

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PADAGIS US LLC,

Petitioner

v.

NEURELIS, INC.,

Patent Owner.

Case No. IPR2025-00465
U.S. Patent No. 11,241,414

PATENT OWNER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14, 42.55, Patent Owner respectfully moves to seal Exhibits 2030 and 2031, which contain confidential information as described below.

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

A. EXHIBIT 2030

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.”

¹ <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

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.

B. EXHIBIT 2031

Exhibit 2031 is the Asset Purchase Agreement (“APA”) between Hale BioPharma Ventures, LLC and Questcor Pharmaceuticals, Inc., dated June 27, 2008, 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.” Maintaining Exhibit 2031 under seal meets each of the four *Argentum* factors. The APA also discloses sensitive research milestones and royalty payments, 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 APA, 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,

development milestones, and royalty payments, 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 opposes the motion to seal since Petitioner does not agree based on its current understanding of Petitioner's requests that they have an appropriate legal basis.

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

Respectfully submitted,

Dated: December 19, 2025

/David J. Tobin/

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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).

Dated: December 19, 2025

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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:

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