

Filed on behalf of: RapidPulse, Inc.

Entered: September 25, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PENUMBRA, INC.,
Petitioner,

v.

RAPIDPULSE, INC.,
Patent Owner.

Case IPR2024-01261
Patent 11,406,402

**PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF QIUSHI (WILLIAM) YAO
UNDER 37 C.F.R. § 42.10(c)**

Exhibit List

Exhibit	Description
2001	Declaration of Brad Culbert in Support of Patent Owner's Preliminary Response (Nov. 22, 2024) ("Culbert Decl.")
2002	<i>Curriculum Vitae</i> of Brad Culbert
2003	Declaration of Brian Brown in Support of Petition for Inter Partes Review of U.S. Patent No. 10,531,883, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2021-01466, Ex. 1005 (P.T.A.B. Aug. 30, 2021) ("883 Brown Decl.")
2004	Declaration of Ian Ross, MD in Support of Petition for Inter Partes Review of U.S. Patent No. 10,531,883, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2021-01466, Ex. 1023 (P.T.A.B. Aug. 30, 2021) ("883 Ross Decl.")
2005	Supplemental Declaration of Brian Brown for Inter Partes Review of U.S. Patent No. 10,531,883, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2021-01466, Ex. 1030 (P.T.A.B. Oct. 3, 2022) ("883 Brown Suppl. Decl.")
2006	Transcript of the Remote Videoconferenced Deposition of Ian Beaudoin Ross, MD, taken June 24, 2022, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2021-01466, Ex. 2016 (P.T.A.B. July 11, 2022) ("883 Ross Dep. Tr.")
2007	Judgment: Final Written Decision, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2021-01466, Paper 34 (P.T.A.B. Mar. 10, 2023) ("883 FWD")
2008	Declaration of Brian Brown in Support of Petition for Inter Partes Review of U.S. Patent No. 10,722,253, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2022-00608, Ex. 1005 (P.T.A.B. Feb. 15, 2022) ("253 Brown Decl.")

Exhibit	Description
2009	Declaration of Ian Ross, MD in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 10,722,253, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2022-00608, Ex. 1023 (P.T.A.B. Feb. 15, 2022) (“‘253 Ross Decl.”)
2010	Transcript of the Remote Videoconference Deposition of Brian Brown, Vol. 2, taken May 22, 2023, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2022-00608, Ex. 2018 (P.T.A.B. May 26, 2023) (“‘253 Brown Dep. Tr.”)
2011	Judgment: Final Written Decision, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2022-00608, Paper 34 (P.T.A.B. Sept. 6, 2023) (“‘253 FWD”)
2012	Sudheer Gorla et al., <i>The Role of Interventional Cardiology in the Management of Thrombotic Conditions in the Pediatric Population</i> in CARDIOVASCULAR THROMBUS: FROM PATHOLOGY & CLINICAL PRESENTATIONS TO IMAGING, PHARMACOTHERAPY & INTERVENTIONS 565–575 (2018)
2013	<i>Patency</i> , MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/patency (last visited Nov. 22, 2024)
2014	Declaration of Brad Culbert in Support of Patent Owner's Response (May 30, 2025) (“Culbert POR-Decl.”)
2015	U.S. Patent Application Publication No. US 2016/0220741 A1 (“Garrison”)
2016	Transcript of the Remote Videoconference Deposition of Brian Brown (Vol. 1), taken December 9, 2022, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , IPR2022-00608, Ex. 2016 (P.T.A.B. Jan. 6, 2023) (“IPR2022-00608, Ex. 2016”)
2017	Transcript of the Remote Videoconference Deposition of Ian Ross, MD, No. IPR2024-01261, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , taken May 16, 2025 (“Ross Dep.”)

Exhibit	Description
2018	Transcript of the Remote Videoconference Deposition of Brian J. Brown, No. IPR2024-01261, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , taken May 9, 2025 (“Brown Dep.”)
2019	Errata and signed Acknowledgment from Transcript of the Remote Videoconference Deposition of Brian J. Brown, No. IPR2024-01261, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , taken May 9, 2025
2020	NEW OXFORD AMERICAN DICTIONARY (3rd ed. 2010) (EXCERPT)
2021	Patrick A. Brouwer, MD et al., <i>Clot Pathophysiology: Why is It Clinically Important?</i> , 28 NEUROIMAGING CLINICAL N. AM. 611-623 (2018) (“Brouwer 2018”)
2022	Decision Granting Institution of <i>Inter Partes</i> Review, No. IPR2021-01466, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , dated March 14, 2022
2023	Decision Granting Institution of <i>Inter Partes</i> Review, No. IPR2022-00608, <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , dated September 9, 2022
2024	Transcript of the Remote Videoconference Deposition of Brian Brown, taken June 15, 2022 <i>Penumbra, Inc. v. RapidPulse, Inc.</i> , No. IPR2021-1466, Ex. 2013 (P.T.A.B. July 11, 2022) (“IPR2021-01466, Ex. 2013”)
2025	Osama O. Zaidat, MD et al., <i>First Pass Effect – A New Measure for Stroke Thrombectomy Devices</i> , 49 STROKE 660-666 (2018) (“First Pass Effect”)
2026	Gyula Gal et al., <i>Improved LVO First-Pass Effect With Precise Cyclic Aspiration: Early Experience with the RapidPulse™ System</i> , 14 (Suppl.) J. NEUROINTERVENTIONAL SURGERY A40-A41 (2022)

Exhibit	Description
2027	Arsida Bajrami et al., <i>RapidPulse™ Cyclic Aspiration System for Acute Ischemic Stroke Due to Large Vessel Occlusions</i> , 22 INTERVENTIONAL NEURORADIOLOGY (2024)
2028	Raul Nogueira, MD et al., <i>Data Presented at SVIN 2024</i> , RapidPulse™ (2024)
2029	RESERVED
2030	RESERVED
2031	<i>Duplex Fuel Selectors</i> , ANDAIR PRODUCTS, https://www.andair.co.uk/category/duplex-fuel-selectors/ (last visited May 28, 2025)
2032	<i>Solenoid Valves</i> , CANNON WATER TECHNOLOGY INC., https://cannonwater.com/pipe-valves-and-fittings/solenoid-valves/?srsltid=AfmBOoqfhXocs7qr7O-snnaGmL5GabfvVdzYEE8shLCAPXabAn6YSf (last visited May 28, 2025)
2033	Brian Booth, <i>V-Port Ball Valves vs. Globe</i> , VALVE WORLD AMERICAS (2018)
2034	Declaration of Charles H. Sanders In Response to Petitioner's Objections to Evidence [<i>served, not filed</i>]
2035	European Opposition filed July 29, 2025 against EP 3823686 (excerpts)
2036	Declaration of Qiushi (William) Yao In Support of Patent Owner's Unopposed Motion for <i>Pro Hac Vice</i> Admission Under 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5), Patent Owner RapidPulse, Inc. (“Patent Owner”) respectfully requests the *pro hac vice* admission of attorney Qiushi (William) Yao, Esq., in this proceeding. Patent Owner has conferred with counsel for Penumbra, Inc. (“Petitioner”), and Petitioner does not oppose this motion.

II. LEGAL STANDARD

Under 37 C.F.R. § 42.10(c):

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5) further instructs:

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, No. IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013), a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

Paper No. 5 at 2. The above referenced “Order -- Authorizing Motion for *Pro Hac Vice* Admission” further provides:

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
 - i. Membership in good standing of the Bar of at least one State or the District of Columbia;
 - ii. No suspensions or disbarments from practice before any court or administrative body;

- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. The individual will be subject to the United States Patent and Trademark Office (USPTO) Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

IPR2013-00639, Paper No. 7 at 3. As set forth below, and in the accompanying Declaration of Qiushi (William) Yao ("Yao Decl.," Ex. 2036), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE QIUSHI (WILLIAM) YAO ESQ. *PRO HAC VICE* IN THIS PROCEEDING

Mr. Yao is a member in good standing of the District of Columbia (Bar No. 90018533), the State Bar of California (Bar No. 355057), and admitted to practice before the United States Court of Appeals for the Federal Circuit. Yao Decl. ¶ 2. Mr. Yao has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 3. No application of Mr. Yao for admission to practice before any court or administrative body has ever been denied. *Id.* Nor has any court or administrative body imposed sanctions or contempt citations against Mr. Yao. *Id.* Mr. Yao has read, fully understands, and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of title 37 of the Code of Federal Regulations. *Id.* ¶ 4. Mr. Yao acknowledges and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*

Patent Owner's lead counsel in this proceeding, Charles H. Sanders, is a registered practitioner (Reg. No. 47,053). Moreover, as set forth below (and in his accompanying declaration), Mr. Yao is both an experienced and technically-trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Mr. Yao received a Bachelor of Science degree in Mechanical Engineering from Union College in 2020. Yao Decl. ¶ 5. Mr. Yao earned a law degree from Harvard Law School in 2023. *Id.* Mr. Yao joined Latham & Watkins LLP (“Latham”) as an associate in 2023. *See id.* ¶ 6.

Mr. Yao is currently a member of Latham’s intellectual property group, with a focus on patent litigation. *Id.* Mr. Yao has practiced in this group for over two years. *Id.*

Mr. Yao also has an established familiarity with the subject matter at issue in this proceeding. Mr. Yao has been actively involved in the presently-pending appeal at the United States Court of Appeals for the Federal Circuit, *RapidPulse, Inc. v. Penumbra, Inc.*, Nos. 2024-1130, 2024-1131 (Fed. Cir.). *Id.* ¶ 7. U.S. Patent No. 11,406,402 (“’402 patent”), which is challenged in this proceeding, is related to the patents at issue in that appeal. *Id.* ¶ 7.

Mr. Yao has been actively involved in analyzing and assisting with responding to the Petition for *Inter Partes* Review submitted in this proceeding. *Id.* ¶ 8.

In view of Mr. Yao’s extensive knowledge of the subject matter at issue in this proceeding, and in view of the interrelatedness of this proceeding and the related pending appeal, Patent Owner has a substantial need for Mr. Yao’s *pro hac vice* admission and his involvement in the continued prosecution of this proceeding. In

addition, admission of Mr. Yao *pro hac vice* will enable Patent Owner's to avoid unnecessary expense and duplication of work between this proceeding and the pending appeal. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel litigation).

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Mr. Yao be admitted *pro hac vice* in this proceeding.

Upon grant of the instant Motion, Patent Owner will file an updated Power of Attorney and updated Mandatory Notices listing Mr. Yao.

Respectfully submitted,

Dated: September 25, 2025

By: / Charles H. Sanders /

Charles H. Sanders (Reg. No. 47,053)
charles.sanders@lw.com
Latham & Watkins LLP
200 Clarendon Street
Boston, MA 02116
Telephone: 617.948.6000
Fax: 617.948.6001

*Counsel for Patent Owner
RapidPulse, Inc.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 25th day of September, 2025, a true and correct copy of the foregoing **Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Qiushi (William) Yao Under 37 C.F.R. § 42.10(c) and Exhibit 2036** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

Eliot D. Williams (Reg. No. 50,822)
Baker Botts L.L.P.
700 K St
Washington, D.C. 20001
Tel: 202.639.7700
Eliot.Williams@BakerBotts.com
DLPenumbralIPR@bakerbotts.com

Jeremy J. Taylor (Reg. No. 73,912)
Mark Oda (Reg. No. 76,659)
Baker Botts L.L.P.
101 California St, Suite 3600
San Francisco, CA 94111
Tel: 415.291.6202
Jeremy.Taylor@BakerBotts.com
Mark.Oda@bakerbotts.com

By: / Charles H. Sanders /

Charles H. Sanders (Reg. No. 47,053)
charles.sanders@lw.com
Latham & Watkins LLP
200 Clarendon Street
Boston, MA 02116
Telephone: 617.948.6000
Fax: 617.948.6001

*Counsel for Patent Owner
RapidPulse, Inc.*