

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAGNOLIA MEDICAL	)	
	)	
TECHNOLOGIES, INC.,	)	C.A. No. 24-01124 (CFC)
	)	
Plaintiff,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
KURIN, INC.,	)	PUBLIC VERSION
	)	
Defendant.	)	
	)	

**DEFENDANT KURIN, INC.’S OPENING BRIEF IN SUPPORT OF
DAUBERT MOTION TO EXCLUDE TESTIMONY OF PLAINTIFF’S
EXPERT CARL D. MEINHART**

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Rules

Fed. R. Civ. P. 26*passim*

Fed. R. Evid. 702*passim*

*All *emphasis* added unless otherwise indicated*

I. NATURE AND STATE OF THE PROCEEDINGS

Plaintiff and Counterclaim-Defendant, Magnolia Medical Technologies, Inc., filed this patent infringement action against Defendant and Counterclaim-Plaintiff, Kurin Inc., in the Southern District of California on March 4, 2024. D.I. 1. This action was transferred to this Court on October 10, 2024. D.I. 75. Magnolia asserts that Kurin infringes three US patents—U.S. Patent No. 11,529,081, U.S. Patent No. 11,653,863, and U.S. Patent No. 11,903,709.¹ D.I. 1, 247.

Kurin filed an amended answer and counterclaims to Magnolia’s complaint on November 21, 2024. D.I. 95. In addition to counterclaims for invalidity and unenforceability, Kurin asserted a counterclaim for patent infringement alleging that Magnolia’s Steripath Micro infringes independent claims 1 and 13 and dependent claims 6–12 and 18–24 of U.S. Patent No. 12,138,052 (“’052 Patent”). D.I. 95.

II. SUMMARY OF ARGUMENT

To provide admissible testimony, expert witnesses must be qualified, and their testimony must help the trier of fact, be based on sufficient facts or data, and be the product of reliable principles and methods that are reliably applied to the facts of the case. Fed. R. Evid. 702; *see also Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S.

¹ Magnolia stipulated to judgment of noninfringement of the two other patents it asserted in this litigation: U.S. Patent No. 9,855,002 and U.S. Patent No. 10,052,053. D.I. 247. Specifically, Magnolia admitted that the Kurin Jet does not infringe based on the Court’s construction of the term “sequester.” *Id.*

579, 589–91 (1993). The Court plays a gate-keeping role to ensure that the testimony of experts is not only relevant, but reliable. *UGI Sunbury LLC v. A Permanent Easement for 1.7575 Acres*, 949 F.3d 825, 832 (3d Cir. 2020) (quoting *Pineda v. Ford Motor Co.*, 520 F.3d 237, 243 (3d Cir. 2008)) (“[A] trial judge acts as a gatekeeper to ensure that any and all expert testimony or evidence is not only relevant, but also reliable.”). Moreover, the expert witness’ report “must contain” “(i) a complete statement of all opinions the witness will express ***and the basis and reasons for them.***” Fed. R. Civ. P. 26(a)(2)(B)(i).

Magnolia’s expert witness, Dr. Meinhart, fails these threshold requirements pertaining to his prior art invalidity opinions for Kurin’s ’052 Patent under Fed. R. Evid. 702 and Fed. R. Civ. P. 26(a)(2)(B). Kurin, therefore, moves to exclude his anticipation and obviousness opinions. Dr. Meinhart’s invalidity report pertaining to anticipation and obviousness is devoid of any analysis or detail and fails at baseline to even map the prior art to the claim elements or explain what combination or modification of the prior art he is relying on to reach his ultimate opinion of invalidity. Instead, Dr. Meinhart merely block quotes passages from the prior art references and prefaces that these block quotes disclose the claim elements without an explanation of how. Nowhere in his report does he articulate what component(s) in the prior art maps specifically to each claim element for anticipation or

obviousness, let alone explain what portions of the art he is combining for obviousness or how he is combining them.

Such bare-bones opinions are “wholly and irretrievably inadequate” because they fail to provide any meaningful analysis in Dr. Meinhart’s own words and do not provide a fair disclosure of Dr. Meinhart’s opinions or underlying methodology. *Oxford Gene Tech. Ltd. v. Mergen Ltd.*, 345 F. Supp. 2d 431, 437 (D. Del. 2004); *see also Adasa Inc. v. Avery Dennison Corp.*, 2023 WL 3775332, at *5–*6 (D. Or. June 2, 2023). Invalidity of the ’052 Patent is Magnolia’s burden, and Dr. Meinhart’s failure here should have his anticipation and obviousness opinions excluded.

III. STATEMENT OF FACTS

In accordance with the scheduling order, on May 30, 2025, each party served opening expert reports on issues on which each bears the burden. D.I. 220. Of those, Magnolia served Dr. Meinhart’s invalidity report for the ’052 Patent. Ex. A.²

Dr. Meinhart’s invalidity report spans 650 pages and purports to identify various prior art invalidity grounds. *Id.* at ii (showing § VII of Table of Contents).

² Ex. A is an excerpted version of Dr. Meinhart’s May 30, 2025 Invalidity Report, which includes the portions cited herein. Ex. B is a complete version of Dr. Meinhart’s May 30, 2025 Invalidity Report.

First, Dr. Meinhart purports to opine that the asserted claims of the '052 Patent are anticipated by:

- International Patent Application Publication No. WO 2014/085800 (“Patton ’800”);
- U.S. Patent Application Publication No. US 2014/0155781 (“Patton ’781”);
- U.S. Patent Application Publication No. 2004/0210162 (“Wyatt”).

Id. ¶¶ 21, 24, 28. Second, Dr. Meinhart purports to opine that the asserted claims of the '052 Patent are also rendered obvious by:

- Patton ’800 in view of the knowledge of a POSITA;
- Patton ’800 in view of U.S. Patent Application Publication No. US 2008/0145933 (“Patton ’933”);
- Patton ’781 in view of the knowledge of a POSITA;
- Patton ’781 in view of U.S. Patent No. 8,197,420 (“Patton ’420”);
- Patton ’781 in view of Patton ’933;
- Wyatt in view of the knowledge of a POSITA;
- Wyatt in view of Patton ’800.

Id. ¶¶ 22–23, 25–27, 29–30. Dr. Meinhart’s anticipation and obviousness opinions account for over 600 of the 650 pages of his invalidity report.

A. Dr. Meinhart’s Report Does Not Identify Which Component(s) in Each Prior Art Reference Supposedly Satisfies Each Element in the Asserted Claims

Dr. Meinhart’s report has a section devoted to each of the prior art theories listed above. In each of those sections the report has a subsection devoted to each

of the elements from each of the asserted claims. Thus, for instance, Dr. Meinhart's report breaks claim 1 into the following elements and, for each prior art reference, has a subsection purporting to address each element:

1[pre]. A device comprising:

[1a] an inlet port for receiving a blood sample;

[1b] an outlet port;

[1c] a chamber connected with the inlet port and configured to collect a first portion of the blood sample when under a drawing force applied from the outlet port from a blood sample collection device;

[1d] a sampling channel connected with the inlet port and configured to convey a subsequent portion of the blood sample to the outlet port; and

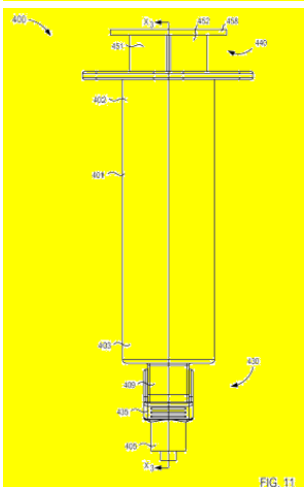
[1e] a housing that defines the inlet port, the sampling channel, and the outlet port.

Nowhere within those subsections (nor elsewhere in his report) does Dr. Meinhart identify which component or feature in the prior art he believes satisfies each element in the claim. This bears emphasis and an illustration.

The first element [1a] in claim 1 of the '052 Patent requires an "inlet port." Dr. Meinhart's entire "analysis" of that claim element with respect to the "Patton #800" prior art reference is reproduced in the table below. In the reproduction, Kurin has highlighted in green the words that Dr. Meinhart contributed to the analysis. The block quotations and figures that he merely copied and pasted from the prior art without explanation or annotation are highlighted in yellow.

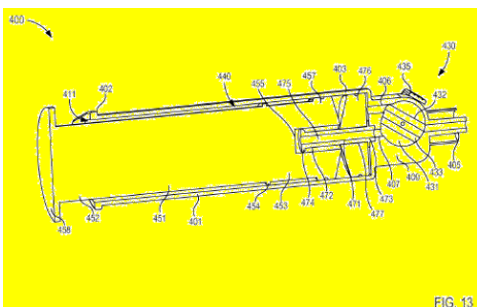
147. Patton #800 discloses and/or renders obvious “an inlet port for receiving a blood sample.”

148. Patton #800 discloses that “[a]s shown in FIGS. 11 and 12, the housing 401 includes a proximal end portion 402, a distal end portion 403, and defines an inner volume 411 therebetween.” [1087].



Patton #800, Figure 11.

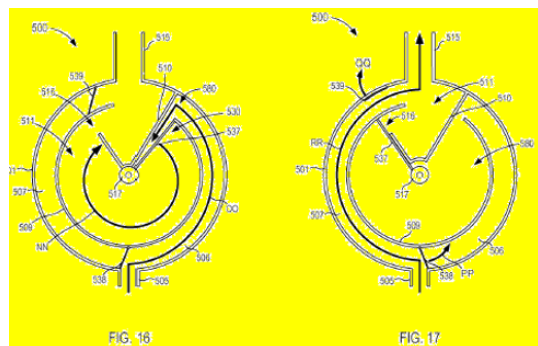
149. Patton #800 discloses that “[t]he distal end portion 403 of the housing 401 includes a port 405 and a diverter 409. The port 405 is configured to be coupled to or monolithically formed with a lumen-containing device, such as those described above. The diverter 409 defines a void 408 that movably receives a portion of the flow control mechanism 430. As shown in FIG. 13, the void 408 is in fluid communication with the port 405. . . . the diverter 409 can selectively receive a flow of a bodily-fluid” [1088].



Patton #800, Figure 13.

150. Patton #800 discloses that “[a]s shown in FIGS. 16 and 17, the housing 501 includes a distal port 505 and a diverter 509, and defines an inner volume 511 that

is in fluid communication with the distal port 505 and the proximal port 515.” [1108].



Patton #800, Figures 16, 17.

151. Patton #800 discloses “[a]lthough not shown in FIGS. 16 and 17, the distal port 505 can be coupled to a proximal end portion of a lumen-defining device such as, for example, a butterfly needle, a cannula assembly, a trocar (which in some cases is used to insert a catheter into a patient), or the like. With the port 505 physically coupled to the lumen-defining device, the port 505 is placed in fluid communication with the lumen defined by the lumen-defining device. Furthermore, the distal end portion of the lumen-defining device can be disposed within a portion of the body of a patient (e.g., a vein, spinal column, etc.). In this manner, the port 505 is placed in fluid communication with the portion of the body.” [1111].

152. Patton #800 discloses, as shown in Figure 16, “with the first channel 506 in fluid communication with the fluid reservoir 580 and the distal port 505, the negative pressure in the fluid reservoir 580 can exert a suction force through the first channel 506 and the distal port 505 that can urge a flow of bodily-fluid from the patient, through the lumen-defining device (not shown) and the first channel 506, and into the fluid reservoir 580, as indicated by the arrow OO in FIG. 16.” [1112].

153. Patton #800 discloses, as shown in Figure 17, “the second channel 507 is placed in fluid communication with the distal port 505 and the proximal port 515, thereby placing the distal port 505 in fluid communication with the syringe. Thus, the user can manipulate the syringe to exert a suction force through the proximal port 515, the second channel 507, the distal port 505, and the lumen-defining device that can urge a flow of bodily-fluid from the patient to, for example, a sample reservoir defined by the syringe, as indicated by the arrow RR.” [1114].

154. The subject matter of this claim element is described in Patton #800 Abstract, [1006], [1030], [1031], [1032], [1033], [1034], [1035], [1043], [1045], [1050], [1051], [1055], [1087], [1088], [1107], [1108], [1109], [1110], [1111], [1112], [1113], [1114], Figs. 11-23, cls. 1, 7, 16, 24; see also Exhibit F.

Ex. A ¶¶ 147–154. Parsing these paragraphs closely reveals that, for the “inlet port” alone, Dr. Meinhart block quotes excerpts referring to 16 different numbered items from Patton ’800; he pastes three different figures disclosing two different embodiments from Patton ’800, and those figures in turn refer to 46 different numbered items; and he concludes by string-citing 23 paragraphs and 13 figures that supposedly (somewhere) “describe” the “subject matter of this claim element.” Which component or feature in Patton ’800 does Dr. Meinhart contend in his report satisfies element [1a] for his anticipation or obviousness theories? He does not say.

For every claim element for every prior art reference, Dr. Meinhart follows this same trite formula for his “opinions.” Dr. Meinhart begins each subsection by stating generically that the subject prior art “discloses and/or renders obvious” the subject claim element, not even specifying whether what follows constitutes an anticipation or obviousness analysis. *E.g., id.* ¶¶ 142, 147, 155, 161, 171, 180. Dr. Meinhart then block quotes without any emphasis, discussion, commentary, or analysis multiple paragraphs from the subject prior art. *E.g., id.* ¶¶ 162–169 (block quoting 8 paragraphs from Patton ’800). Dr. Meinhart also pastes into each subsection images of certain figures from the prior art without annotations,

highlighting, labels, or independent discussion of the figures. *E.g., id.* ¶ 166. Lastly, Dr. Meinhart concludes every section for each claim element by citing to a plethora of additional paragraphs from the prior art and multiple additional figures. Nowhere does he identify which component in the prior art satisfies the subject claim element, nor how those (unidentified) components fit together to anticipate or render obvious the claim.

Even if this could be excused for a simple element like the “inlet port” taken in isolation, the problem becomes intractable for the claim as a whole. Other claim elements play specific roles in the claimed device (*e.g.*, a drawing force must be “applied from the outlet port from a blood sample collection device”). And some claim elements are defined by reference to other claim elements (*e.g.*, “a housing that defines the inlet port, the sampling channel, and the outlet port”). Discerning Dr. Meinhart’s opinions on these elements is impossible since he failed even to identify which individual components satisfy each claim element. Making matters even worse, for element [1e], which was the subject of a claim construction dispute over the phrase a “housing that defines,” Dr. Meinhart’s report fails to account for the competing claim constructions or identify which one his report purports to address. *E.g., id.* ¶¶ 180–186, 385–391.

These problems are compounded still further in Dr. Meinhart’s obviousness opinions. There, not only does he fail to identify which components in an individual

prior art reference satisfy each claim element, he also fails to explain how he would combine multiple references, how he would modify a single reference, and which features he would take from one reference versus other references. Thus, for instance, for an obviousness combination using the Patton '800 reference, Dr. Meinhart points to the inadequate disclosures described above for that reference, and for each claim element adds an equally inadequate disclosure of a second prior art reference (the Patton '933 reference) and states that “if a factfinder were to conclude that Patton #800 does not satisfy [the subject claim element], Patton #933 combined with Patton #800 discloses it.” *E.g., id.* ¶ 365. That is the entire substance of his disclosure of purported obviousness combinations or modifications.

B. Dr. Meinhart’s Deposition Confirmed that His Report Does Not Identify Which Specific Feature in Each Prior Art Reference Supposedly Satisfies Each Element in the Asserted Claims

Dr. Meinhart’s deposition confirmed that his element-by-element analysis fails to sufficiently map the prior art to the asserted claims of the '052 Patent for his anticipation and obviousness opinions. Notably, Dr. Meinhart agreed that “you need to go element by element through the claims and point to things in the prior art that link up with those elements.” Meinhart Dep. Tr. (“Ex. C”) at 84:11–20. Yet Dr. Meinhart could not recall whether he did such an analysis. *See id.* at 80:6–86:18. Multiple times Dr. Meinhart confirmed that his analyses did not extend beyond blanket introductions and block quotes. *See, e.g., id.* at 106:3–108:17 (“Q. In fact,

the only words you used that were your words, essentially, ‘Wyatt discloses’? A. ‘Wyatt discloses and renders obvious an outlet port.’ And then – and then also I talk about ‘Subject matter of this claimed element is described in Wyatt,’ and then I showed more subject matter.”), 91:10–93:9, 125:10–127:9, 135:2–12. And multiple times Dr. Meinhart conceded that his report does not say which component in the prior art maps to a claim element. *See, e.g., id.* at 110:1–7 (“Q. Okay. Where do you say that 44 and 54 correspond to the chamber? A. I don’t say those specific words in here.”), 102:15–103:9, 113:20–114:1, 132:3–133:16.

Instead, Dr. Meinhart testified that one would need to read an entire section of his report to “glean” how the prior art discloses a particular claim element. Yet, it is unclear how one could hope to glean his opinions by reading entire sections holistically, because most sections simply repeat the same block quotes from the prior art. For instance, Dr. Meinhart confirmed that the substance of certain sections of his invalidity report for *separate* claim elements were *identical*:

Q. So [paragraph] 1149 is where I should have been able to glean that you thought the sampling channel was in 44?

A. That’s one example of where you would glean it, but –

Q. Sir, that paragraph is reproduced for each of the elements we’ve looked at so far. Do you see that?

A. Yeah, that disclosure of Wyatt – yes, I repeat that disclosure of Wyatt multiple times.

Q. Okay.

A. But you would want to read it – you’d want to look at my section as a whole to see that that is the sampling channel, and I do additional disclosures of Wyatt for that. So – yeah, so it’s from reading the whole section that you would glean that 44 in this particular instance is a sampling channel.

Q. Okay. And I’d have to read the whole section because there’s not a sentence or an annotation where you say, “My opinion is the sampling channel is inside 44?” That doesn’t exist in the report; right?

A. You would need to read the section – this section, which is a few pages, to know that.

[...]

Q. And if you compare, sir, [paragraphs] 1149 through 1154, which are your support for your conclusion on the chamber, you’ll see that those paragraphs are verbatim, word for word, the same as 1157 through 1162, which is your purported support for the sampling channel. Do you see that?

[...]

A. So in these two sections I’m disclosing the same relevant parts of Wyatt that apply to both.

Q. Those two pages I just mentioned are identical; true?

A. Yes.

Id. at 119:1–127:9.

With respect to obviousness specifically, Dr. Meinhart confirmed in his deposition that he failed to explain in his report “how [he] would modify the device” to combine references:

Q. You didn't tell us in your report how you would make any combination, did you? What you did in your report was said, "Here's things that I think disclose elements from the Patton '800, and I already told you that I think the Wyatt reference has these elements." That's the end of your analysis. You didn't say, "Here's how we combine them. Here's what it would look like. Here's how I would modify the device to bring this feature in from the Patton '800."

A. In that section of the report for this particular set of references, I focus on the disclosures of it, and there isn't that specific language in this particular section; I agree.

Id. at 146:18–147:11. Ultimately, Dr. Meinhart conceded that he “may not have articulated enough detail about how they’d have been combined.” *Id.* at 153:1–4; *see also id.* at 151:3–152:6.

IV. ARGUMENT

A. The Court’s Critical Gate-Keeping Function

In performing its “gatekeeping function,” a court must ensure that an expert’s testimony “rests on a reliable foundation and is relevant to the task at hand.” *Daubert*, 509 U.S. at 597. Federal Rule of Evidence 702 generally governs the admissibility of an expert’s testimony, and permits expert testimony if “(a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert’s opinion reflects a reliable application of the principles and methods to the facts of the case.” Fed. R. Evid. 702; *UGI Sunbury*

LLC, 949 F.3d at 832. The Federal Circuit has held in the context of amended Rule 702 that, while credibility is properly left to the jury, “a determination of reliability under Rule 702 is an essential prerequisite.” *EcoFactor, Inc. v. Google LLC*, 137 F.4th 1333, 1340 (Fed. Cir. 2025). Moreover, Federal Rule of Civil Procedure 26 provides specific requirements for expert reports including that “[t]he report must contain [] a complete statement of all opinions the witness will express and the basis and reasons for them.” Fed. R. Civ. P. 26(a)(2)(B)(i); *Magnetar Techs. Corp. v. Six Flags Theme Parks, Inc.*, 61 F. Supp. 3d 437, 441 (D. Del. 2014) (quoting Fed. R. Civ. P. 26(a)(2)(B)(i)). Here, Dr. Meinhart’s anticipation and obviousness opinions fail under each of these standards.

B. Dr. Meinhart’s Prior Art Invalidity Opinions Should be Excluded Under *Daubert*, Fed. R. Evid. 702, and Fed. R. Civ. P. 26(a)(2)(B)

It is blackletter law that when evaluating the validity of a patent over prior art, one must “perform an element-by-element comparison of each claim to each prior [art] reference.” *Oxford Gene Tech. Ltd.*, 345 F. Supp. 2d at 436; *Schumer v. Lab. Comp. Sys., Inc.*, 308 F.3d 1304, 1315 (Fed. Cir. 2002) (“[T]estimony concerning anticipation . . . must identify each claim element . . . and explain in detail how each claim element is disclosed in the prior art reference.”). An expert opinion that only quotes the prior art without additional analysis in the expert’s own words is “wholly and irretrievably inadequate.” *Oxford Gene Tech. Ltd.*, 345 F. Supp. 2d at 437; *see also Adasa Inc.*, 2023 WL 3775332, at *5 (excluding anticipation opinion because

expert “fail[ed] to provide any analysis in his own words as to *how* each of the disclosures in [the prior art reference] specifically [taught] the claim limitation they supposedly correspond[ed] to” (emphasis in original)). This is because “[c]iting to excerpts in various documents . . . without stating [the expert’s] invalidity opinions in his own words[] does not provide a fair disclosure of those opinions or the underlying methodology.” *Adasa Inc.*, 2023 WL 3775332 at *5 (quoting *Sound View Innovations, LLC v. Hulu, LLC*, 2019 WL 9047211, at *3 (C.D. Cal. Nov. 18, 2019), *aff’d*, 33 F.4th 1326 (Fed. Cir. 2022)) (third alteration in original). Moreover, an expert’s report fails to meet the requirements of Rule 26 if it “simply lists general references to multiple documents which purportedly show how each [claim] element” is disclosed in the prior art because “[t]his leaves ‘too great an analytical gap between the data and the opinion being proffered.’” *Magnetar Techs. Corp.*, 61 F. Supp. 3d at 441–42 (quoting *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997)); *see also Spring Commc’ns Co. L.P. v. Comcast IP Holdings, LLC*, 2015 WL 410342, at *2 (D. Del. Jan. 29, 2015) (excluding expert’s opinion under Rule 26(a)(2)(B)(i) because the expert did not provide the basis and reasons for his opinions).

Dr. Meinhart’s deficient invalidity report infects his anticipation and obviousness opinions. Because Dr. Meinhart’s invalidity report lacks any analysis in his own words and merely pastes quotes and figures from the prior art into his report without any explanation, analysis, or annotation, he has fundamentally not

provided any clear and specific mapping of the prior art to the particular elements of each claim limitation in contravention of the requirements of Rule 26(a)(2)(B), *Daubert*, and Fed. R. Evid. 702. Dr. Meinhart’s roughly 600 pages of prior art invalidity analysis fails to provide any analysis in his own words for what he contends is his claim mapping. *See* § III.A, *supra*. He does not specify which element(s) of the prior art comprise each claim element, he does not use emphasis or provide commentary in his block quotes of the prior art, and he does not even annotate, highlight, or label a single figure from the prior art. *Id.*; e.g., Ex. A ¶¶142–186. This is “wholly and irretrievably inadequate” and as such Dr. Meinhart should be excluded from mapping the prior art to the asserted claims at trial for both anticipation and obviousness. *Oxford Gene Tech. Ltd.*, 345 F. Supp. 2d at 437; *Magnetar Techs. Corp.*, 61 F. Supp. 3d at 441–42.

Regarding his alleged obviousness combinations, Dr. Meinhart provides no explanation concerning what might not be “disclosed explicitly and/or inherently” in the primary references that he cites, and nothing about how any such deficiency would have been remedied by a POSITA’s knowledge or a secondary reference. E.g., Ex. A ¶¶ 22, 25, 29, 141, 553, 751, 1131; *Sisvel Int’l S.A. v. Sierra Wireless, Inc.*, 82 F.4th 1355, 1364 (Fed. Cir. 2023) (noting that “the Petition does not explain . . . what elements are missing from the primary reference, what elements should be added from the secondary reference to reach the claimed invention, or why those

particular elements would be obvious to add”). Indeed, for his proposed combinations with the “knowledge of a POSITA” he similarly provides nothing. And for his combinations with secondary references, Dr. Meinhart begins each limitation with the following paragraph:

As discussed in Section [], which I incorporate here by reference, [primary reference] satisfies this limitation. However, if a fact finder were to conclude that [primary reference] does not satisfy “[limitation],” [secondary reference] combined with [primary reference] discloses it.

E.g., Ex. A ¶¶ 365, 369, 377, 385, 392, 400. He then proceeds to list block-quoted disclosures in the secondary reference in the same manner as explained above. *E.g.*, *id.* ¶¶ 366–368, 370–376, 378–384, 386–391, 393–399, 401–404.

Dr. Meinhart provides no analysis regarding how the primary reference would be modified by the secondary reference. And Dr. Meinhart does not opine on what a POSITA would have considered at the time of the invention in combining the two references. As an example, Dr. Meinhart appears to opine that, to the extent Patton ’800 does not disclose “a housing that defines the inlet port, the sampling channel, and the outlet port,” Patton ’800 combined with Patton ’933 does. *See id.* ¶¶ 400–404. But Dr. Meinhart provides no explanation regarding how the combination would satisfy this limitation or how (let alone whether) the combination would work. *See id.* All Dr. Meinhart provides is a list of block-quoted disclosures from Patton ’933 and no explanation in his own words as to why the disclosures satisfy the

limitation. There is no discussion about how Patton '800 would be modified in view of Patton '933. This lack of detail persists for each combination of prior art in his report.

Dr. Meinhart's deficient element-by-element analysis in his invalidity report taints his anticipation and obviousness opinions, rendering them unreliable and lacking any basis. Therefore, Dr. Meinhart's prior art invalidity opinions should be excluded under both Federal Rule of Evidence 702 and Federal Rule of Civil Procedure 26(a)(2)(B)(i).

V. CONCLUSION

For the reasons set forth above, the Court should grant Kurin's Motion to Exclude Testimony of Plaintiff's Expert Carl D. Meinhart pertaining to his anticipation and obviousness opinions for the '052 Patent.

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2025, copies of the foregoing were caused to be served upon the following in the manner indicated:

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