

From: [Trials](#)
To: [Tobin, David](#); [Trials](#)
Cc: [Corey Casey](#); [Sitzman, Mike](#); [Best, Timothy](#); [Raymond.Miller](#); [Endejann, Nicole](#); [Chad Landmon](#); [mdeming@polsinelli.com](#); [James Murphy](#)
Subject: RE: IPR2025-00464, -465, -466: Petitioner's Request for Authorization to File a Motion to Strike
Date: Monday, April 13, 2026 2:01:31 PM
Attachments: [image001.png](#)

Counsel,

Patent Owner's request for authorization to file a motion to strike pursuant to its email below is granted. The due dates and page limits for briefing are provided below.

- Patent Owner's opening brief in support of the motion (due no later than 4/20/2026, and limited to 10 pages)
- Petitioner's opposition to the motion (due no later than 4/27/2026, and limited to 10 pages)
- Patent Owner's reply in support of the motion (due no later than 5/4/2026, and limited to 5 pages)

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Tobin, David <dtobin@mcdermottlaw.com>
Sent: Tuesday, April 7, 2026 7:21 PM
To: Trials <Trials@USPTO.GOV>
Cc: Corey Casey <CCasey@Polsinelli.com>; Sitzman, Mike <msitzman@mcdermottlaw.com>; Best, Timothy <tbest@mcdermottlaw.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Tobin, David <dtobin@mcdermottlaw.com>; Chad Landmon <clandmon@polsinelli.com>; mdeming@polsinelli.com; James Murphy <jpmurphy@polsinelli.com>
Subject: IPR2025-00464, -465, -466: Petitioner's Request for Authorization to File a Motion to Strike

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Dear Honorable Board,

Patent Owner requests authorization to file a motion to strike in the above-captioned proceedings regarding: (a) exhibits filed with Petitioner's Reply briefs, but not cited or discussed in the briefs; and (b) new theories of invalidity that exceed the permissible scope of reply. See Trial Practice Guide §§ II.I, II.K (last updated 12/12/2025).

Exhibits not cited in Petitioner's Reply: Exhibits 1072-1075, 1079, and 1080 were filed on March 31, 2026, with Petitioner's Reply, but were not cited or discussed in the brief itself. See 37 C.F.R. §§ 42.6(a)(3); see also 37 C.F.R. §§ 42.22(a)(2), 42.23(a); *Cisco Sys., Inc. v. C-Cation Techs., LLC*, IPR2024-00454, Paper 12 at 9-10 (P.T.A.B. Aug. 29, 2014) (informative).

New theories of invalidity: Patent Owner seeks to strike Exhibits 1075-1076 and 1079, as well as a portion of Dr. Donovan's declaration (Exhibit 1078) and portion of Petitioner's Reply, for raising new theories of invalidity that should have been addressed in the petition. This includes: (a) new theories of why the prior art discloses the claimed species, i.e., the linear ("n") isomer of the claimed n-dodecyl beta-D-maltoside; and (b) prosecution histories of the prior-art references to rewrite the disclosures of the prior art.

Consistent with the schedule from the Board's email on other issues (Ex. 3004), Patent Owner requests an opening brief of 10 pages, a Petitioner's opposition brief of 10 pages, and a Patent Owner reply in support of its motion of 5 pages.

Petitioner was provided with a draft of this email and states its position as follows: "Petitioner opposes Patent Owner's requests. All arguments in the Petitioner Reply brief are proper as they provide rebuttal to the Patent Owner's response and rely on the same legal theories raised in the petition. The exhibits identified by Patent Owner were submitted to support the arguments in Petitioner's Reply. Exhibits not cited directly in Petitioner's Reply brief but that are cited in expert declarations or depositions provide context and are properly considered by the Board."

If the Board requests a conference call, Petitioner and Patent Owner could be available: Friday, April 10 from 11 am-2pm Eastern; and Monday, April 13 any time after 1pm Eastern.

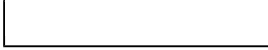
Respectfully,

David Tobin
Counsel for Patent Owner Neurelis, Inc.

David Tobin
Partner

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