UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Padagis US LLC,
Petitioner

v.

Neurelis, Inc.,
Patent Owner

Case No. IPR2025-00464
U.S. Patent No. 8,895,546

PATENT OWNER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14, 42.55, Patent Owner respectfully moves to seal Exhibits 2034-2037 and 2040-2046, and the portions of Patent Owner's Response that quotes these documents, as they contain confidential information as described below. Patent Owner will file redacted versions of the Patent Owner's Response, but Exhibits 2034-2037 and 2040-2046 should be maintained under seal in their entirety. Patent Owner has filed identical motions across IPR2025-00464, IPR2025-00465, and IPR2025-00466.

I. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

In determining whether to grant a Motion to Seal, the Board must find "good cause" 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." 37 C.F.R. § 42.54(a). 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 trade secret or other confidential research, development, or commercial information." Consolidated Trial Practice Guide § I.E.2 (Dec. 2025).[1]

[1] https://www.uspto.gov/patents/ptab/trial-practice-guide.

A. EXHIBIT 2034

Exhibit 2034 is the Non-Disclosure Agreement between Aegis Therapeutics, LLC and Questcor Pharmaceuticals, Inc., dated August 15, 2005, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding. Maintaining Exhibit 2034 under seal meets each of the four *Argentum* factors. *See Argentum Pharms. LLC v. Alcon Res., Ltd.*, IPR2017-01053, Paper 27 (P.T.A.B. Jan. 19, 2018) (informative). Exhibit 2034 discloses sensitive business relationships and confidentiality obligations, and a business harm would ensue if its terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2034, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c) (pre-AIA). On balance, maintaining the confidentiality of non-disclosure agreements, including sensitive business relationships and confidentiality obligations, outweighs the public interest in an open record.

B. EXHIBIT 2035

Exhibit 2035 is the Confidentiality Agreement between Particle Sciences, Inc. and Questcor Pharmaceuticals, Inc., which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." Maintaining Exhibit 2035 under seal meets each of the four *Argentum* factors. Exhibit 2035 discloses sensitive

business relationships and confidentiality obligations, and a business harm would ensue if its terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2035, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c) (pre-AIA). On balance, maintaining the confidentiality of confidentiality agreements, including sensitive business relationships and confidentiality obligations, outweighs the public interest in an open record.

C. EXHIBIT 2036

Exhibit 2036 is the email thread involving Steve Cartt (Questcor Pharmaceuticals, Inc.) and Ed Maggio (Aegis Therapeutics, LLC) from February 2007, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding. Maintaining Exhibit 2036 under seal meets each of the four *Argentum* factors. Exhibit 2036 discloses sensitive information regarding collaborative research efforts, development strategies, and business relationships, and a business harm would ensue if its content were publicly disclosed. There is a need in the trial to rely on Exhibit 2036, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of non-public communications, including sensitive information regarding collaborative research efforts, development strategies, and business relationships, outweighs the public interest in an open record.

D. EXHIBIT 2037

Exhibit 2037 contains the Quote QCR135 between Particle Sciences, Inc. and Questcor Pharmaceuticals, Inc., dated March 28, 2007, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." Exhibit 2037 discusses salaries and technical goals, and it further encloses the Master Services Agreement that is the subject of Exhibit 2030, which has been filed under seal in this proceeding. Maintaining Exhibit 2037 under seal meets each of the four *Argentum* factors. Exhibit 2037 discloses sensitive information regarding collaborative research efforts, development strategies, business relationships, and research milestones, as well as pricing, and a business harm would ensue if its confidential research terms were publicly disclosed. There is a need in the trial to rely on the MSA, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of research agreements, including pricing and development milestones and strategies, outweighs the public interest in an open record.

E. EXHIBIT 2040

Exhibit 2040 is the letter agreement between Questcor Pharmaceuticals, Inc. and Particle Sciences, Inc., dated April 2, 2008, which is a confidential document

designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." Maintaining Exhibit 2040 under seal meets each of the four *Argentum* factors. Exhibit 2040 discloses sensitive information regarding collaborative research efforts and business relationships, and a business harm would ensue if its terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2040, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of research agreement, including sensitive information regarding collaborative research efforts and business relationships, outweighs the public interest in an open record.

F. <u>EXHIBIT 2041</u>

Exhibit 2041 is the letter agreement between Neurelis, Inc. and Aegis Therapeutics, LLC, dated August 28, 2007, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." The original document was originally provided with a header stating it is, "Strictly Private and Confidential." Maintaining Exhibit 2041 under seal meets each of the four *Argentum* factors. Exhibit 2041 discloses sensitive research milestones, license fees,

and royalty payments, as well as pricing, and a business harm would ensue if its terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2041, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of such agreements, including pricing, development milestones, licensing fees, and royalty payments, outweighs the public interest in an open record.

G. EXHIBIT 2042

Exhibit 2042 is the Supply Agreement between Neurelis, Inc. and Aegis Therapeutics, LLC, dated May 22, 2008, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." Maintaining Exhibit 2042 under seal meets each of the four *Argentum* factors. Exhibit 2042 discloses sensitive pricing information and product specifications, and a business harm would ensue if its confidential terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2042, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of such agreements, including pricing and product specifications, outweighs the public interest in an open record.

H. EXHIBIT 2043

Exhibit 2043 is the License Agreement between Neurelis, Inc. and Aegis Therapeutics, LLC, dated May 22, 2008, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding and produced in *Neurelis, Inc. v. Padagis LLC, et al.*, No. 1:24-cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION." Maintaining Exhibit 2043 under seal meets each of the four *Argentum* factors. Exhibit 2043 discloses sensitive research milestones, license fees, and royalty payments, as well as pricing, and a business harm would ensue if its terms were publicly disclosed. There is a need in the trial to rely on Exhibit 2041, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of such agreements, including pricing, development milestones, licensing fees, and royalty payments, outweighs the public interest in an open record

I. EXHIBIT 2044

Exhibit 2044 is the invoice/transmittal notice issued by Aegis Therapeutics, LLC to Neurelis, Inc., dated October 2, 2008, which is a confidential document designated as "PROTECTIVE ORDER MATERIAL" in this proceeding. Maintaining Exhibit 2044 under seal meets each of the four *Argentum* factors. Exhibit 2044 discloses sensitive information regarding collaborative research efforts and business relationships, and a business harm would ensue if its content were

publicly disclosed. There is a need in the trial to rely on Exhibit 2044, as it helps establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of non-public communications, including sensitive information regarding collaborative research efforts and business relationships, outweighs the public interest in an open record.

J. EXHIBITS 2045-46

Exhibits 2045-46 are the declarations of Steve Cartt and Mark Mitchnick, from December 2025, which are confidential documents designated as "PROTECTIVE ORDER MATERIAL" in this proceeding. Redacted copies are also being filed. Maintaining Exhibits 2045-46 under seal meets each of the four *Argentum* factors. Exhibits 2045-46 disclose sensitive information regarding collaborative research efforts and business relationships, as well as discuss various confidential documents filed under seal in this proceeding, and a business harm would ensue if their content was publicly disclosed. There is a need in the trial to rely on Exhibits 2045-46, as they help establish the safe harbor exception of 35 U.S.C. § 103(c). On balance, maintaining the confidentiality of non-public inventor declarations, including sensitive information regarding collaborative research efforts and business relationships, outweighs the public interest in an open record.

II. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54

Patent Owner has conferred with Petitioner, and Petitioner states that it cannot agree to the motions to seal at the time and reserves its right to oppose.

THEREFORE, Patent Owner respectfully requests that the Board grant Patent Owner's Motion to Seal.

Date: January 5, 2026

Respectfully submitted,

/Michael Sitzman/

Michael Sitzman (Reg. No. 42,150)
MCDERMOTT WILL & SCHULTE LLP
415 Mission St Suite 5600
San Francisco, CA 94105-2616
Tel: +1 628 2183917
msitzman@mwe.com

Lead Counsel for Patent Owner

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this paper complies with the typeface requirements of 37 C.F.R. § 42.6(a)(2)(ii), because this paper was prepared using 14-point, Times New Roman proportional font, and complies with the spacing requirements of 37 C.F.R. § 42.6(a)(2)(iii).

Date: January 5, 2026

/Michael Sitzman/

Michael Sitzman (Reg. No. 42,150)
MCDERMOTT WILL & SCHULTE LLP
415 Mission St Suite 5600
San Francisco, CA 94105-2616
Tel: +1 628 2183917
msitzman@mwe.com

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.8 and 42.6(e), the undersigned hereby certifies that the foregoing document was served on counsel of record for the Petitioner by filing this document through PTAB P-TACTS and by sending this document via electronic mail to the following addresses:

James P. Murphy
Reg. No. 55,474
Polsinelli PC
1000 Louisiana Street
Suite 6400
Houston, Texas 77002
Tel: (713) 374-1600
jmurphy@polsinelli.com

Corey Casey
Reg. No. 66,950
Polsinelli PC
900 West 48th Place
Suite 900
Kansas City, Missouri 64112
Tel: (816) 572-4439
casey@polsinelli.com

Mark Deming
Registration No. 69,263
Polsinelli PC
150 N. Riverside Plaza Suite 300
Chicago, IL 60606
mdeming@polsinelli.com

Chad A. Landon
Provisionally Recognized Pro Hac Vice
Polsinelli PC
1401 I St. NW Suite 800
Washington, DC 20005
clandmon@polsinelli.com

Date: January 5, 2026

/Michael Sitzman/

Michael Sitzman (Reg. No. 42,150)
MCDERMOTT WILL & SCHULTE LLP
415 Mission St Suite 5600
San Francisco, CA 94105-2616
Tel: +1 628 2183917
msitzman@mwe.com

Lead Counsel for Patent Owner