

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IMPERATIVE CARE, INC.,
Petitioner,

v.

INARI MEDICAL, INC.,
Patent Owner.

Case No. IPR2025-01025
U.S. Patent No. 11,974,910

**PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO EXCLUDE**

Table of Contents

I. Exhibits 1003 and 1067 (Declarations of Mr. Troy Thornton (“Thornton”)) 1

II. Exhibit 1022 (Declaration of Dr. Aquilla S. Turk, III (“Turk”)) 3

III. Patent Owner timely objected.....4

TABLE OF AUTHORITIES

CASES

<i>Boe Tech. Grp. Co. v. Optronix Scis. LLC</i> , IPR2024-01130, Paper 47 (PTAB Jan. 26, 2026)	3
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OTHER AUTHORITIES

Fed. R. Evid. 702	3
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PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	Notice of Allowance from U.S. Patent Application No. 18/329,450
2002	U.S. Patent Application Publication No. 2018/0042623 to Batiste ("Batiste")
2003	Declaration of Brian Brown
2004	Mirza, M., Kummer, K., Touchette, J., McCarthy, R., Rai, A., Brouwer, P., & Gilvarry, M. (2024). Variability in Intracranial vessel Diameters and Considerations for Neurovascular Models: A Systematic Review and Meta-Analysis. <i>Stroke Vascular and Interventional Neurology</i> , 4(4). https://doi.org/10.1161/svin.123.001177
2005	Order Granting in Part Motion to Stay, <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , No. 5:24-cv-03117-EKL (N.D. Cal. Sept. 29, 2025), ECF No. 137
2006	Hearing Transcript, dated February 6, 2026
2007	<i>Reserved</i>
2008	Supplemental Declaration of Brian Brown
2009	Instructions for Use for Medtronic Bio-Pump™ BP-50, CBBP-50
2010	Instructions for Use for Maquet Getinge Group ROTAFLOW Centrifugal Pump
2011	40 Year Bio Pump Timeline
2012	OPERATING INSTRUCTIONS for the Pump Drive BVP-BP for centrifugal blood pump heads BP-50/BP-80 and SP-45
2013	Deposition Transcript of Troy L. Thornton (February 18, 2026)
2014	Deposition Transcript of Troy L. Thornton (February 19, 2026)
2015	Deposition Transcript of Aquilla S. Turk (February 25, 2026)
2016	Declaration of Dr. Christopher S. Morris
2017	Redacted version of Declaration of Brian Brown, <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , No. 5:24-cv-03117-EKL (N.D. Cal. July 24, 2024), ECF No. 24-2
2018	Deposition Transcript of Troy L. Thornton (July 1, 2026)
2019	Deposition Transcript of Troy L. Thornton (March 19, 2025)

Case IPR2025-01025
PO's Reply to Opposition to Motion to Exclude

2020	Petitioner's Reply to Patent Owner's Response (Paper 32) in <i>Imperative Care, Inc. v. Inari Medical Inc.</i> , IPR2025-01021 (June 4, 2026)
2021	Inari's Reply in Support of Motion for Preliminary Injunction, <i>Inari Med., Inc. v. Imperative Care, Inc.</i> , No. 5:24-cv-03117 (N.D. Cal. Oct. 21, 2024)

PO's Reply to Opposition to Motion to Exclude

Patent Owner respectfully requests that the Board exclude Exhibits 1003, 1022, and 1067 from the record in this IPR proceeding.

I. Exhibits 1003 and 1067 (Declarations of Mr. Troy Thornton (“Thornton”))

In opposition, Petitioner abandons the level of experience necessary to qualify as a POSA that both Petitioner and its purported experts applied throughout this IPR, conceding that the field of the '910 Patent “generally relates to systems, methods, and devices for intravascular treatment of emboli and/or thrombi.” Paper 42, p. 3. Then Petitioner attempts to expand the phrase “treatment of emboli and/or thrombi” to mean any “devices to reestablish blood flow” regardless of whether those devices are for the “treatment of emboli and/or thrombi.” Paper 42, pp. 3-5. But Petitioner’s purported expert testified in both his opening declaration (EX1003, ¶26) and at deposition (EX2013, 22:3-23:20) that the technical field of the '910 Patent is “devices for aspirating unwanted material from a patient,” and that is the same in substance to the '910 Patent’s recitation of “treatment of emboli and/or thrombi.” EX2013, 21:25-23:12; *see also* Paper 41, pp. 2-3.

So, despite repeatedly testifying that the technical field of the '910 Patent is “devices for aspirating unwanted material from a patient,” Thornton testified that he has no experience in the field: “[Q.] Have you ever designed any device intended to be used to aspirate a blood clot, thrombus, or emboli? [A.] No. [Q.] Have you ever

PO's Reply to Opposition to Motion to Exclude

designed any catheter intended to be used to aspirate a blood clot, thrombus, or emboli? [A.] I'll answer no again." EX2013, 49:24-50:10.

And "comparable" experience requires experience treating clots. Paper 41, pp. 3-4. As Dr. Morris explained, "experience working actually with clot" is "paramount" and "a POSA has to be familiar with clot." EX1065, 206:11-20. Thornton's "clot experience" is limited to selecting materials and designs to reduce the formation of clots, not treating clots. EX2018, 46:13-48:24; Paper 41, pp. 8-9.

A person with expertise in only pumps or catheters is not qualified as a POSA here. Similarly, Thornton's 35 years of experience in the general "cardiovascular medical field" does not qualify him as an expert on "devices for aspirating unwanted material from a patient." And, mere "[k]nowledge of the potential complications related to blood clots, thrombus, and thromboemboli" is not experience designing devices for treating blood clots. EX1067, ¶9, Paper 41, pp. 8, 9.

Petitioner also mischaracterizes a patent application listing Thornton as one of several other inventors to argue he is an expert in treatment of emboli and/or thrombi. Paper 42, p. 12. That application relates to a "multi-catheter steerable guiding system and method of use" (EX1079), which is "a two-part steerable catheter system through which other devices could be employed." EX2018, 42:9-11; EX1079, ¶245. The Opposition misleadingly truncates the list of conditions to emphasize "embolic filtration and removal." Paper 42, p. 12. But the full quote

PO's Reply to Opposition to Motion to Exclude

recites a litany of device types that the catheter can deliver, but does not disclose those devices. EX1079, ¶245. Thornton's experience on a team designing a catheter that could conceptually deliver devices designed to treat a multitude of conditions does not qualify him a POSA in designing the devices that treat those conditions. Indeed, Thornton concedes his lack of experience designing devices to treat clots. EX2013, 49:24-50:10.

While a POSA may consult with a physician where necessary, the POSA must still have the required experience in the field of the invention. EX1065, 211:9-15. Regardless, Thornton testified that he did not consult a physician. EX2013, 43:9-17.

Thornton may be "qualified to testify on many different topics," "[b]ut that does not mean that" Thornton "is qualified to testify as a POSITA in every" catheter-related field or in any field that may involve blood or blood clots. *Boe Tech. Grp. Co. v. Optronix Scis. LLC*, IPR2024-01130, Paper 47, pp. 22, 23 (PTAB Jan. 26, 2026). Accordingly, Thornton does not qualify as a POSA here and is not qualified to testify in this IPR regarding what a POSA would or would not have done.

II. Exhibit 1022 (Declaration of Dr. Aquilla S. Turk, III ("Turk"))

Turk's testimony is not a "reliable application of the principles and methods to the facts of the case" and should be excluded under at least F.R.E. 702. Turk did not read the challenged patent or claims. EX2015, 33:12-34:6 ("I don't typically review patents"). Turk did not read the cited prior art references. *Id.* at 69:7-11 ("Did

PO's Reply to Opposition to Motion to Exclude

you, in preparing your declaration, read [Aklog, Garrison, or Laub]? A. No.”). Turk did not apply, and has no understanding of, any applicable legal standards. *Id.* at 36:6-37:1 (“Q. Were you informed of what legal standards you should be adhering to in providing your opinions? A. No, ... I don't know that there are legal standards....”). And, though the challenged claims are expressly limited to systems for treating pulmonary embolisms (“PE”) (EX1001), Turk admits that he has no experience treating PE (EX2015, 23:14-16), and that he is not an expert in treating PE (EX2015, 24:6-9). As Petitioner’s Chief Medical Officer, Turk receives an annual salary of \$250,000.00 and owns “a lot” of Petitioner’s stock. *Id.*, 15:3-9.

Turk’s testimony is the epitome of unreliable expert testimony that should be excluded. At issue is whether a POSA would have combined the references to render obvious the claims for systems to treat PE. But Turk’s testimony does not consider the claims, the prior art, or the legal principles, and he has no experience treating PE. His testimony is irrelevant and biased.

III. Patent Owner timely objected

Petitioner has been on notice of PO’s objections to Petitioner’s definition of a POSA and that Thornton is not a POSA since the outset of the dispute. PO’s Preliminary Response challenged Petitioner’s definition because Petitioner’s proposed level of experience “is insufficient to qualify as a POSA” (Paper 8, p. 18), citing Mr. Brown’s declaration that a POSA must have experience in mechanical

PO's Reply to Opposition to Motion to Exclude thrombectomy (EX2003, ¶47). Even earlier, in related litigation in 2024, PO proposed the same qualifications (EX2017, ¶86) and explained that Thornton "never designed any component of a thrombectomy system" (EX2021, p. 2).

PO then objected to Exhibit 1003 in Paper 18, and to Exhibit 1067 in Paper 32, because Thornton's "testimony is not based upon sufficient facts or data and is not the result of application of reliable principles and methods," "the facts or data are not of a type reasonably relied upon by experts," and the testimony "creat[es] unfair prejudice, confus[es] the issues, or [is] a waste of time," putting Petitioner on notice of the objections. Paper 18, p. 1 (for EX1003); Paper 32, p. 1 (for EX1067). PO also explained that "Thornton fails to meet the qualifications of a POSA or an expert in the field of the '910 patent and has no experience in the field of the '910 patent." Paper 32, p.1 (for EX1067). PO's Paper 18 further explains that Turk's "testimony is biased" due to his "affiliation with Petitioner," "not based upon sufficient facts or data and is not the result of application of reliable principles and methods...." Paper 18, p. 2 (for EX1022).

PO timely notified Petitioner of the objections. Petitioner's complaint here is baseless. Petitioner submitted a declaration from Thornton (EX1067) in Reply (Paper 30, pp. 27-30) addressing PO's objections also detailed in PO's Response (Paper 25, pp. 19-24).

Case IPR2025-01025
PO's Reply to Opposition to Motion to Exclude
Respectfully submitted,

Date: September 3, 2026 By: / Joseph P. Hamilton /
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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on September 3, 2026, a copy of **PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO EXCLUDE** was served upon the below-listed counsel by electronic mail:

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Dated: September 3, 2026

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