and Board decisions that merely discuss when additional discovery is warranted at all. Nothing in those rules or Board decisions authorizes extensive redactions of the type that Petitioner applied here. EX2401 at 5 (Dec. 30, 2025 email). For example, 37 C.F.R. § 42.51(b)(2) and § 42.224 merely state in relevant part that additional discovery "is limited to evidence directly related to factual assertions advanced by either party in the proceeding." But Halozyme's request *is* directly related to a factual assertion it advances, i.e., the Petition fails to name all RPI because it should have named Merck & Co. in addition to MSD.

The two Board decisions Petitioner cited are also inapposite. EX2401 at 2-3 (Jan. 2, 2026 email) (citing *Unified Patents, LLC v. American GNC Corp*., IPR2019-00505, Paper 20 (PTAB Apr. 12, 2019) and *New World Medical, Inc. v. MicroSurgical Tech., Inc*., IPR2020-01573, Paper 13 (PTAB Dec. 10, 2020)). *Unified Patents* does not address whether a producing party can unilaterally redact portions of a document it deems to be irrelevant in an otherwise relevant document. And *New World Medical* noted that, in contrast to the situation here,

"very little [was] masked by redaction" and that "[a]lmost all of the language of the license agreement is accessible, with only the most specific financial terms redacted." *Id.* at 6. These specific financial terms had no bearing on RPI. *Id*. Here, on the other hand, whole sections of many documents are redacted.

It is clear from the very cases and quotes that Petitioner selects that these Board decisions do not stand, at all, for the proposition that a party may redact *ad libitum* from discovery it produces. In fact, no Board rule or decision supports Petitioner's heavy redactions. Indeed, it would frustrate the purpose of discovery, not to mention invite gamesmanship, to allow a party to selectively redact information it judges is irrelevant in otherwise relevant documents. Moreover, especially here, where the parties have already agreed that the production will be covered by the Board's default protective order, there is no justification merely because the redacted information is allegedly "sensitive."

The facts here are strikingly similar to *Corning*'s in that Petitioner continues to maintain that it is the only RPI. Even after *Corning* became precedential and Halozyme raised the issue, Petitioner has insisted that its parent company, Merck & Co., is not an RPI. This posture is in stark contrast to the facts in *Adello* where the petitioner admitted its error, stated an RPI was "inadvertently omitted," and asked to correct the error soon after Patent Owner raised the issue. *Adello Biologics LLC v. Amgen Inc.*, PGR2019-00001, Paper 11 at 2 (P.T.A.B. Feb. 14,

2019). In *Adello*, the Board noted that facts suggested "the omission may have been a human error," and petitioner was "attempting to be diligent in updating the mandatory notices" upon discovering that error. *Id*. at 5. By contrast, MSD has doubled down on its story that its parent company is not an RPI.

A. HALOZYME'S DISCOVERY REQUESTS SATISFY THE *GARMIN* FACTORS AND GOOD CAUSE EXISTS FOR THE REQUESTED DISCOVERY.

Halozyme's requests are warranted because all five *Garmin* factors are met. *See Garmin International, Inc. v. Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 26 at 6-7 (P.T.A.B. Mar. 5, 2013) (precedential), as modified by *Bloomberg, Inc. v. Market-Alerts Pty, Ltd.*, CBM2013-00005, Paper 32 at 4 (P.T.A.B. May 29, 2013) (precedential); 37 CFR § 42.224(a).

1. *Garmin* Factor 1: More Than a Possibility And Mere Allegation that Useful Information Will Be Found

Under the first *Garmin* factor, "the requester of information should already be in possession of a threshold amount of evidence or reasoning tending to show beyond speculation that something useful will be uncovered." IPR2012-00001, Paper 26 at 7. MSD has represented to the Board that MSD is the *sole* RPI in these proceedings. Pet. at 6. Information available so far, however, indicates there is a significant likelihood that unredacted versions of documents Petitioner has produced will confirm Merck & Co. is an unnamed RPI.

Examples of already available information include, for example:

- Merck & Co.'s November 5, 2025 public SEC statements and ByLaws: (1) attributing the filing and funding of the PGRs to itself; (2) indicating Merck & Co. indemnifies MSD for its expenses in "any . . . suit," such these PGRs; (3) specifying that Merck & Co. holds an exclusive license to and pays royalties on components of KEYTRUDA QLEX™, at issue in related litigation, EX2400 at 6, 8, 21, 24-26; EX2445 at 17-18;
- Public websites indicating that MSD and Merck & Co. have the exact same executive leadership (including CEO) and Board of Directors, as well as address, phone number, and business hours, EX2407–EX2414;
- Mark Stewart, back up counsel for Petitioner, listing on an OED document that he practices on behalf of MSD and Merck & Co., EX2416; and
- MSD LLC naming Merck & Co. as an RPI in IPR proceedings related to KEYTRUDA®, a precursor to KEYTRUDA QLEX™, relevant here. EX2417–EX2425.

Consistent with this information, many redacted portions of documents produced by Petitioner appear highly relevant, such as large portions of Mr. Stewart's Offer Letter, outside counsel engagement letters, and expert retainer agreements.

Petitioner has argued that these redacted sections are "not directly related to the RPI analysis." EX2401 at 2 (Jan. 2, 2026 email). But surely, there is more than a mere possibility that within, for example, [redacted] sections of the representation letter, there is discussion of corporate affiliations

having a relationship to this proceeding. The same goes for the other sections redacted by Petitioner. Again, Petitioner provides no valid justification for picking and choosing what to redact. Halozyme should be allowed to judge these sections, within otherwise relevant documents, for itself.

2. *Garmin* Factor 2: No Request for Litigation Positions and Underlying Basis

The request for unredacted versions of documents that Petitioner has provided does not seek MSD's or Merck & Co.'s litigation positions or basis.

3. *Garmin* Factor 3: No Ability To Generate Equivalent Information By Other Means

Halozyme is not able to obtain equivalent information to that redacted in the produced documents by other means. Highly relevant information Halozyme seeks is in MSD's possession and control and is not publicly available.

4. *Garmin* Factors 4 and 5: Requests Are Easily Understandable and Not Overly Burdensome To Answer

Halozyme's request for unredacted documents is easily understandable and are not overly burdensome. Petitioner can simply unredact information in documents it has already provided.

IV. CONCLUSION

The *Garmin* factors strongly support granting additional discovery.

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY** and Exhibits 2400-2445 were served in their entireties on January 6, 2026, upon the following parties via electronic mail:

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