UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK, SHARP & DOHME LLC,
Petitioner

v.

HALOZYME, INC.,
Patent Owner

Case PGR2025-00046
U.S. Patent No. 12,091,692

PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE A PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACK-UP COUNSEL UNDER 37 C.F.R. § 42.10(c)

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Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Halozyme, Inc. ("Patent Owner") hereby gives notice of its intent to designate provisionally recognized PTAB attorney Zachariah Summers as its back-up counsel in this proceeding.

Pursuant to 37 C.F.R. § 42.10(c)(2)(ii)(B), this Notice is accompanied by the Declaration of Zachariah Summers (Exhibit 2214), in which Mr. Summers attests to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 *et seq.* of Title 37 of the Code of Federal Regulations and disciplinary jurisdiction under § 11.19(a) of the same.

I. STATEMENT OF FACTS SHOWING MR. SUMMER'S ELIGIBILITY FOR AUTOMATIC *PRO HAC VICE* ADMISSION AS BACK-UP COUNSEL

In accordance with 37 C.F.R. § 42.10(c), a party may designate as back-up counsel during a proceeding "[a]ny counsel who is not a registered practitioner, who has been previously recognized *pro hac vice* in a Board proceeding, and who has not subsequently been denied permission to appear *pro hac vice* in a Board proceeding." 37 C.F.R. § 42.10(c)(2)(i).

Patent Owner sets forth these facts in support of this Notice:

1. Lead counsel for Patent Owner in this matter, Eldora L. Ellison, is a registered practitioner (Reg. No. 39,967).

2. The most recent prior proceeding in which Mr. Summers was recognized *pro hac vice* by order of the Patent Trial and Appeal Board pursuant to a motion of the type described in 37 C.F.R. § 42.10(c)(1) was IPR2023-00739. EX2214, ¶7. Mr. Summers has never been denied permission to appear *pro hac vice* in a Board proceeding. *Id*. As a provisionally recognized PTAB attorney, Mr. Summers is currently back-up counsel for Patent Owner in related proceedings PGR2025-00003, PGR2025-00004, PGR2025-00006, and PGR2025-00009. Patent Owner is concurrently filing Notices of its intent to recognize Mr. Summers as back-up counsel in related proceedings PGR2025-00024, PGR2025-00030, PGR2025-00033, PGR2025-00039, PGR2025-00042, PGR2025-00017, PGR2025-00050, PGR2025-00052, PGR2025-00053, PGR2025-00087, IPR2026-00312, IPR2026-00313, and IPR2026-00314.

3. Accompanying this Notice is Exhibit 2214, the Declaration of Zachariah Summers in Support of Admission *Pro Hac Vice* in this proceeding. In his Declaration, Mr. Summers attests, among other things, that he satisfies all requirements of the Board for automatic admission *pro hac vice*.

See EX2214 *generally*; Paper 8 at 5-6; 37 C.F.R. § 42.10(c)(2).

II. CONCLUSION

For the foregoing reasons, Patent Owner gives notice that it intends to designate provisionally recognized PTAB attorney Zachariah Summers as back-up counsel in this proceeding.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Eldora L. Ellison/

Eldora L. Ellison, Ph.D.
Registration No. 39,967
Lead Attorney for Patent Owner

Date: May 13, 2026

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

I certify that the above-captioned **PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE A PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACK-UP COUNSEL UNDER 37 C.F.R. § 42.10(c)** and Exhibit 2214 were served in their entireties on May 13, 2026, upon the following parties via electronic mail:

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