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Paper 36
Date: February 12, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner,

v.

HALOZYME, INC.,
Patent Owner.

PGR2025-00003 (11,952,600 B2)	PGR2025-00046 (12,091,692 B2)
PGR2025-00004 (12,018,298 B2)	PGR2025-00024 (12,060,590 B2)
PGR2025-00006 (12,152,262 B2)	PGR2025-00030 (12,054,758 B2)
PGR2025-00009 (12,123,035 B2)	PGR2025-00052 (12,264,345 B1)
PGR2025-00017 (12,110,520 B2)	PGR2025-00042 (12,037,618 B2)
PGR2025-00033 (12,049,652 B2)	PGR2025-00050 (12,077,791 B2)
PGR2025-00039 (12,104,185 B2)	PGR2025-00053 (12,195,773 B2)

Before JEFFREY N. FREDMAN, SUSAN L. C. MITCHELL, CYNTHIA M. HARDMAN, and MICHAEL A. VALEK, *Administrative Patent Judges.*[1]

PER CURIAM

ORDER
Denying Patent Owner's Motion for Additional Discovery
37 C.F.R. § 42.51

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[1] This Order addresses issues in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers. This is not a decision by an expanded panel of the Board. Rather, the listed judges are paneled on various of the listed cases.

Patent Owner Halozyme Inc. filed an authorized motion for additional discovery. Paper 63[2] ("Mot."). Petitioner Merck Sharp & Dohme LLC filed an opposition. Paper 65 ("Opp."). For the reasons discussed below, we *deny* Patent Owner's motion.

ANALYSIS

Patent Owner's motion seeks unredacted copies of certain documents that Petitioner voluntarily produced to Patent Owner regarding a dispute over whether Petitioner has named all real parties-in-interest ("RPI"). *See* Mot. 2. More specifically, Patent Owner argues that although the Petition names Merck Sharp & Dohme LLC ("MSD") as the sole RPI in the subject proceedings, Petitioner also should have named Merck & Co., Inc. ("MCI"), MSD's corporate parent, as an RPI. Mot. 1. The parties met and conferred, culminating in Petitioner voluntarily producing to Patent Owner various documents requested during the meet and confer process, including (1) payment records relating to funding of these proceedings, (2) agreements showing who retained outside counsel and experts, and (3) internal employment and payroll records. *See* Opp. 1.

Patent Owner contends that Petitioner's document production contains impermissible redactions, and therefore the Motion requests production of unredacted versions of Exhibits 2402–2406, 2426–2430, 2436–2441, and 2443–2444, except to the extent the redacted information is privileged, reflects specific dollar amounts in relation to payment remittances or counsel's compensation, or contains information entirely personal to counsel, such as social security number or home address. Mot. 5–6.

[2] We cite Papers and Exhibits in PGR2025-00003. Similar papers and exhibits were filed in the other captioned proceedings.

Petitioner responds that "[t]he redacted information has no bearing on the RPI issue but contains sensitive information about issues unrelated to the RPI inquiry, like employment terms, outside counsel engagement terms, compensation, accounting records, and personal information." Opp. 6.

After reviewing the Motion and redacted documents, we issued an Order indicating that we intended to deny Patent Owner's Motion as to Exhibits 2404, 2426–2429, 2436–2441, and 2443–2444. *See* Paper 77 ("February 9 Order"). As discussed in our February 9 Order, Patent Owner does not adequately explain—and we do not ascertain—how the redacted information is pertinent to whether MCI is an unnamed RPI. Accordingly, we hereby deny Patent Owner's Motion as to Exhibits 2404, 2426–2429, 2436–2441, and 2443–2444.

Our February 9 Order directed Petitioner to file unredacted copies of the documents in Exhibits 2402, 2403, 2405, and 2406 for *in camera* inspection. Petitioner filed unredacted copies of these exhibits. *See* Exhibits 1230–1233 (Board access only). After reviewing the unredacted documents, we conclude that the redacted information has no bearing on whether MCI is an unnamed RPI. That is, the redacted materials are consistent with Petitioner's representation that "Petitioner alone has engaged all experts and outside counsel." Opp. 4. Moreover, the redacted text does not "reveal blurred corporate lines between MSD and [MCI]" or "the ability of [MCI] to control and fund" these PGR proceedings. Mot. 2. Accordingly, Patent Owner has not shown that the requested information is "directly related" to any factual assertion in this proceeding. 37 C.F.R. § 42.51(b)(2).

For the above reasons, and considering the factors set forth in *Bloomberg Inc. v. Market Alert Pty Ltd*., CBM2013-00005, Paper 32 (PTAB May 29, 2013), we deny Patent Owner's request for unredacted versions of Exhibits 2402–2406, 2426–2430, 2436–2441, and 2443–2444.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motion is *denied*.

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