UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MERCK SHARP & DOHME LLC,
Petitioner

v.

HALOZYME, INC.,
Patent Owner

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

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**PATENT OWNER'S RENEWED FOURTH MOTION TO SEAL**

***Mail Stop "PATENT BOARD"***
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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## I. INTRODUCTION

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, and the Board's Order of March 19, 2026 (Paper 116), Patent Owner Halozyme, Inc. ("Halozyme") respectfully submits this Renewed Motion to Seal the confidential version of Exhibit 2501, Patent Owner's Demonstratives on the Real Party-in-Interest Issue ("Patent Owner's RPI Demonstratives"), according to the terms of the Default Protective Order entered into this proceeding by the Board.

All of the allegedly confidential material belongs to Petitioner Merck Sharp & Dohme LLC ("Petitioner") or its parent company Merck & Co., Inc. (collectively, "Merck"). The parties have met and conferred and Petitioner does not oppose this Motion.

## II. GOVERNING RULES AND PTAB GUIDANCE

In determining whether to grant a motion to seal, the Board must find "good cause," 37 C.F.R. § 42.54(a), and "strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information," Consolidated Trial Practice Guide, November 2019 ("TPG"), 19. The Board identifies confidential information in a manner "consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for … confidential research, development, or commercial information." *Id*.

Based on the procedure set forth in the TPG, Halozyme seeks to prevent the disclosure of information Petitioner has alleged is confidential.

## III. IDENTIFICATION OF CONFIDENTIAL INFORMATION

Specifically, based on procedure provided in the TPG, Halozyme seeks to prevent the disclosure of information Petitioner has alleged is confidential contained in the Patent Owner's RPI Demonstratives.

### A. Patent Owner's RPI Demonstratives

Portions of Patent Owner's RPI Demonstratives contain documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." Based on Petitioner's representation that the documents and information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public.

Halozyme has, to the best of its ability, limited material in its RPI Demonstratives to non-confidential information. Pursuant to the Board's March 19 Order (Paper 116), a revised public, redacted version of Patent Owner's RPI Demonstratives is filed herewith. The revised redacted version of Patent Owner's RPI Demonstratives removes the previous redactions from slides 25-29. Paper 116 at 3.

## IV. GOOD CAUSE EXISTS FOR GRANTING HALOZYME'S RENEWED MOTION TO SEAL

Petitioner has represented that public disclosure of information contained in

Patent Owner's RPI Demonstratives would significantly harm Petitioner.

The public interest will not be harmed by granting this Renewed Motion to Seal. To the contrary, at least according to Petitioner's representations regarding the confidentiality of the underlying information, granting this Renewed Motion to Seal would achieve "a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." 77 Fed. Reg. 48,755, 48,760 (Aug. 14, 2012). Therefore, good cause exists for granting this Renewed Motion to Seal.

## V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board seal the confidential version of Patent Owner's RPI Demonstratives.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

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

I certify that the above-captioned **PATENT OWNER'S RENEWED FOURTH MOTION TO SEAL** was served in its entirety on April 2, 2026, upon the following parties via electronic mail:

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