

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AERIN MEDICAL INC. and	)	
THE FOUNDRY, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 23-756 (JLH)
	)	
NEURENT MEDICAL INC. and	)	
NEURENT MEDICAL LTD.,	)	
	)	
Defendants.	)	

NEURENT MEDICAL LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A. No. 24-1070 (JLH)
AERIN MEDICAL INC.	)	
	)	
Defendant.	)	

STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE

WHEREAS, Aerin Medical Inc. (“Aerin”) and The Foundry, LLC (“Foundry”) filed C.A. No. 23-756-JLH on July 11, 2023, and assert infringement by Neurent Medical Inc. and Neurent Medical Ltd. (collectively “Neurent”) of U.S. Patent Nos. 9,072,597 (“the ’597 patent”), 9,415,194 (“the ’194 patent”), 10,610,675 (“the ’675 patent”), 10,894,011 (“the ’011 patent”), 11,033,318 (“the ’318 patent”), 11,241,271 (“the ’271 patent”), 11,679,077 (“the ’077 patent”), and 11,766,286 (“the ’286 patent”) (collectively, “Aerin and Foundry Patents”) (C.A. No. 23-756-JLH, D.I. 1);

WHEREAS, on July 8, 2024, Neurent filed its First Amended Counterclaims asserting, *inter alia*, infringement of U.S. Patent No. 11,998,262 (“the ’262 patent”) by Aerin (C.A. No. 23-756-JLH, D.I. 81);

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WHEREAS, the Aerin and Foundry Patents are subject to instituted IPR proceedings before the PTAB;¹

WHEREAS, on August 8, 2024, the Court entered the parties' stipulation staying C.A. No. 23-756-JLH until such time that the PTAB has issued a final written decision in each of the pending IPRs against the Aerin and Foundry Patents (C.A. No. 23-756-JLH, D.I. 93);

WHEREAS, Neurent Medical Ltd. filed C.A. No. 24-1070-JLH on September 24, 2024, and asserts infringement by Aerin Medical Inc. of U.S. Patent Nos. 12,096,973 ("973 patent"), 12,096,974 ("974 patent"), and 12,089,889 ("889 patent") (collectively with the '262 patent, the "Neurent Patents") (C.A. No. 24-1070-JLH, D.I. 1);

WHEREAS, on November 26, 2024, Aerin moved to consolidate C.A. No. 24-1070-JLH with C.A. No. 23-756-JLH and to stay the consolidated case;

WHEREAS, on February 28, 2025, the Court heard argument on Aerin's Motion and granted the motion in-part, ordering the parties to "file (1) a stipulation and proposed order of consolidation; and (2) a proposed interim schedule that follows the Court's guidance at the February 28, 2025 hearing." (C.A. No. 24-1070-JLH, D.I. 39);

NOW THEREFORE, IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that:

1. C.A. No. 24-1070-JLH shall be consolidated with C.A. No. 23-756-JLH for all purposes.

¹ In connection with the IPR proceedings, Aerin has disclaimed all previously asserted claims of the '597 patent and '194 patent (i.e., claims 9, 14, 16, 18, 20, 22-24, 44, and 46 of the '597 patent and claims 1-3, 6, 12, 14, 16, 18, and 19 of the '194 patent). IPR2024-00275 at D.I. 49; IPR2024-00276 at D.I. 66.

2. C.A. No. 23-756-JLH shall be designated the lead case and all papers shall be filed only on the docket of C.A. No. 23-756-JLH using the following caption:

AERIN MEDICAL INC. and	)	
THE FOUNDRY, LLC,	)	
	)	
Plaintiffs and	)	
Counter-claim Defendants,	)	
	)	C.A. No. 23-756 (JLH)
v.	)	(Consolidated)
	)	
NEURENT MEDICAL INC. and	)	
NEURENT MEDICAL LTD.,	)	
	)	
Defendants and	)	
Counter-claim Plaintiffs.	)	

3. The stay in C.A. No. 23-756-JLH shall be lifted only with respect to the '262 Patent,² and discovery for the Neurent Patents shall proceed along the schedule set forth in Exhibit A hereto. Following the Court's guidance at the February 28, 2025 hearing, the parties will conduct discovery on the Neurent Patents to get them "caught up" to where discovery was on the Aerin and Foundry Patents at the time the stay was entered in C.A. No. 23-756-JLH. *See* Hr'g Tr. (Feb. 28, 2025) 15:15-25, 16:12-17. The parties will meet and confer in good faith to the extent any adjustment to the discovery limits becomes necessary.

4. The parties shall be bound by the Protective Order entered on May 9, 2024, in C.A. No. 23-756-JLH (D.I. 68) and it shall govern the consolidated case.

² For the avoidance of doubt, the consolidated action will remain stayed with respect to the Aerin and Foundry Patents and with respect to Neurent's counterclaims other than for patent infringement.

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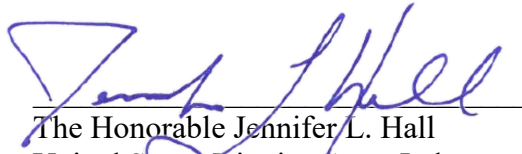
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SO ORDERED, this 18th day of March, 2025.



The Honorable Jennifer L. Hall
United States District Court Judge