

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.

Petitioners,

v.

THE FOUNDRY, LLC,
Patent Owner.

Case No. IPR2024-00669

U.S. Patent No. 11,679,077

DECLARATION OF DR. NICOLAS BU-SABA

I, Nicolas Y. Bu-Saba, M.D., declare as follows:

1. My name is Nicolas Y. Bu-Saba.
2. I have been retained by Neurent Medical Inc. and Neurent Medical Ltd. (“Neurent” or “Petitioners”) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. I understand that Petitioners are challenging the patentability of claims 1-8 and 11 of the ’077 patent (“Challenged Claims”).
3. On January 17, 2024, I executed a Declaration that became Exhibit 1002 in IPR2024-00281.
4. I understand that this Declaration is being resubmitted as Exhibit 1002 in IPR2024-00669 (this proceeding).
5. I stand by and reaffirm my January 17, 2024 Declaration (Exhibit 1002 in IPR2024-00281).
6. I am being compensated for my work on this matter at my standard hourly consulting rate of \$750 per hour, but my opinions are based on my own views and understanding of the prior art, the knowledge of a person of ordinary skill in the art, and the patented technology. My compensation is not dependent on and in no way affects the substance of my statements, opinions, or conclusions in this

Declaration nor is it dependent on any testimony I give or on the outcome of this proceeding.

7. In signing this Declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

8. I reserve the right to supplement my opinions in the future to respond to any arguments that Patentee raises and to take into account new information as it becomes available to me.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: April 1, 2024

/s/Nicolas Bu-Saba
Nicolas Bu-Saba, M.D.