UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner

v.

HALOZYME, INC.,
Patent Owner

Case PGR2025-00087
U.S. Patent No. 12,371,685

PATENT OWNER'S SECOND MOTION TO SEAL

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TABLE OF CONTENTS

I. INTRODUCTION 1
II. GOVERNING RULES AND PTAB GUIDANCE 1
III. IDENTIFICATION OF CONFIDENTIAL INFORMATION 2
A. Patent Owner's Preliminary Response 2
IV. GOOD CAUSE EXISTS FOR GRANTING HALOZYME'S MOTION TO SEAL 2
V. CONCLUSION 4

I. INTRODUCTION

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Halozyme, Inc. ("Halozyme") respectfully submits this Motion to Seal the confidential version of Patent Owner's Preliminary Response 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 Preliminary Response.

A. Patent Owner's Preliminary Response

Portions of Halozyme's Motion to Terminate contain discussions of Merck's information and documents that Petitioner has marked as "PROTECTIVE ORDER MATERIAL." The discussions of Merck's information and documents include references to certain categories of confidential information. 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 Preliminary Response to non-confidential information. A public, redacted version of Halozyme's Preliminary Response is filed herewith.

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

Petitioner has represented that public disclosure of information contained in Patent Owner's Preliminary Response would significantly harm Petitioner.

The public interest will not be harmed by granting this Motion to Seal. To the contrary, at least according to Petitioner's representations regarding the

confidentiality of the underlying information, granting this 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 Motion to Seal.

V. CONCLUSION

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

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 SECOND MOTION TO SEAL** was served in its entirety on February 20, 2026, upon the following parties via electronic mail:

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