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 THIRD MOTION TO SEAL

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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 Sur-Reply under the terms of the Default Protective Order.

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 has stated it will not oppose this Motion.

II. GOVERNING RULES AND PTAB GUIDANCE

In determining whether to grant a motion to seal, the Director 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. Confidential information is identified 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 confidential version of Patent Owner's Preliminary Sur-Reply.

A. Patent Owner's Preliminary Sur-Reply

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

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 Director seal the confidential version of Patent Owner's Preliminary Sur-Reply.

Respectfully submitted,

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

I certify that the above-captioned **PATENT OWNER'S THIRD MOTION TO SEAL** was served in its entirety on April 9, 2026, upon the following parties via electronic mail:

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