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. PGR2025-00009
U.S. Patent No. 12,123,035

PETITIONER'S SECOND MOTION TO SEAL

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14, 42.54, 35 U.S.C. § 326(a)(1), the Patent Trial and Appeal Board's ("PTAB") Consolidated Trial Practice Guide, Section I.E., and the Default Protective Order filed on January 6, 2026 and entered on February 9, 2026, Petitioner moves to seal the confidential version of Petitioner's Demonstratives Opposing Patent Owner's Motion to Terminate.

II. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The Consolidated Trial Practice Guide provides that "the rules aim to 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 ("TPG"), § I(E). The rules also "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development or commercial information." *Id*. § I(E)(2) (citing 37 C.F.R. § 42.54).

Based on the procedure provided in the TPG, Petitioner seeks to prevent the disclosure of its confidential information.

III. IDENTIFICATION OF CONFIDENTIAL INFORMATION

Specifically, Petitioner seeks to prevent disclosure of its confidential information contained in Petitioner's Demonstratives Opposing Patent Owner's Motion to Terminate (Paper 97).

Petitioner seeks to prevent the disclosure of confidential information contained in Petitioner's Demonstratives Opposing Patent Owner's Motion to Terminate, which discusses Petitioner's confidential information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The discussions of Petitioner's information and documents include references to certain categories of confidential information. Such material includes confidential and highly sensitive information relating to employee records of Petitioner, engagement letters with counsel, and Petitioner's tax filings and payment records that have not been published or otherwise made public. The documents and information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public. Petitioner has, to the best of its ability, limited the material in its Petitioner's Demonstratives Opposing Patent Owner's Motion to Terminate to non-confidential information. A public, redacted version of Petitioner's Demonstratives Opposing Patent Owner's Motion to Terminate is filed herewith.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board seal the confidential version of Demonstratives Opposing Patent Owner's Motion to Terminate.

Date: February 27, 2026

/*Blaine M. Hackman*/
Blaine M. Hackman, Reg. No. 67,479
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 27th day of February, 2026, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by e-mail on the following counsel of record for Patent Owner:

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Date: February 27, 2026

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