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Paper 38
Date: March 9, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PADAGIS US LLC,
Petitioner,

v.

NEURELIS, INC.,
Patent Owner.

IPR2025-00464 (Patent 8,895,546 B2)
IPR2025-00465 (Patent 11,241,414 B2)
IPR2025-00466 (Patent 11,793,786 B2)[1]

Before GRACE KARAFFA OBERMANN, ANNETTE R. REIMERS, and TIMOTHY G. MAJORS, *Administrative Patent Judges.*

MAJORS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding, Addressing Availability of Patent Owner's Declarants for Deposition
37 C.F.R. §§ 42.5, 42.20, 42.51

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[1] This Order addresses issues common to the listed cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading.

I. DISCUSSION

On February 26, 2026, Petitioner wrote to the Board via email seeking authorization to file a motion to strike the declarations of Steve Cartt, Mark Mitchnik, and David Hale.[2] Ex. 3003. According to Petitioner, we should authorize the motion to strike because Patent Owner has cancelled, and declined to reschedule, depositions of the above-named declarants. *Id.* Petitioner argues that Patent Owner's refusal to make its declarants available at this time for depositions in these proceedings is contrary to 37 C.F.R. § 42.51(b)(1)(ii). *Id.*

The time period for Patent Owner to make Messrs. Cartt, Mitchnik, and Hale available for deposition in these proceedings is extended. Patent Owner is not required to make its declarants, Messrrs. Cartt, Mitchnik, and Hale, available for deposition during such time as Patent Owner's Request for Rehearing of the Board's February 6, 2026, Order remains pending and for a period of five calendar days after the Board decides that Request for Rehearing. Within five calendar days of the Board deciding Patent Owner's Request for Rehearing, the parties will meet and confer to discuss suitable dates for deposition of Messrrs. Cartt, Mitchnik, and Hale. If Patent Owner declines to provide dates when Messrrs. Cartt, Mitchnik, and Hale will be available for deposition pursuant to the schedule above, Petitioner is

[2] The Cartt, Mitchnick, and Hale declarations are, respectively, Exhibits 2045, 2046, and 2047. We reference exhibit numbers and papers filed in IPR2025-00464. Similar papers/exhibits were filed in the related, above-listed proceedings.

authorize to move to strike those declarants' testimony with due dates and page limits for briefing as provided in the order below.

II. ORDER

In consideration of the foregoing, it is:

ORDERED that Patent Owner is not required to make its declarants, Messrrs. Cartt, Mitchnik, and Hale, available for deposition in these proceedings during such time as Patent Owner's Request for Rehearing of the Board's February 6, 2026, Order remains pending and for a period of five calendar days after the Board decides that Request for Rehearing;

ORDERED that, within five calendar days of the Board deciding Patent Owner's Request for Rehearing, the parties will meet and confer to discuss suitable dates for deposition of Messrrs. Cartt, Mitchnik, and Hale;

ORDERED that, in the event Patent Owner declines to provide dates when Messrrs. Cartt, Mitchnik, and Hale will be available for deposition pursuant to the schedule above, Petitioner is authorize to move to strike those declarants' testimony;

ORDERED that such motion to strike from Petitioner (if authorized as provided above) must be filed within fourteen days after the Board decides Patent Owner's pending Request for Rehearing, and such motion shall not exceed 10 pages in length; and

ORDERED that Patent Owner may file an opposition to such motion to strike by Petitioner, which opposition will be due within fourteen days after such motion is filed and will similarly not exceed 10 pages in length.

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