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RODGER D. SMITH II
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March 2, 2026

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Inspire Medical Sys., Inc. v. Nyxoah, Inc., et al.*,
C.A. No. 25-667 (RGA)

Dear Judge Andrews:

The parties agree that, once the stay of this action is lifted, a revised Scheduling Order should be entered. The parties disagree on the details of the revised schedule, primarily the trial date. Inspire proposes a schedule that maintains the December 13-17, 2027 trial date. Nyxoah proposes a schedule with trial occurring approximately the week of February 22, 2028. Consistent with the Stipulation and Order previously submitted by the parties and ordered by the Court (*see* D.I. 61, ¶ 2), the parties have met and conferred concerning proposed adjustments to the Scheduling Order (D.I. 30) and are submitting this letter and the attached proposed schedules for the Court's consideration. Attached as Attachment A are the parties' competing proposals for a revised schedule. For context, the parties' respective positions on the proposed schedules are provided below.

Inspire's Position:

Inspire proposes a schedule that maintains the existing December 13-17, 2027 trial dates. Inspire's goals in substituting counsel were to avoid unnecessarily burdening the Court and to efficiently resolve this litigation (D.I. 65 n.1), including by maintaining the existing trial date if at all possible. There is ample time (almost 22 months) remaining between now and trial to reorganize the schedule without prejudicing either party or unduly limiting the Court's amount of time to decide key motions. For example, Inspire's proposal allows roughly 12 weeks between the filing of the parties' joint *Markman* brief and Plaintiff's final infringement contentions, during which the Court may hear and decide any claim construction issues. It maintains another roughly three months between completion of summary judgment/*Daubert* briefing and the filing of the Pretrial Order. Inspire also notes in response to Nyxoah's position below that the extension of the stay beyond January 20, 2026 was done at Nyxoah's initial suggestion. (Ex. 1 at 6 (Jan. 13, 2026

M. Squire Email to R. Smith.) In addition, Inspire would oppose any forthcoming motion to stay pending resolution of Nyxoah's recently filed IPRs. Under these circumstances, Inspire sees no basis to delay the scheduled resolution of this dispute.

Nyxoah's Position:

At Inspire's request, all deadlines in this case were stayed from November 21, 2025 through January 20, 2026, and as the January 20th deadline approached and Nyxoah raised the possibility of needing to extend the stay by seven to fourteen days following the Court's ruling on Inspire's objections to the disqualification order, Inspired suggested that the stay actually be extended 21 days after the Court rules on Inspire's objections. (Ex. 1 at 5–6 (Jan. 14, 2026 A. Raucci Email to M. Squire.) The case has now been stayed for three months. Although Nyxoah could have extended all deadlines by the full length of the stay, it instead proposed a revised schedule that tightens certain deadlines in an effort to compromise. The proposed schedule allows sufficient time to complete fact discovery, including the possibility of the need for discovery in both the United States and in Europe, consistent with the original schedule; and preserves the existing timeframe for the Court to consider summary judgment and *Daubert* motions. It also proposes moving the trial date by only two months from the original schedule, reflecting a reasonable adjustment. Additionally, Nyxoah's proposal maintains this case, ahead of the related C.A. No. 25-1147 action, in which Nyxoah is the plaintiff, should sequencing be a consideration. Nyxoah has also proposed continuing the stay until resolution of its IPRs concerning the patents-in-suit and plans to file a motion to stay pending resolution of the IPRs (D.I. 56).

* * *

Once the Court resolves the scheduling dispute, the parties will incorporate the appropriate schedule into a revised Scheduling Order to be submitted for the Court's signature, assuming this procedure meets with the Court's approval.

Respectfully,

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)

cc: All Counsel of Record (via electronic mail)

ATTACHMENT A

Attachment A: Parties' Disputed Proposed Schedules

Deadline	D.I. 30 Scheduling Order	Inspire Proposal	Nyxoah Proposal
Initial Case Management Conference	Monday, Sept. 22, 2025 at 2 p.m. ET	-	-
Rule 26(a)(1) Disclosures	10 days after Court approval of JSO (Monday, Sept. 29, 2025)	-	-
Parties' Submission of an ESI Stipulation and Proposed Order	15 days after Court approval of JSO (Thursday, Oct. 2, 2025)	-	-
Parties' Submission of Proposed Protective Order	20 days after Court approval of JSO (Tuesday, Oct. 7, 2025)	-	-
Plaintiff's Identification of Accused Products, Asserted Patents, and Production for File Histories (Delaware Default Standard ¶4a)	Wednesday, October 22, 2025	-	-
D.I. 52 Nov. 21, 2025 Order Staying Case			
D.I. 61 Jan. 20, 2026 Order Extending Stay			
Defendants' Core Technical Document Production (Delaware Default Standard ¶4b)	Friday, November 21, 2025	Friday, March 6, 2026	Friday, March 13, 2026
Plaintiff's Initial Infringement Charts (Delaware Default Standard ¶4c)	Friday, December 19, 2025	Monday, March 30, 2026	Wednesday, April 1, 2026
Defendants' Initial Invalidity Contentions (Delaware Default Standard ¶4d)	Tuesday, January 20, 2026	Wednesday, April 29, 2026	Friday, May 1, 2026
Parties Exchange Claim Construction Terms	Thursday, February 12, 2026	Tuesday, May 19, 2026	Thursday, May 21, 2026
Parties Exchange Proposed Constructions	Thursday, February 26, 2026	Tuesday, June 2, 2026	Thursday, June 4, 2026

INSPIRE MEDICAL SYSTEMS, INC. Exhibit 2003
NYXOAH, INC., et al. v. INSPIRE MEDICAL SYSTEMS, INC.
IPR2026-00091
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Parties File Joint Claim Construction Chart	Thursday, March 5, 2026	Tuesday, June 9, 2026	Thursday, June 11, 2026
Plaintiff to Serve, Not File, Opening Claim Construction Brief (5,000 words, ~20pp)	Thursday, March 26, 2026	Tuesday, June 30, 2026	Thursday, July 2, 2026
Defendants to Serve, Not File, Answering Claim Construction Brief (7,500 words, ~30pp)	Thursday, April 23, 2026	Tuesday, July 28, 2026	Thursday, July 30, 2026
Plaintiff to Serve, Not File, Reply Claim Construction Brief (5,000 words, ~20pp)	Thursday, May 21, 2026	Friday August 21, 2026	Tuesday, August 25, 2026
Defendants to Serve, Not File Sur-Reply Claim Construction Brief (2,500 words, ~10pp)	Thursday, June 18, 2026	Monday, September 14, 2026	Thursday September 17, 2026
Parties File Joint Claim Construction Brief	Thursday, June 25, 2026	Thursday, September 17, 2026	Thursday, September 24, 2026
Markman Claim Construction Hearing	Thursday, July 23, 2026 at 9:30 am	**[COURT'S CHOICE]** [PROPOSED: Thursday, October 15, 2026]	**[COURT'S CHOICE]** [PROPOSED: Thursday, October 22, 2026]
Deadline for Substantial Completion of Document Production	Thursday, August 27, 2026	Friday, October 23, 2026	Friday, October 30, 2026
Deadline to move to join parties or to amend or supplement pleadings	Thursday, September 17, 2026	Friday, November 6, 2026	Friday, November 13, 2026
Plaintiff's Final Infringement Contentions	No later than 45 days before end of fact discovery (Monday, November 2, 2026)	No later than 45 days before end of fact discovery (Tuesday, December 8, 2026)	No later than 45 days before end of fact discovery (Tuesday, January 5, 2027)
Defendants' Final Invalidity Contentions	No later than 30 days before end of fact discovery (Tuesday, November 17, 2026)	No later than 30 days before end of fact discovery (Wednesday, December 23, 2026)	No later than 30 days before end of fact discovery (Wednesday, January 20, 2027)

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NYXOAH, INC., et al. v. INSPIRE MEDICAL SYSTEMS, INC.
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Fact Discovery Cut-Off Date	Thursday, December 17, 2026	Friday, January 22, 2027	Friday, February 19, 2027
Plaintiff to narrow to no more than 35 asserted claims	Thursday, January 7, 2027	Friday, February 12, 2027	Friday, March 12, 2027
Defendant to narrow to no more than 8 prior art grounds per asserted claim	Thursday, January 21, 2027	Friday, February 26, 2027	Friday, March 26, 2027
Opening Expert Reports Due	Thursday, February 18, 2027	Friday, March 19, 2027	Friday, April 16, 2027
Rebuttal Expert Reports Due	Thursday, April 1, 2027	Friday, April 23, 2027	Friday, May 21, 2027
Reply Expert Reports Due	Thursday, April 29, 2027	Friday, May 14, 2027	Friday, June 18, 2027
Expert Discovery Period Ends	Thursday, June 3, 2027	Friday, June 18, 2027	Friday, July 23, 2027
Plaintiff to narrow to no more than 20 asserted claims	Thursday, June 3, 2027	Friday, June 18, 2027	Friday, July 23, 2027
Defendant to narrow to no more than 4 prior art grounds per asserted claim	Thursday, June 17, 2027	Friday, July 2, 2027	Friday, August 6, 2027
Opening Briefs for Case Dispositive/*Daubert* Motions Filed (40pp)	Wednesday, June 30, 2027	Friday, July 16, 2027	Friday, August 20, 2027
Answering Briefs for Case Dispositive/*Daubert* Motions Filed (40pp)	Thursday, July 29, 2027	Friday, August 13, 2027	Friday, September 17, 2027
Reply Briefs for Case Dispositive/*Daubert* Motions Filed (20pp)	Thursday, August 26, 2027	Friday, September 3, 2027	Friday, October 15, 2027
Proposed Pretrial Order, Briefing Complete on Jury Instructions, Voir Dire, and Special Verdict Forms	No later than 5 p.m. on the fourth business day before the date of the final pretrial conference (Monday, November 29, 2027)	No later than 5 p.m. on the fourth business day before the date of the final pretrial conference (Monday, November 29, 2027)	**[COURT'S CHOICE]** [PROPOSED: Monday, February 7, 2028]
Pretrial Conference Date	Friday, December 3, 2027 at 9:30 a.m.	Friday, December 3, 2027 at 9:30 a.m.	**[COURT'S CHOICE]** [PROPOSED: Friday, February 11, 2028]

INSPIRE MEDICAL SYSTEMS, INC. Exhibit 2003
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IPR2026-00091
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Trial Commences	Monday-Friday, December 13-17, 2027 at 9:30 a.m.	Monday-Friday, December 13-17, 2027 at 9:30 a.m.	**[COURT'S CHOICE]** [PROPOSED: Tuesday, February 22, 2028]

INSPIRE MEDICAL SYSTEMS, INC. Exhibit 2003
NYXOAH, INC., et al. v. INSPIRE MEDICAL SYSTEMS, INC.
IPR2026-00091
7

EXHIBIT 1

From:	Squire, Monté T.
To:	Raucci, Anthony D.
Cc:	Smith, Rodger
Subject:	[EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026
Date:	Friday, January 16, 2026 5:03:17 PM

Great, thanks.

Monté T. Squire
Partner

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From: Raucci, Anthony D. <araucci@morrisnichols.com>
Sent: Friday, January 16, 2026 5:02 PM
To: Squire, Monté T. <MTSquire@duanemorris.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Thanks. Ok to e-sign the 25-667 stip for me. We'll get the 25-1147 stip on file.

-Anthony

ANTHONY D. RAUCCI
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From: Squire, Monté T. <MTSquire@duanemorris.com>
Sent: Friday, January 16, 2026 4:54 PM
To: Raucci, Anthony D. <araucci@morrisnichols.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: [EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Anthony,

The separate stipulation for the 25-1147 case looks fine. You have permission to e-sign for me and proceed with filing.

Please see the separate stipulation for the 25-667 case that was previously circulated earlier today. Please confirm permission for us to e-sign on your behalf and proceed with filing that stipulation.

Thanks,
Monté

Monté T. Squire
Partner

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From: Raucci, Anthony D. <araucci@morrisnichols.com>
Sent: Friday, January 16, 2026 4:22 PM
To: Squire, Monté T. <MTSquire@duanemorris.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Makes sense. Attached is a separate stip for the 25-1147 case. Let us know if this works.

-Anthony

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From: Squire, Monté T. <MTSquire@duanemorris.com>

Sent: Friday, January 16, 2026 3:57 PM
To: Raucci, Anthony D. <araucci@morrisnichols.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: [EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Anthony,

We agree with the concept of staying the two cases; however, because the cases are not consolidated, our position is that separate stipulations should be filed in each case.

If Inspire agrees, please send us the two separate stipulations for each case for our review.

Thanks,
Monté

Monté T. Squire
Partner

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From: Raucci, Anthony D. <araucci@morrisnichols.com>
Sent: Friday, January 16, 2026 1:39 PM
To: Squire, Monté T. <MTSquire@duanemorris.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Thanks, Monté,

We think the proposed stay should apply to both cases (25-667 and 25-1147). I've revised the stip to reflect that in the attached. Let us know whether Nyxoah agrees.

-Anthony

ANTHONY D. RAUCCI
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From: Squire, Monté T. <MTSquire@duanemorris.com>
Sent: Friday, January 16, 2026 10:01 AM
To: Raucci, Anthony D. <araucci@morrisnichols.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: [EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Good morning Anthony,

Please see the attached draft stipulation.

Thanks,
Monté

Monté T. Squire
Partner

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From: Raucci, Anthony D. <araucci@morrisnichols.com>
Sent: Friday, January 16, 2026 9:23 AM
To: Squire, Monté T. <MTSquire@duanemorris.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Good morning Monté,

Following up on this given the upcoming deadlines.

-Anthony

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From: Squire, Monté T. <MTSquire@duanemorris.com>
Sent: Wednesday, January 14, 2026 4:51 PM
To: Raucci, Anthony D. <araucci@morrisnichols.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: [EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Hi Anthony,

Thanks for getting back to me. Regarding draft stay papers, I will follow up on my end and get back to you.

Regards,
Monté

Monté T. Squire
Partner

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From: Raucci, Anthony D. <araucci@morrisnichols.com>
Sent: Wednesday, January 14, 2026 4:08 PM
To: Squire, Monté T. <MTSquire@duanemorris.com>
Cc: Smith, Rodger <RSmith@morrisnichols.com>
Subject: RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Hi Monté,

Thanks for the suggestion. We are still discussing internally, but we think lifting the proposed stay 21 days after we receive a decision might be more appropriate. Do you have draft stay papers we could consider?

-Anthony

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From: Squire, Monté T. <MTSquire@duanemorris.com>
Sent: Tuesday, January 13, 2026 6:06 PM
To: Smith, Rodger <RSmith@morrisnichols.com>; Raucci, Anthony D. <araucci@morrisnichols.com>
Subject: [EXT] RE: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED - Deadlines stayed through January 20, 2026

Hi Rodger and Anthony,

Given that the current stay is set to end on Tuesday, January 20, please advise whether Inspire would be willing to consider linking the lifting of the stay to Judge Andrews' decision or ruling on Inspire's objections to Judge Tennyson's Order on the motion to disqualify counsel. For example, the stay could be set to lift 7 or 14 days (or some other time certain) after Judge Andrews issues a decision. This approach would provide the parties with time to meaningfully review the decision, meet and confer, and consider a thoughtful plan for the litigation going forward.

Please let us know your thoughts on this approach and willingness to submit a joint proposed stipulation. We are available to meet and confer.

Thanks,
Monté

Monté T. Squire
Partner

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From: ded_nefreply@ded.uscourts.gov <ded_nefreply@ded.uscourts.gov>
Sent: Friday, November 21, 2025 1:44 PM
To: ded_ecf@ded.uscourts.gov
Subject: Activity in Case 1:25-cv-00667-RGA Inspire Medical Systems, Inc. v. Nyxoah, Inc. et al SO ORDERED

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U.S. District Court
District of Delaware

Notice of Electronic Filing
The following transaction was entered on 11/21/2025 1:44 PM EST and filed on 11/21/2025

Case Name: Inspire Medical Systems, Inc.
v. Nyxoah, Inc. et al
Case Number: 1:25-cv-00667-RGA https://ecf.ded.uscourts.gov/cgi-bin/DktRpt.pl?89290

Filer:

Document Number: 52

Copy the URL address from the line below into the location bar of your Web browser to view the document:
https://ecf.ded.uscourts.gov/doc1/04317016681?caseid=89290&de_seq_num=197&magic_num=35110408

Docket Text:

SO ORDERED Granting [51] Stipulation
and Proposed Order to Stay Certain Deadlines. Signed by Judge Richard G.
Andrews on 11/21/2025. (aas)

1:25-cv-00667-RGA Notice has been electronically mailed to:
Rodger Dallery Smith, II rdsefiling@mnat.com, mnat_IP_eFiling@morrisnichols.com, rsmith@mnat.com
Monte Terrell Squire MTSquire@duanemorris.com, csmorton@duanemorris.com, monte-squire-5229@ecf.pacerpro.com, smtaylor@duanemorris.com
Anthony J. Fitzpatrick AJFitzpatrick@duanemorris.com, MGMcGonagle@duanemorris.com

L. Norwood Jameson wjameson@duanemorris.com, amjoshua@duanemorris.com

Anthony David Raucci araucci@morrisnichols.com, mnat_IP_eFiling@morrisnichols.com

Jarrad M. Gunther JMGunther@duanemorris.com, kakeogh@duanemorris.com

Charlotte Drew cdrew@duanemorris.com, MgMcGonagle@duanemorris.com

1:25-cv-00667-RGA Filer will deliver document by other means to:

The following document(s) are associated with this transaction:
Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1079733196 [Date=11/21/2025] [FileNumber=6037992-0] [cf4996c53ec9209fef7f8ce27a3ba9585cc3401199a67ec872951bc965cfce70d0079b478653a59c65f7c610ab8c903b1e54533188d86dcdea78562884874d97]]

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