UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois − CM/ECF NextGen 1.8 (rev. 1.8.5)
Eastern Division

Brain Corporation

Plaintiff,

v.

Case No.: 1:24−cv−12569
Honorable Jeremy C. Daniel

Avidbots Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, February 17, 2026:

MINUTE entry before the Honorable M. David Weisman: Magistrate status hearing held. Discussion held on issues raised in the parties' Joint Status Report. As to Rule 30(b)(6) deposition topic no. 100, parties to meet and confer. In terms of proportionality, question exists whether Rule 26 allows Brain to add more topics to the Rule 30(b)(6) notice. Discussion held regarding Avidbots amending final infringement contentions, Brain agrees to the current amendment. As to rolling amendments and responses, parties are open to it but Brain requests a deadline before the 3/25/26 fact discovery close date. By agreement and due to 3/4/36 deposition, Avidbots is granted leave to amend its Final Infringement Contentions. Brain to have additional time to amend its Final Infringement Contentions, which will be further discussed at the next status hearing. Subpoena enforcement matter originally filed in the District of Minnesota has been transferred to NDIL by agreement; Court directed parties to contact the assigned judge about a reassignment in the event the transferred case is not assigned to Judge Daniel and Judge Weisman. As to Avidbots' recently requested depositions of seven inventors, Brain's counsel will represent them and believes at least some are outside the U.S. (perhaps England and Iceland). Regarding Brain's reliance on the 2/4/26 date for Avidbots to file a motion to compel third−party discovery, this deadline applied to OEMs and does not apply to the depositions of inventors. However, the date as to which anticipated depositions were to be listed (12/17/25) was applicable to the inventors. The Court inquired how the newly requested depositions of inventors relate to Avidbots' inequitable conduct defenses (source code and on−sale bar; prior art; small−entity status) and the timing of Avidbots' request for the depositions (i.e., why were the depositions not listed or requested earlier). After hearing argument on the issue, the Court finds that source code and on−sale bar may weigh slightly in favor of allowing the late request for the inventors' depositions, but prior art is not a basis to allow for the late request. Further, Avidbots learned of the small−entity defense later in discovery and asserts that inventors have a duty of candor to the PTO and may know facts relevant to Brain's claims that it was a "small entity." After hearing argument from Avidbots and as explained in open court, the Court will not allow late−requested depositions of seven inventors but will consider additional Rule 30(b)(6) deposition topics to allow Avidbots to explore the issues regarding their defenses. Regarding the PTO and confidentiality issue, the Court obtained clarification on statements in the JSR. As to the fairness issue, Court believes both sides

should have equal ability to submit confidential documents to the PTAB. As to prosecution bar issue, PTAB generally does not allow prosecution bars in confidentiality orders. It does not appear the parties have exhausted their efforts to resolve this issue between themselves, and the prosecution bar is a complicated issue, which to fully resolve, the Court would need additional time to review parties briefing in the JSR and the supporting documents. Avidbots requests a ruling on four documents to be presented to the PTAB (3 OEM contracts and relevant interrogatory responses that deal with OEM contracts). Brain has not contacted the OEMs about allowing production of the OEM contracts before the PTAB. Court orders that the three relevant OEM agreements may be used in the PTAB proceeding (i.e. not barred by this Court's protective order) because they are subject to the protective orders in place in this case and in the PTAB proceeding; Brain has not reached out to the OEMs about obtaining their permission; and time is of the essence for Avidbots to present the discovery at issue to the PTAB. Regarding Avidbots' submitting the response to Interrogatory No. 4, which summarizes all the OEM agreements with names, Avidbots may use and submit this response but shall redact OEM names except the three contracts that the Court just ordered allowed to be used in the PTAB. Parties shall provide a proposed order to Proposed_Order_Weisman@ilnd.uscourts on this issue by COB today. Court's order of today does not include any ruling on the prosecution bar. Status hearing set for 3/10/26 at 10:30 a.m. Joint status report due by noon on 3/6/26 setting forth the status of the Minnesota case; any effects of the 3/4/26 deposition on the case schedule; any additional Rule 30(b)(6) deposition topics based on the Court's ruling on the inventors. Parties to file a brief joint status report by noon on 2/20/26 regarding the Rule 30(b)(6) deposition topic No. 100. Parties may appear in person or dial in using the Court's conference call−in number. The conference call−in number is 1−855−244−8681 and the access code is 2316 422 1828##. Members of the public and media who wish to listen to this hearing may call in. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jn,)

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