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
Patent 8,895,546

PETITIONER'S MOTION TO SEAL

I. INTRODUCTION

Petitioner hereby respectfully submits this Motion to Seal pursuant to 37 C.F.R. §42.14.

II. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14, and the reasons set forth below, Petitioner requests that the Board seal the Petitioner's Opposition to Patent Owner's Motion for Leave to File Petition for Certificate of Correction, which has been marked as containing "PROTECTIVE ORDER MATERIAL" in accordance with Patent Owner's assertion of the confidential nature of the underlying information discussed in Petitioner's opposition. *See* Paper Nos. 25 and 27 (Patent Owner's Motions to Seal filed on December 19, 2025 and January 5, 2026 respectively). There is a need for Petitioner to rely on this confidential information to rebut arguments presented in Patent Owner's Motion for Leave. *See* Paper No. 26.

Since Patent Owner is the party asserting the underlying information is confidential, the Petitioner will file a redacted and publicly accessible version of the Petitioner's Opposition to Patent Owner's Motion for Leave to File Petition for Certificate of Correction after it confers with Patent Owner on proposed redactions.

III. PATENT OWNER ALLEGES GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The record of a proceeding, including documents, are generally made available to the public. 37 C.F.R. §§42.14. However, the Board may grant a motion

to seal confidential information for "good cause." 37 C.F.R. §42.54. The information sought to be sealed by this motion is alleged by Patent Owner to be highly confidential information found in Exhibits 2030 and 2040. Patent Owner has previously attested to the reasons it believes good cause exists for this information to be sealed in accordance with the Board's policies. *See* Paper No. 25, Patent Owner's Motion to Seal at 1-2 (discussing Exhibit 2030); Paper No. 27 Patent Owner's Motion to Seal at 4-5 (discussing Exhibit 2040). Thus, if the Board grants Patent Owner's requests to seal Exhibits 2030 and 2040 then it should likewise grant this motion.

Patent Owner represents the information contained in Exhibits 2030 and 2040 is confidential, would cause harm to Patent Owner if not sealed, and outweighs the public interest in having a fully open record. Paper No. 25 at 1-2 (discussing Exhibit 2030); Paper No. 27 at 4-5 (discussing Exhibit 2040). Patent Owner's representations for Exhibit 2030 is illustrative and provided below:

> Exhibit 2030 is the Master Services Agreement ("MSA") between Particle Sciences, Inc. and Questcor Pharmaceuticals, Inc., dated April 1, 2007, which is a confidential document produced in *Neurelis, Inc. v. Padagis LLC, et al*., No. 1:24- cv-00562-MN (D. Del.), designated as "HIGHLY CONFIDENTIAL INFORMATION."
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> Maintaining Exhibit 2030 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). The MSA

> discloses sensitive 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, outweighs the public interest in an open record.

Paper No. 25 at 1-2; *see also* Paper 27 at 4-5 ("Exhibit 2040 is the letter agreement between Questcor Pharmaceuticals, Inc. and Particle Sciences, Inc., dated April 2, 2008, which is a confidential document…").

As the confidential information belongs to Patent Owner, Petitioner cannot independently verify that the confidential information meets the Board's four-prong test in *Argentum*. For instance, Petitioner cannot independently determine that the information is truly confidential or would cause harm to Patent Owner if publicly disclosed. Thus, Petitioner relies on Patent Owner's representations of such. *See* Paper Nos. 25 and 27.

IV. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY

Petitioner has conferred with Patent Owner prior to the filing of this motion and both parties agreed on a protective order to govern this proceeding. *See* Paper No. 24. In addition, the parties previously conferred regarding Patent Owner's request for confidentiality and motions to seal, including for exhibits 2030 and 2040, which likewise forms the basis on the present motion. *See* Paper No. 25 at 3

(discussing Exhibit 2030); Paper No. 27 at 9. To the extent the Board grants Patent Owner's request to seal exhibits 2030 and 2040 then it should grant this motion for the same reasons.

Dated: January 9, 2026

Respectfully submitted,

/James P. Murphy/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that a complete copy of the forgoing document and all associated exhibits are being served via electronic mail on January 9, 2026 upon the following:

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