

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 _____
4 IMPERATIVE CARE, INC.,)
5)
6) Petitioner,)
7 v.) CASE:
8) IPR2025-00728
9) INARI MEDICAL, INC.,)
10)
11)
12) Patent Owner.)
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12 VIDEO-RECORDED DEPOSITION OF
13 TROY L. THORNTON
14 San Francisco, California 94104
15 Wednesday, January 7, 2026

22 Reported Stenographically by:
23 MARY J. GOFF
24 CSR No. 13427
25 WA CSR No. 21030779
Job No. 613539
PAGES 1-56

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VIDEO-RECORDED DEPOSITION of TROY L. THORNTON,
Volume I, taken on behalf of Patent Owner, Inari
Medical, Perkins Coie LLP, at Knobbe Martens,
333 Bush Street, 21st floor, San Francisco,
California 94104, beginning at 9:02 a.m. and ending
at 10:45 a.m., on Wednesday, January 7, 2026, before
MARY J. GOFF, California Certified Shorthand
Reporter No. 13427 and WA CSR No. 21030779.

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25 Videographer: Tomas Reyes

Transcript of Troy L. Thornton
Conducted on January 7, 2026

5

1	San Francisco, California	10:20:45
2	Wednesday, January 7, 2026	10:20:45
3	9:02 a.m.	10:20:45
4	THE VIDEOGRAPHER: Here begins Media	09:02:22
5	Number 1 in the videotaped deposition of Troy L.	09:02:25
6	Thornton, in the matter of -- in the matter of	09:02:28
7	Imperative Care, Inc. versus Inari Medical, Inc., in	09:02:30
8	the United States Patent and Trademark Office, Case	09:02:34
9	Number IPR2025-00728.	09:02:37
10	Today's date is January 7, 2026, and the	09:02:44
11	time on the monitor is 9:02 a.m. The videographer	09:02:48
12	today is Tomas Reyes, representing Planet Depos.	09:02:52
13	And this videotaped deposition is taking place at	09:02:54
14	333 Bush Street, 21st Floor, San Francisco,	09:02:57
15	California 94104.	09:02:57
16	Would counsel please voice identify	09:03:01
17	themselves and state whom they represent.	09:03:04
18	ATTORNEY HAMILTON: This is Joseph	09:03:08
19	Hamilton from Perkins Coie, representing Patent	09:03:09
20	Owner.	09:03:12
21	ATTORNEY STOWELL: Joshua Stowell of	09:03:13
22	Knobbe Martens, representing the Petitioner	09:03:17
23	Imperative Care, and the witness.	09:03:19
24	THE VIDEOGRAPHER: The court reporter	09:03:22
25	today is Mary Goff, representing Planet Depos. And	09:03:22

Transcript of Troy L. Thornton
Conducted on January 7, 2026

6

1	the witness will now be sworn.	09:03:25
2	THE COURT STENOGRAPHER: My name is Mary	09:03:27
3	Goff. I am a California Certified Shorthand	09:03:27
4	Reporter, CSR Number 13427. Today's proceedings are	09:03:27
5	being captured by stenographic means.	09:03:27
6	TROY L. THORNTON,	09:03:27
7	Being first duly sworn or affirmed to testify to the	09:03:27
8	truth, the whole truth, and nothing but the truth,	09:03:27
9	was examined and testified as follows:	09:03:27
10	EXAMINATION	09:03:27
11	BY ATTORNEY HAMILTON:	09:03:27
12	Q Good morning, Mr. Thornton.	09:03:46
13	You understand you're under oath?	09:03:49
14	A Yes.	09:03:50
15	Q Is there any reason you cannot give your	09:03:51
16	complete, full, and truthful testimony here today?	09:03:54
17	A No.	09:03:58
18	Q Are you on any medications or do you have	09:03:58
19	any health conditions that might prevent you from	09:04:00
20	giving your full, complete, and truthful testimony	09:04:03
21	here today?	09:04:06
22	A No.	09:04:07
23	Q I'm going to hand you a document	09:04:15
24	previously marked as Exhibit 1001.	09:04:17
25	(Premarked Exhibit 1001.)	09:04:23

1	Q	(BY ATTORNEY HAMILTON) Do you recognize	09:04:26
2		that document?	09:04:27
3	A	Yes.	09:04:29
4	Q	Is this U.S. Patent 11,844,921?	09:04:30
5	A	Yes.	09:04:35
6	Q	Today I'm going to refer to this patent as	09:04:36
7		the '921 Patent.	09:04:38
8		If I say the "'921 Patent," will you	09:04:40
9		understand that it is Exhibit 1001?	09:04:43
10	A	Yes.	09:04:46
11		THE VIDEOGRAPHER: My apologies, Counsel.	09:04:47
12		Could you put the mic on your sweater? It seems to	09:04:48
13		be rubbing, and we're having a hard time hearing	09:04:53
14		your answers.	09:04:56
15	Q	(BY ATTORNEY HAMILTON) Do you understand	09:05:09
16		the contents of the '921 Patent?	09:05:10
17	A	Yes.	09:05:13
18	Q	If you turn to page 31, which is	09:05:14
19		Column 30 -- 22, beginning on line 12, do you see a	09:05:18
20		series of claims beginning with "Number 1"?	09:05:27
21	A	Yes.	09:05:30
22	Q	Do you understand the content of the	09:05:31
23		claims listed in the '921 Patent?	09:05:34
24	A	Yes.	09:05:38
25	Q	I'm going to hand you another document	09:05:55

1	that's been previously marked Exhibit 1003.	09:05:59
2	(Premarked Exhibit 1003.)	09:06:04
3	Q (BY ATTORNEY HAMILTON) Do you recognize	09:06:08
4	Exhibit 1003?	09:06:08
5	A Yes.	09:06:11
6	Q What is Exhibit 1003?	09:06:16
7	A It's my declaration with respect to this	09:06:19
8	patent, '921.	09:06:23
9	Q If you turn to the last page 141, is that	09:06:28
10	your signature?	09:06:34
11	A Yes, that's my electronic signature.	09:06:35
12	Q Did you personally insert that signature	09:06:38
13	into this document?	09:06:41
14	A Yes.	09:06:42
15	Q And did you do that on March 9, 2025?	09:06:43
16	A Yes.	09:06:51
17	Q Yesterday you had -- I'll withdraw the	09:07:01
18	question.	09:07:08
19	What were you doing in Glen Ellen,	09:07:10
20	California when you inserted your signature?	09:07:11
21	A I have a house up there.	09:07:15
22	Q As you sit here today, do you recall	09:07:28
23	actually inserting your signature into this	09:07:30
24	document?	09:07:35
25	A Yes.	09:07:35

1	Q	If you could turn to page 101 of	09:07:51
2		Exhibit 1003. And today I'm going to refer to	09:07:54
3		Exhibit 1003 as your "Declaration."	09:08:05
4		And when I say that I mean this	09:08:08
5		Exhibit 1003. If I mean something else, I'll refer	09:08:10
6		to something else -- I'll refer to the document by	09:08:16
7		its exhibit number.	09:08:18
8		Is that fair?	09:08:19
9	A	Sure.	09:08:20
10	Q	So if I refer to your declaration, you'll	09:08:21
11		understand that I'm referring to this Exhibit 1003?	09:08:23
12	A	Yes.	09:08:28
13	Q	Do you understand what a filament is, as	09:08:38
14		the term is used in the '921 Patent?	09:08:39
15	A	Yes.	09:08:43
16	Q	And is it your understanding that a	09:09:07
17		filament, as the term is used in the '921 Patent,	09:09:18
18		can include multiple strands of a material?	09:09:21
19		ATTORNEY STOWELL: Objection, vague.	09:09:30
20	A	I'm trying to find the claim construction	09:11:03
21		for "filament" that's in this supplemental -- or I'm	09:11:07
22		sorry -- in this declaration. So as it states on 7	09:11:10
23		-- paragraph 56 in the declaration:	09:11:53
24		The filament can comprise one	09:11:57
25		or several threads, lines, cords,	09:12:00

1 rope, ribbon, flat wire, sheet, or 09:12:03

2 tape. 09:12:08

3 That's from the '921 Patent. 09:12:08

4 Q (BY ATTORNEY HAMILTON) So is it your 09:12:12

5 understanding that the term "filament," as used in 09:12:23

6 the '921 Patent, can include multiple strands of a 09:12:25

7 material? 09:12:30

8 ATTORNEY STOWELL: Objection, vague. 09:12:31

9 A It can comprise one or several threads, 09:12:34

10 which I would interpret to mean strands of a 09:12:36

11 material. 09:12:42

12 Q (BY ATTORNEY HAMILTON) So if you had a 09:13:00

13 filament sitting in front of you that's 12 inches 09:13:02

14 long made up of, let's say, 20 strands of 09:13:07

15 material -- can you picture that filament -- 09:13:11

16 A Sure. 09:13:16

17 Q -- and I were to ask you: For a 6-inch 09:13:16

18 piece of that filament, would you hand me a single 09:13:26

19 strand that's 6 inches or would you hand me 6 inches 09:13:29

20 of the combined 20 strands that form the filament? 09:13:33

21 ATTORNEY STOWELL: Objection, incomplete 09:13:37

22 hypothetical; lack of foundation. 09:13:37

23 A It depends if you used the word "strand" 09:13:53

24 or "filament." 09:13:55

25 Q (BY ATTORNEY HAMILTON) So if I said: I 09:13:56

1	want a 6-inch piece of that filament, you would hand	09:13:58
2	me a 6-inch piece of the combined 20 strands,	09:14:02
3	correct?	09:14:06
4	ATTORNEY STOWELL: Objection, incomplete	09:14:06
5	hypothetical.	09:14:06
6	A I don't know. I didn't cover that in this	09:14:07
7	declaration.	09:14:11
8	Q (BY ATTORNEY HAMILTON) You don't know what	09:14:15
9	you would do if I asked you for a 6-inch piece of a	09:14:16
10	filament; is that your testimony?	09:14:20
11	ATTORNEY STOWELL: Objection, asked and	09:14:25
12	answered.	09:14:25
13	A I'm not sure the word "strand" is in the	09:14:32
14	patent, so I'm not sure of "strands" versus	09:14:35
15	"filaments" as it relates to the patent itself.	09:14:37
16	Q (BY ATTORNEY HAMILTON) Is there another	09:14:41
17	word you would prefer to use for "strand"?	09:14:42
18	A I don't know.	09:14:46
19	Q Let's look at your paragraph 152 of your	09:14:56
20	declaration, page 101. Let me know when you're	09:14:59
21	there.	09:15:32
22	A Okay.	09:16:02
23	Q You see four lines down, you state:	09:16:07
24	Strings typically consist of	09:16:11
25	several threads twisted together.	09:16:15

1	Do you see that?	09:16:18
2	A Yes.	09:16:18
3	Q Is a string consisting of several threads	09:16:19
4	twisted together, a filament?	09:16:23
5	A I think, as it states in the '921 Patent,	09:16:32
6	"the filament can comprise one or several threads,	09:16:34
7	lines, cords."	09:16:39
8	Q Is a string consisting of several threads	09:16:41
9	twisted together, a filament, as the term is used in	09:16:46
10	the '921 Patent?	09:16:49
11	ATTORNEY STOWELL: Objection, asked and	09:16:50
12	answered.	09:16:50
13	A Can you repeat the question?	09:16:59
14	Q (BY ATTORNEY HAMILTON) Is a string	09:17:00
15	consisting of several threads twisted together, a	09:17:01
16	filament, as the term is used in the '921 Patent?	09:17:04
17	ATTORNEY STOWELL: Same objection.	09:17:08
18	A It says "the filament can comprise one or	09:17:10
19	several threads," so "one or several threads" is the	09:17:13
20	definition of "filament" in a patent, which is what	09:17:21
21	I say on line -- starting with line 3, "a person of	09:17:29
22	ordinary skill in the art would have understood that	09:17:39
23	strings typically consist -- typically consist of	09:17:40
24	several threads twisted together."	09:17:42
25	Q (BY ATTORNEY HAMILTON) And is that string	09:17:45

1 that's consisting of several threads twisted 09:17:46
2 together, a filament, as the term is used in the 09:17:49
3 '921 Patent? 09:17:51
4 A As the patent says, "a filament is one or 09:17:55
5 several threads," I assume twisted together or not 09:17:57
6 twisted together. 09:18:03
7 Q So that's a "Yes"? 09:18:04
8 A That's how it's construed in the patent. 09:18:07
9 Q When you say "that's how," you mean: Yes, 09:18:12
10 it is a filament? 09:18:14
11 A As I said in here, "the strings consist of 09:18:22
12 several threads twisted together." And in the 09:18:24
13 '921 Patent, it says "a filament can comprise one or 09:18:27
14 several threads." 09:18:30
15 Q So that string is a filament, as the term 09:18:32
16 is used in the '921 Patent; is that right? 09:18:35
17 A The filament says "one or several 09:18:39
18 threads." And the definition I show here from the 09:18:43
19 Google Dictionary is "material consisting of threads 09:18:49
20 of cotton or other twisted material to form a thin 09:18:56
21 length." 09:19:00
22 Q I understand what's written there. 09:19:05
23 Is that a filament? 09:19:07
24 ATTORNEY STOWELL: Objection, asked and 09:19:09
25 answered. 09:19:09

1 Q (BY ATTORNEY HAMILTON) So "quite close." 09:20:46
2 Does a string with -- consisting of 09:20:48
3 several threads twisted together, is that a 09:20:49
4 filament, as the term is used in the '921 Patent? 09:20:53
5 ATTORNEY STOWELL: Objection, asked and 09:20:56
6 answered. 09:20:56
7 A Yeah, I don't know. I think I have 09:20:57
8 answered it to the best I can. 09:21:01
9 Q (BY ATTORNEY HAMILTON) You don't know if a 09:21:03
10 string consisting of several threads twisted 09:21:04
11 together is a filament, as the term is used in the 09:21:07
12 '921 Patent; is -- is that your testimony here 09:21:09
13 today? 09:21:10
14 ATTORNEY STOWELL: Objection, misstates 09:21:12
15 testimony; asked and answered. 09:21:14
16 A Yeah, I think I have answered it. A 09:22:11
17 "filament," as it's used in the claim, is a legal 09:22:13
18 definition, and I'm not a lawyer. 09:22:18
19 Q (BY ATTORNEY HAMILTON) So you couldn't 09:22:22
20 determine if a string that has several strands 09:22:23
21 twisted together is a filament or not? You can't 09:22:27
22 determine whether that's a filament, as the term is 09:22:29
23 used in the '921 Patent because you're not a 09:22:31
24 lawyer -- 09:22:34
25 A As it's -- 09:22:35

1	Q	-- is that right?	09:22:35
2	A	-- as it's used in the claim.	09:22:36
3	Q	So as we sit here today, you can't tell me	09:22:44
4		if a string that has several strands twisted	09:22:46
5		together, whether that's a filament, as the term is	09:22:50
6		used in the '921 Patent claims; is that your	09:22:53
7		testimony?	09:22:54
8	ATTORNEY STOWELL:	Objection, misstates	09:22:55
9		testimony.	09:22:55
10	A	I think I said they're very close. The	09:22:56
11		definitions are quite close. They both consist of	09:23:00
12		threads twisted together to form a thin length, as	09:23:05
13		it says for the -- in the '921 Patent where it	09:23:10
14		consists of one or several threads.	09:23:16
15	Q	(BY ATTORNEY HAMILTON) Okay. You have a	09:23:20
16		string in front of you that consists of several	09:23:36
17		threads twisted together, and I ask you: First, is	09:23:38
18		that string a filament, as the term is used in the	09:23:51
19		'921 Patent?	09:23:54
20		Can you answer that question?	09:23:56
21	A	I think --	09:23:57
22	ATTORNEY STOWELL:	Objection --	09:23:57
23	A	-- that's what we have been discussing.	09:23:58
24	Q	(BY ATTORNEY HAMILTON) Can you answer that	09:24:01
25		question?	09:24:02

1	ATTORNEY STOWELL: Objection, vague;	09:24:04
2	incomplete hypothetical.	09:24:04
3	A I have already answered it.	09:24:06
4	Q (BY ATTORNEY HAMILTON) Okay. So let's say	09:24:09
5	you have a string consisting of several threads	09:24:16
6	twisted together sitting in front of you that's	09:24:21
7	12 inches long and I ask for a 6-inch piece of that	09:24:24
8	string -- I withdraw the question.	09:24:28
9	Let's say you have a filament sitting in	09:24:40
10	front of you that includes several threads and I ask	09:24:43
11	you for a 6-inch piece of that filament, will you	09:24:50
12	hand me a 6-inch single thread or will you hand me a	09:24:55
13	6-inch piece of the filament?	09:25:00
14	ATTORNEY STOWELL: Objection, incomplete	09:25:03
15	hypothetical; vague; compound.	09:25:03
16	A So hypothetically I think a person, if	09:25:16
17	asked for a piece of the filament, would give you a	09:25:19
18	piece -- a 6-inch piece of the entire filament. If	09:25:23
19	you asked for a piece of the thread, a person would	09:25:26
20	give you a thread from the filament.	09:25:31
21	Q (BY ATTORNEY HAMILTON) And that would be	09:25:34
22	the case for a person of ordinary skill in the art,	09:25:35
23	as the term is used in the '921 Patent?	09:25:38
24	ATTORNEY STOWELL: Objection --	09:25:42
25	A Sure.	09:25:42

1	is the string comprised of at least two filaments	09:27:40
2	that wrap around the elongate member.	09:27:48
3	Q And is that string itself a filament?	09:27:51
4	A It's comprised of at least two filaments.	09:27:59
5	Q Is the string itself a filament?	09:28:02
6	A Well, the definition of "string" is	09:28:05
7	"comprised of multiple threads or thinner	09:28:13
8	components," so here we're -- we're saying those	09:28:21
9	smaller components are the filaments that comprise	09:28:25
10	the string.	09:28:28
11	Q So the string itself is not a filament; is	09:28:28
12	that your testimony?	09:28:31
13	ATTORNEY STOWELL: Objection, misstates	09:28:32
14	testimony.	09:28:32
15	A The string has at least the two filaments	09:28:33
16	in this example.	09:28:38
17	Q (BY ATTORNEY HAMILTON) And a person of	09:28:39
18	ordinary skill in the art would not call that string	09:28:40
19	a "filament," as you understand the term is used in	09:28:43
20	the '921 Patent; is that correct?	09:28:46
21	ATTORNEY STOWELL: Objection, misstates	09:28:47
22	testimony; vague.	09:28:47
23	A The filament can comprise one or several	09:28:52
24	threads. That's how it's shown in the '921 Patent.	09:28:55
25	Q (BY ATTORNEY HAMILTON) So the individual	09:28:58

1 threads aren't filaments? It's the entire structure 09:28:59
2 that's the filament, as you just described it, 09:29:04
3 correct? 09:29:07
4 A The filament can comprise one or several 09:29:12
5 threads, and a string can comprise one or several 09:29:18
6 threads. 09:29:21
7 Q So then is the string, a filament? 09:29:22
8 A In this example, the string is composed of 09:29:26
9 at least two filaments. 09:29:30
10 Q And is the string itself a filament? 09:29:31
11 ATTORNEY STOWELL: Objection, asked and 09:29:34
12 answered. 09:29:34
13 A Yeah, I think I have answered it's 09:29:35
14 composed of at least two filaments. 09:29:43
15 Q (BY ATTORNEY HAMILTON) Is there something 09:29:46
16 confusing about the question, Mr. Thornton? 09:29:46
17 ATTORNEY STOWELL: Objection, 09:29:51
18 argumentative. 09:29:51
19 A No. 09:29:52
20 Q (BY ATTORNEY HAMILTON) Is there anything 09:29:52
21 you don't understand about the question? 09:29:53
22 A No. 09:29:55
23 Q Is the string in the Figure 32 on page 102 09:29:56
24 of your declaration, a filament, as the term is used 09:29:59
25 in the '921 Patent? 09:30:03

1	Q	(BY ATTORNEY HAMILTON) So you said you had	09:31:31
2		a polymer filament made up of multiple filaments; is	09:31:32
3		that right?	09:31:35
4	A	That's the terminology that I recall using	09:31:36
5		with this Vectran filament material we were using.	09:31:42
6	Q	And if you had a 12-inch piece of that	09:31:49
7		polymer filament you just referred to and I asked	09:31:54
8		for a 6-inch piece of the filament, would you give	09:31:57
9		me a 6-inch piece of an individual strand or would	09:32:01
10		you give me a 6-inch piece of the entire filament?	09:32:05
11	A	I think I would ask you which one you	09:32:10
12		wanted.	09:32:12
13	Q	Because you wouldn't understand if I meant	09:32:13
14		the filament or the individual strands making up the	09:32:15
15		filament; is that correct?	09:32:18
16	A	It depends on the situation, the context	09:32:21
17		of the question.	09:32:23
18	Q	Let's say the context of hemostasis	09:32:24
19		valves.	09:32:27
20	A	We weren't using it for hemostasis valves.	09:32:31
21	Q	So you couldn't answer that question in	09:32:35
22		the context of a hemostasis valve?	09:32:37
23		ATTORNEY STOWELL: Objection, incomplete	09:32:39
24		hypothetical.	09:32:39
25	A	I haven't thought about it.	09:32:42

1	Q	(BY ATTORNEY HAMILTON) Can you think about	09:32:43
2		it now?	09:32:44
3	A	I think what I said before was it depends	09:32:54
4		on the context, if the person is asking for the	09:32:56
5		entire diameter or a portion of filaments from the	09:33:02
6		larger filament.	09:33:11
7	Q	How is that polymer filament constructed?	09:33:13
8	A	I believe it was braided.	09:33:17
9	Q	So you have got several filaments that are	09:33:19
10		braided together to form the polymer filament; is	09:33:22
11		that correct?	09:33:25
12	A	I'll take that back. I think the one I'm	09:33:29
13		thinking about, the Vectran, was a woven or twisted	09:33:32
14		fiber, not -- or filament, not -- not braided.	09:33:45
15	Q	So if you have a polymer filament made up	09:33:48
16		of several woven or twisted filaments sitting in	09:33:51
17		front of you and I ask you for a 6-inch piece of	09:33:58
18		that filament, would you hand me a single strand --	09:34:02
19		would you take it apart and hand me a single strand	09:34:04
20		or would you just give me a 6-inch piece of the	09:34:10
21		entire filament?	09:34:12
22	A	I think I have asked for a clarification	09:34:13
23		of which one you wanted.	09:34:15
24	Q	So you would -- in that situation you	09:34:17
25		would think that I'm asking you to unweave those	09:34:19

1 separate strands -- those separate filaments and 09:34:23
2 take a single one of those and hand it to me; is 09:34:25
3 that right? That's your testimony here today? 09:34:29
4 A I think I would ask what exactly you 09:34:33
5 wanted -- wanted and wanted it for. 09:34:34
6 Q And that would be -- from a perspective of 09:34:38
7 a person of ordinary skill in the art, that would be 09:34:42
8 your same answer? 09:34:45
9 A Yes. 09:34:47
10 Q What about the perspective of an ordinary 09:35:07
11 person not skilled in this art? Would that person 09:35:10
12 hand me a single -- would they have to clarify 09:35:13
13 whether I'm talking about the filament that's woven 09:35:19
14 together or would they just cut me a 6-inch piece of 09:35:21
15 that filament? 09:35:25
16 ATTORNEY STOWELL: Objection, vague; 09:35:27
17 compound; incomplete hypothetical; outside the 09:35:27
18 scope. 09:35:29
19 A Yeah, I don't know. I'm thinking of in 09:35:34
20 the R&D lab with technicians, so people with skill 09:35:38
21 in the art. 09:35:42
22 Q (BY ATTORNEY HAMILTON) And that person 09:35:44
23 would not understand whether I'm asking them to 09:35:46
24 un -- to separate the woven filaments and hand me a 09:35:48
25 single one or hand me the entire woven filament; is 09:35:54

1	that right?	09:35:58
2	A I'm not sure.	09:35:58
3	Q And that person would need clarification	09:36:01
4	on what I'm asking for; is that your testimony?	09:36:05
5	A I think it depends on the context of what	09:36:09
6	they might be using that filament for.	09:36:12
7	Q If you could turn to page 61 of your	09:36:36
8	declaration.	09:36:39
9	Are you ready for a question?	09:37:59
10	A Yes.	09:38:00
11	Q Do you understand what's depicted in	09:38:01
12	Figure 1, reproduced on page 61 of your declaration?	09:38:04
13	A Yes.	09:38:08
14	Q Is there a filament depicted in that	09:38:10
15	figure?	09:38:13
16	A Wire member 822 is depicted, and the first	09:38:18
17	and second ends of the filament are depicted.	09:38:22
18	Q Is that wire member 822, a filament, as	09:38:59
19	you understand the term is used in the '921 Patent?	09:39:03
20	A Yes.	09:39:06
21	Q Is that wire member a single piece of wire	09:39:11
22	or is it multiple pieces of wire woven together?	09:39:16
23	A In my paragraph 96, it says:	09:39:34
24	Eller wire member can have any	09:39:37
25	suitable structure and comprise any	09:39:39

1 suitable number of strands and/or 09:39:42
2 fibers that are twisted or 09:39:44
3 otherwise interconnected to one 09:39:45
4 another and can comprise, for 09:39:48
5 example, a suture or cable. 09:39:50

6 Q So is the wire member depicted in 09:39:52
7 Figure 21 on page 61 of your declaration, a single 09:40:00
8 piece of wire or multiple pieces of wire woven or 09:40:06
9 twisted together? 09:40:11

10 A It could be either/or, including either of 09:40:13
11 those, plus including other options that Eller 09:40:19
12 provides. As I say at the bottom of page 60: 09:40:25

13 Eller's wire member is, 09:40:29
14 therefore, a filament, as claimed 09:40:30
15 in the '921 Patent, because the 09:40:32
16 wire member is at least one or more 09:40:34
17 threads, lines, cords, rope, 09:40:36
18 ribbon, flat wire sheet, or tape. 09:40:38

19 Q So how many filaments are depicted in 09:40:46
20 Figure 21? 09:40:49

21 ATTORNEY STOWELL: Objection, asked and 09:40:52
22 answered. 09:40:52

23 A The wire member is depicted, and it can 09:40:58
24 have multiple different structures, as Eller lists. 09:41:05

25 Q (BY ATTORNEY HAMILTON) Can you tell me how 09:41:22

1	many filaments are depicted in Figure 21?	09:41:29
2	ATTORNEY STOWELL: Objection, asked and	09:41:32
3	answered.	09:41:32
4	A The wire member is the filament, so one	09:41:33
5	filament is shown in Figure 21.	09:41:47
6	Q (BY ATTORNEY HAMILTON) And if that wire	09:41:52
7	member was made up of multiple wires twisted	09:41:53
8	together, is your answer the same?	09:41:58
9	ATTORNEY STOWELL: Objection, vague.	09:42:03
10	A Yes, the filament can comprise multiple	09:42:04
11	strands or fibers twisted together.	09:42:10
12	Q (BY ATTORNEY HAMILTON) So does that mean	09:42:13
13	that there's one filament depicted in Figure 21,	09:42:15
14	whether or not the wire member is a single piece of	09:42:17
15	wire or multiple wires woven together?	09:42:20
16	A What's depicted is a single filament.	09:42:30
17	Q And that's true whether or not the wire is	09:42:33
18	a single wire or multiple wires woven together,	09:42:36
19	correct?	09:42:39
20	A As it says, it "could have any suitable	09:42:41
21	structure combining a number of strands or fibers."	09:42:44
22	Q So whether or not the wire member is a	09:42:50
23	single wire or multiple wires woven together, a	09:42:54
24	single filament is depicted in Figure 21; is that	09:42:58
25	correct?	09:43:00

1 different -- in a different arrangement or it could 09:44:42
2 be three separate wires. I don't recall without 09:44:46
3 looking at the patent. 09:44:51
4 Q So if it's three separate wires, that's 09:44:52
5 not a depiction of what would happen with respect to 09:44:56
6 Figure 21 and -- Figure 21 if the wire was pulled, 09:45:00
7 correct? 09:45:05
8 A I'm not sure I understand the question. 09:45:06
9 Q Figure 1 -- Figure 21 depicts one wire; 09:45:07
10 isn't that correct? 09:45:11
11 A Yes. 09:45:13
12 Q And Figures 10a and 10b, if that depicts 09:45:14
13 three wires, that's not a depiction of what would 09:45:18
14 happen in the operation of the device shown in 09:45:20
15 Figure 21, correct? 09:45:23
16 ATTORNEY STOWELL: Objection, lack of 09:45:25
17 foundation. 09:45:25
18 A Yeah, I would have to look at the Eller 09:45:35
19 document -- 09:45:36
20 Q (BY ATTORNEY HAMILTON) Let's -- 09:45:38
21 A -- to see if they show a constricted state 09:45:38
22 for Figure 21. 09:45:41
23 Q I'm handing you what's been previously 09:45:49
24 marked Exhibit 1007. 09:45:51
25 (Premarked Exhibit 1007.) 09:45:56

1	Q	(BY ATTORNEY HAMILTON) Do you recognize	09:46:00
2		Exhibit 1007?	09:46:01
3	A	Yes.	09:46:02
4	Q	Is this the Eller you need to look at?	09:46:02
5	A	Yes.	09:46:05
6	Q	Are you now able to answer the question?	09:46:38
7	A	Can you repeat the question?	09:46:48
8	Q	Sure. So Figure 21 shows a single wire,	09:46:51
9		correct?	09:46:57
10	A	Yes.	09:46:57
11	Q	And then Figures 10a, 10b, and 10c show	09:46:58
12		the change from a relaxed state to a constricted	09:47:03
13		state, correct?	09:47:09
14	A	Yes.	09:47:10
15	Q	And what's depicted in 10a, 10b, and 10c	09:47:10
16		is three wires, isn't it; not a single wire?	09:47:14
17		ATTORNEY STOWELL: Objection, lack of	09:47:20
18		foundation.	09:47:20
19	A	I think it's shown better in Figure 18 and	09:47:25
20		19 from the Eller patent where it does appear to be	09:47:28
21		three wires. And then Figure 19 shows in the	09:47:31
22		compressed state, an image looks -- that looks	09:47:36
23		similar to 10c.	09:47:41
24	Q	(BY ATTORNEY HAMILTON) You don't	09:47:42
25		understand what's shown in Figure 10c, is that -- is	09:47:43

1 that what you're saying? 09:47:46

2 ATTORNEY STOWELL: Objection -- 09:47:47

3 Q (BY ATTORNEY HAMILTON) You would need to 09:47:47

4 look at Figures 18 and 19 to understand 10c? 09:47:48

5 ATTORNEY STOWELL: Objection, misstates 09:47:51

6 testimony; argumentative. 09:47:51

7 A I think 19 shows better, the three wires 09:47:53

8 that are also shown in 10c. 09:47:57

9 Q (BY ATTORNEY HAMILTON) Okay. So 10c -- 09:48:00

10 10c shows three wires; is that right? 09:48:01

11 A That's what I'm assuming from the patent, 09:48:04

12 looking at Figures 18 and 19. 09:48:08

13 Q So Figures 10a through 10c don't show what 09:48:20

14 would happen in the operation of the device shown in 09:48:24

15 Figure 21; is that right? 09:48:28

16 ATTORNEY STOWELL: Objection, lack of 09:48:29

17 foundation. 09:48:29

18 A The Figures 10a through 10c show what 09:48:31

19 would happen with three wires in place. Figure 21 09:48:35

20 has one wire in place. And I don't see in the 09:48:41

21 patent that they show a constricted version with the 09:48:45

22 single wire. 09:48:50

23 Q (BY ATTORNEY HAMILTON) So you, a moment 09:48:52

24 ago, referenced Figures 18 and 19. If you could 09:49:25

25 turn to those two figures. 09:49:29

1	Do Figures 18 and 19 depict three separate	09:50:25
2	filaments?	09:50:30
3	A Yes.	09:50:34
4	Q I'm going to hand you what's been	09:51:02
5	previously marked as Exhibit 1006.	09:51:04
6	(Premarked Exhibit 1006.)	09:51:09
7	Q (BY ATTORNEY HAMILTON) Do you recognize	09:51:26
8	Exhibit 1006?	09:51:26
9	A Yes.	09:51:28
10	Q Is Exhibit 1006 -- 1006 the Hartley	09:51:31
11	reference?	09:51:37
12	A Yes.	09:51:38
13	Q If I refer to "Hartley," will you	09:51:38
14	understand that I'm referring to this Exhibit 1006?	09:51:41
15	A Yes.	09:51:44
16	Q If you turn to page 5, paragraph 18 of	09:51:52
17	Exhibit 1006, do you see the phrase "a ball or other	09:51:56
18	device acting into detents"?	09:52:18
19	A Yes.	09:52:25
20	Q Do you understand what is meant by "a ball	09:52:26
21	or other device acting into detents"?	09:52:28
22	A Yes.	09:52:32
23	Q What's the purpose of the ball or other	09:52:34
24	device acting in detents in the Hartley reference?	09:52:39
25	A Paragraph 18 starts out with saying:	09:52:47

1 The rotary actuator may have a 09:52:50
2 tactile indication of its action by 09:52:51
3 means of a ball or other device 09:52:54
4 acting in two detents. 09:52:56
5 At the end of the sentence, it says -- 09:53:00
6 into the paragraph, it says: 09:53:01
7 This may also assist with 09:53:03
8 retaining the rotary actuator on 09:53:05
9 the cylindrical housing. 09:53:07
10 Q Are you finished with your answer? 09:54:17
11 A Yeah. 09:54:18
12 Q Is there any other purpose for the ball 09:54:19
13 and detents in the Hartley reference? 09:54:21
14 A Well, up above in paragraph 17, it kind of 09:54:25
15 repeats the same thing, where it says that: 09:55:09
16 The rotary actuator may be 09:55:11
17 retained in the cylindrical housing 09:55:18
18 by the ball-and-detent arrangement 09:55:19
19 discussed below. 09:55:23
20 So it seems like there are two primary 09:55:24
21 reasons that they mention. 09:55:27
22 Q So I just want to stop you for a minute. 09:55:29
23 Where are you reading in Hartley? 09:55:32
24 A Paragraph 15. 09:55:34
25 Q Okay. So you said there's two primary 09:55:41

1 reasons, tactile feel and retaining the rotary 09:56:14
2 actuator on the cylindrical housing. 09:56:19

3 Is there any other purpose for the ball 09:56:23
4 and detent in Hartley? 09:56:25

5 A I believe those are the two that I see 09:56:27
6 there, "providing a tactile indication of its 09:56:30
7 action." 09:56:34

8 And at the end of paragraph 18, "assist 09:56:35
9 with a retaining the rotary actuator on the 09:56:37
10 cylindrical housing." 09:56:41

11 Q Are you aware of any other purpose for the 09:56:44
12 ball and detent in Hartley? 09:56:48

13 A Yeah, the only other two places I see it 09:57:30
14 discussed is in paragraph 33. Toward the end, it 09:57:33
15 says: 09:57:36

16 The rotary actuator may be 09:57:37
17 rotated in either direction to 09:57:38
18 cause constriction of the 09:57:39
19 constriction valve and the -- and 09:57:42
20 the detents provide a tactile feel 09:57:42
21 for the action of the valve. 09:57:47

22 And I think it's in a claim also. Yeah, 09:57:49
23 Claim 12 mentions the same tactile feel of the 09:58:41
24 action of the rotary actuator, so those seem to be 09:58:47
25 the purposes shown in Eller. 09:58:51

1 Q So you have identified two purposes, 09:58:53
2 tactile feel and retaining the rotary actuator. 09:58:55
3 Would a person of ordinary skill -- a 09:59:00
4 person of ordinary skill in the art understand any 09:59:00
5 other purpose for the detent and ball or other 09:59:04
6 device acting in the detent in Hartley? 09:59:08
7 A Not as it's disclosed within the 09:59:16
8 Hartley -- I'm sorry -- Eller -- 09:59:18
9 Q Can you think of -- 09:59:21
10 A -- sorry. 09:59:22
11 Q -- any other purpose -- 09:59:22
12 A We're talking about Hartley. 09:59:22
13 Q Thank you. 09:59:25
14 Can you think of any other purpose for the 09:59:26
15 ball and detent -- excuse me -- ball or other device 09:59:27
16 acting into a detent in Hartley? 09:59:34
17 A I think if it were designed for its -- for 09:59:46
18 a -- start again. 09:59:49
19 If it were designed for the purpose, a 09:59:53
20 ball-and-detent feature could be used to hold the 09:59:55
21 rotary -- the rotating actuator in place, either the 09:59:59
22 open or closed position. 10:00:04
23 Q Could it be used to hold the rotary 10:00:13
24 actuator in place in positions other than open and 10:00:16
25 closed? 10:00:20

1 A Certainly if there were a number of 10:00:26
2 detents around the circumference, it could hold it 10:00:28
3 at any location if it were designed to do so. 10:00:35
4 ATTORNEY HAMILTON: We have been going for 10:00:41
5 about an hour. Why don't we take a quick break. 10:00:42
6 A Okay. 10:00:47
7 THE VIDEOGRAPHER: Okay. We're going off 10:00:48
8 the record. The time is 10:00 a.m. 10:00:49
9 (A break was taken from 10:00 a.m. to 10:01:03
10 10:11 a.m.) 10:01:05
11 THE VIDEOGRAPHER: We are back on the 10:11:38
12 record. The time is 10:11 a.m. 10:11:40
13 Q (BY ATTORNEY HAMILTON) Mr. Thornton, do 10:11:49
14 you understand you're still under oath? 10:11:49
15 A Yes. 10:11:51
16 Q Did you communicate with anyone in any way 10:11:52
17 regarding the subject matter of this IPR during the 10:11:55
18 break? 10:11:59
19 A No. 10:11:59
20 Q Did you look at any documents during the 10:12:01
21 break? 10:12:03
22 A No. 10:12:04
23 Q If you could turn to Exhibit 1001. That's 10:12:06
24 the '921 Patent. If you could turn to page 31, 10:12:12
25 Column 22, line 14. 10:12:19

1 Do you see the term "active tensioning 10:12:29
2 mechanism"?. 10:12:32
3 A Yes. 10:12:33
4 Q What is an active tensioning mechanism? 10:12:33
5 ATTORNEY STOWELL: Objection, calls for a 10:12:40
6 legal conclusion. 10:12:40
7 A I think in this patent they use the 10:13:09
8 term "active tensioning mechanism," as it says in 10:13:12
9 the patent, "to include an actuator coupled to the 10:13:14
10 elongate member via a filament." 10:13:19
11 Q (BY ATTORNEY HAMILTON) Is that your 10:13:21
12 complete answer? 10:13:31
13 A Yes. 10:13:32
14 Q Does an active tensioning mechanism 10:13:42
15 include anything else? 10:13:46
16 ATTORNEY STOWELL: Objection, vague. 10:13:47
17 A I see a reference on page 21, line -- 10:13:56
18 Column 2, line 44: 10:14:00
19 In some embodiments, the 10:14:03
20 tensioning mechanism -- it doesn't 10:14:05
21 say "active tensioning 10:14:06
22 mechanism" -- but tensioning 10:14:07
23 mechanism includes an actuator 10:14:08
24 coupled to the at least one 10:14:11
25 filament. 10:14:13

1 In some embodiments, there are 10:14:13
2 two tensioning mechanisms coupled 10:14:16
3 to the at least one filament. 10:14:19
4 Q (BY ATTORNEY HAMILTON) Does an active 10:14:27
5 tensioning mechanism include anything else? 10:14:29
6 ATTORNEY STOWELL: Objection, vague. 10:14:32
7 A I think in Claim 1, it includes what it 10:14:42
8 says it includes, "the actuator coupled to the 10:14:46
9 elongate member via a filament." 10:14:52
10 It seems to be the only place where they 10:14:55
11 kind of define "active tensioning member." 10:14:58
12 Q So in the phrase "active tensioning 10:15:04
13 mechanism," what does "active" mean? 10:15:07
14 ATTORNEY STOWELL: Objection, calls for a 10:15:10
15 legal conclusion. 10:15:10
16 A I think a person of skill in the art 10:15:25
17 would -- I think of active tensioning member as the 10:15:27
18 counterpart to passive -- sorry, not "member" -- 10:15:38
19 mechanism -- active mechanism versus a passive 10:15:44
20 mechanism with regard to a hemostasis valve. 10:15:47
21 Q (BY ATTORNEY HAMILTON) And what's the 10:15:51
22 difference between an active versus a passive 10:15:52
23 mechanism? 10:15:55
24 A In my experience, the passive hemostasis 10:15:57
25 valve would not require any manipulation by the 10:16:00

1 physician to the open, close, or adjust the valve. 10:16:07

2 Q So then what does "active" mean in "active 10:16:38

3 tensioning mechanism"? 10:16:46

4 ATTORNEY STOWELL: Objection, calls for a 10:16:48

5 legal conclusion. 10:16:48

6 A I think with respect to a hemostasis valve 10:16:50

7 it means that the physician needs to actively adjust 10:16:53

8 something to open, close, or manipulate the valve. 10:17:04

9 Q (BY ATTORNEY HAMILTON) And what does 10:17:09

10 "tensioning" mean in the phrase "active tensioning 10:17:21

11 mechanism"? 10:17:25

12 ATTORNEY STOWELL: Objection, calls for a 10:17:27

13 legal conclusion. 10:17:27

14 A I think in the patent it's clear in many 10:17:38

15 places that they're tensioning the actuator, which 10:17:41

16 is coupled to the elongate member in order to 10:17:49

17 actuate the valve. 10:17:57

18 Q (BY ATTORNEY HAMILTON) You just used the 10:18:04

19 word "tensioning." 10:18:06

20 What did you mean by "tensioning" in your 10:18:08

21 sentence? 10:18:14

22 A What tensioning usually means. 10:18:14

23 Q What is that? 10:18:17

24 A Applying tension to a -- to something. 10:18:18

25 Q What is tension? 10:18:30

1 ATTORNEY STOWELL: Objection, vague. 10:18:31

2 A Applying force to a member. 10:18:36

3 Q (BY ATTORNEY HAMILTON) Any force is 10:18:39

4 tension? 10:18:41

5 A There are compressive forces and there are 10:18:50

6 tension forces from a mechanical standpoint, so it's 10:18:53

7 a tensioning -- a pulling on ends of a member would 10:18:56

8 be tension. 10:19:00

9 Q So tensioning would include pulling on the 10:19:32

10 ends of a member; is that right? 10:19:35

11 A You're asking in general what "tension" 10:19:40

12 means, so tension versus compression is tension 10:19:43

13 pulling on a steal rod, a pen. 10:19:46

14 That's the active applying force to the 10:19:57

15 ends of a member is creating tension in that member. 10:20:00

16 Q And "active" is the physician or operator 10:20:04

17 actively tensioning something so the -- so the 10:20:09

18 physician or operator has to apply the tension; is 10:20:12

19 that correct? 10:20:15

20 ATTORNEY STOWELL: Objection, misstates 10:20:16

21 testimony. 10:20:16

22 A Active tensioning -- sorry. 10:20:26

23 An active valve versus a passive valve, I 10:20:29

24 explained earlier, is related to the physician's use 10:20:34

25 of the valve. A tensioning mechanism, as disclosed 10:20:37

1 in this patent, also includes -- also requires a 10:20:44
2 biasing member or spring to create the tension for 10:20:51
3 this type of valve. 10:20:56

4 Q (BY ATTORNEY HAMILTON) So the spring is 10:20:57
5 not active; is that right? 10:20:59

6 ATTORNEY STOWELL: Objection, vague. 10:21:01

7 A The spring is a biasing member configured 10:21:09
8 to bias the actuator to a first position, which is 10:21:13
9 applying tension to the actuator which is coupled to 10:21:18
10 the elongate member via the filament. 10:21:26

11 Q (BY ATTORNEY HAMILTON) So what's the 10:21:28
12 "active" part that you just described? 10:21:29

13 ATTORNEY STOWELL: Objection, asked and 10:21:33
14 answered. 10:21:33

15 A You asked earlier about an active valve 10:21:37
16 versus a passive valve -- or I brought up passive 10:21:40
17 valve as the opposite of an active type of valve. 10:21:43

18 Q (BY ATTORNEY HAMILTON) So let's go back to 10:21:49
19 the phrase "active tensioning mechanism." 10:21:50

20 What is active tensioning? 10:21:59

21 ATTORNEY STOWELL: Objection, incomplete 10:22:05
22 hypothetical; outside the scope; asked and answered. 10:22:05

23 A I think it's used to describe the 10:22:22
24 mechanism of how this valve is designed to work. 10:22:24

25 Q (BY ATTORNEY HAMILTON) What's "active" in 10:22:28

1 active tensioning? Is that the actions of the 10:22:31
2 physician or operator? 10:22:34
3 ATTORNEY STOWELL: Objection, asked and 10:22:37
4 answered. 10:22:37
5 A Well, as I read Claim 1, I would presume 10:22:55
6 it -- active tensioning mechanism relates to the 10:22:59
7 fact that it's moving the actuator. It says, "the 10:23:02
8 actuator is movable between a first position and a 10:23:06
9 second position." 10:23:11
10 So I think the term "active" relates to 10:23:14
11 the action of moving. 10:23:17
12 Q (BY ATTORNEY HAMILTON) So "active" doesn't 10:23:22
13 relate to tension; it relates to movement; is that 10:23:25
14 your testimony? 10:23:29
15 ATTORNEY STOWELL: Objection, misstates 10:23:29
16 testimony; vague. 10:23:29
17 A I think the words they're using overall 10:23:33
18 relate to the mechanism of action of the valve 10:23:37
19 that's disclosed in this patent. 10:23:43
20 Q (BY ATTORNEY HAMILTON) And is that 10:24:06
21 mechanism of action, active tensioning? 10:24:06
22 ATTORNEY STOWELL: Objection, vague. 10:24:13
23 A So in -- the claim discusses active 10:24:17
24 tensioning and active tensioning mechanism as they 10:24:19
25 go on to describe the components and the action that 10:24:22

1 the valve undergoes during these. 10:24:25

2 Q (BY ATTORNEY HAMILTON) Is it possible to 10:25:02

3 passively apply tension to a member? 10:25:04

4 ATTORNEY STOWELL: Objection, incomplete 10:25:09

5 hypothetical; vague; lack of foundation. 10:25:09

6 A I'm not sure I understand the question. 10:25:18

7 Q (BY ATTORNEY HAMILTON) Previously you 10:25:20

8 defined "passive." 10:25:22

9 Do you recall that? 10:25:25

10 A I described passive valves versus active 10:25:28

11 actuation valves. 10:25:33

12 Q And passive doesn't require intervention 10:25:36

13 by a physician or operator, correct? 10:25:40

14 A A passive valve would not require the 10:25:44

15 operator to open or close or otherwise manipulate 10:25:47

16 the valve to insert or remove the device. The 10:25:50

17 doctor just inserts it directly through the passive 10:25:55

18 valve member. 10:26:00

19 Q And so applying the meaning of passive 10:26:22

20 that you just used in your answer, would "passive 10:26:25

21 tensioning" mean tensioning without the intervention 10:26:28

22 of the doctor or operator? 10:26:33

23 ATTORNEY STOWELL: Objection, incomplete 10:26:38

24 hypothetical; vague. 10:26:38

25 A I think it depends what design embodiment 10:26:48

1 you're talking about. If you're talking about this 10:26:51
2 valve or in general, I need to know more description 10:26:55
3 of what you're -- what the question is. 10:27:00
4 Q (BY ATTORNEY HAMILTON) Do you understand 10:27:13
5 what active tensioning is? 10:27:14
6 ATTORNEY STOWELL: Objection, vague. 10:27:19
7 A I think it means what it says. You're 10:27:33
8 actively tensioning a component. 10:27:36
9 Q (BY ATTORNEY HAMILTON) And what does 10:27:38
10 "actively" mean in that sentence? 10:27:40
11 ATTORNEY STOWELL: Objection, asked and 10:27:43
12 answered. 10:27:43
13 A I think the opposite of passive. 10:27:45
14 Q (BY ATTORNEY HAMILTON) And what does 10:27:49
15 "passive" mean in that sentence? 10:27:50
16 A The opposite of active. 10:27:52
17 Q So you don't understand what "passive" 10:27:54
18 means or "active" means, other than they're the 10:27:56
19 opposite of each other? 10:27:59
20 ATTORNEY STOWELL: Objection, misstates 10:28:00
21 testimony; argumentative. 10:28:00
22 A I'm not sure I understand the question. 10:28:02
23 Q (BY ATTORNEY HAMILTON) You used the phrase 10:28:15
24 "actively tensioning a component." 10:28:16
25 And the question was: What does 10:28:19

1 "actively" mean in that sentence? What about that 10:28:21
2 question don't you understand? 10:28:25

3 A If it relates to this valve or relates to 10:28:27
4 a bar of steal, actively tensioning a bar of steal, 10:28:30
5 for instance, would mean applying force to the ends 10:28:34
6 of the steal and tension. 10:28:37

7 Q Let's say as the term "active" is used in 10:28:50
8 Claim 1 of the '921 Patent. Is that the same 10:28:54
9 meaning? 10:29:01

10 ATTORNEY STOWELL: Objection, lack of -- 10:29:03
11 incomplete hypothetical; lack of foundation. 10:29:03

12 A Claim 1 just describes an active 10:29:11
13 tensioning mechanism that includes the other 10:29:13
14 components that are listed afterwards, the actuator 10:29:15
15 coupled to the elongate member via the filament. 10:29:18

16 I think that's how they're defining the 10:29:22
17 active tensioning mechanism in this patent. 10:29:25

18 Q (BY ATTORNEY HAMILTON) So the term "active 10:29:27
19 tensioning mechanism" is anything that includes the 10:29:29
20 components following that phrase in Claim 1; is that 10:29:31
21 your testimony? 10:29:34

22 A I think it's what it says. It includes 10:29:39
23 the actuator coupled to the elongate member via a 10:29:42
24 filament. 10:29:45

25 Q So then let's say we delete the terms 10:29:48

1 "active" and "tensioning." It's just a mechanism. 10:29:52
2 That doesn't change anything in this 10:29:55
3 claim; is that your testimony? 10:29:58
4 ATTORNEY STOWELL: Objection, lack of 10:30:00
5 foundation; outside the scope. 10:30:00
6 A I don't know. 10:30:02
7 Q (BY ATTORNEY HAMILTON) Do you understand 10:30:25
8 what the word -- the words "active" and "tensioning"
9 mean in Claim 1? 10:30:30
10 A I think -- 10:30:31
11 ATTORNEY STOWELL: Objection -- 10:30:31
12 A -- I think I have answered that before. 10:30:32
13 Q (BY ATTORNEY HAMILTON) Do you understand 10:30:35
14 what the words "active tensioning" means in Claim 1? 10:30:36
15 ATTORNEY STOWELL: Objection, asked and 10:30:40
16 answered. 10:30:40
17 A I think I have answered it before. And 10:30:52
18 that it is a description of the mechanism where 10:30:54
19 there's an action required to the open, close, or 10:30:58
20 actuate the valve. 10:31:06
21 Q When you say "an action required," an 10:31:07
22 action by a physician or operator or any action? 10:31:09
23 ATTORNEY STOWELL: Objection, vague. 10:31:18
24 A I think it's just describing a mechanism 10:31:19
25 that has, in this example and based on the spec, of 10:31:22

1 how the operator is pushing buttons, compressing the 10:31:25
2 springs in order to open the valve and releasing 10:31:33
3 those buttons in order to close the valve, active 10:31:36
4 tensioning mechanism would seem to cover the entire 10:31:42
5 mechanism of action of the valve that's described in 10:31:47
6 this patent. 10:31:52
7 Q (BY ATTORNEY HAMILTON) If you could turn 10:32:15
8 to -- move down that same -- same column on page 31, 10:32:15
9 Column 22, to Claim 10. 10:32:18
10 Do you see Claim 10? 10:32:21
11 A Yes. 10:32:22
12 Q Do you see the recitation of a "first
13 filament" in Claim 10? 10:32:31
14 A Yes. 10:32:36
15 Q And do you see a few lines down, the 10:32:36
16 recitation of a "second filament" in Claim 10? 10:32:39
17 A Yes. 10:32:43
18 Q Does Claim 10 require two separate 10:32:43
19 filaments? 10:32:47
20 ATTORNEY STOWELL: Objection, vague. 10:32:48
21 A That's how I read it, that the -- there's 10:32:56
22 a first filament and a second filament in Claim 10. 10:32:59
23 ATTORNEY HAMILTON: Thank you for your 10:33:09
24 time. I have no further questions today. 10:33:10
25 A Okay. 10:33:13

1	11,697,011.	10:37:56
2	Q Okay. And is it all right if we refer to	10:38:00
3	that patent as the "'011 Patent"?	10:38:02
4	A Yes.	10:38:05
5	Q Okay. And is that your signature on	10:38:05
6	page 29 of Exhibit 1039?	10:38:08
7	A Yes.	10:38:12
8	Q And when you signed this declaration, in	10:38:14
9	paragraph 51, you declared that the statements in	10:38:17
10	the declaration were true and correct; is that	10:38:21
11	correct?	10:38:25
12	A Yes.	10:38:25
13	Q And do you believe that the statements in	10:38:25
14	the declaration continue to be true and correct?	10:38:27
15	A Yes.	10:38:29
16	Q Are you aware of any errors in the	10:38:31
17	declaration?	10:38:32
18	A No.	10:38:33
19	Q Would the opinions that you provided in	10:38:35
20	Exhibit 1039 also apply to the '921 Patent at issue	10:38:38
21	in this IPR?	10:38:49
22	A Yes, the specification is identical	10:38:52
23	between the two patents.	10:38:56
24	Q And in Exhibit 1039, you also responded to	10:39:00
25	some arguments that Inari made in the '011 Patent	10:39:03

1	IPR, correct?	10:39:10
2	A Yes.	10:39:11
3	Q And would those responses to arguments	10:39:11
4	also apply to the '921 Patent IPR?	10:39:14
5	A Yes.	10:39:17
6	ATTORNEY STOWELL: I have no further	10:39:21
7	questions for Mr. Thornton.	10:39:21
8	ATTORNEY HAMILTON: I object to that	10:39:23
9	entire line of questioning and this document as	10:39:24
10	beyond the scope of direct. Just to be clear, that	10:39:26
11	objection applies to the document itself and the	10:39:45
12	questions.	10:39:49
13	EXAMINATION	10:39:55
14	BY ATTORNEY HAMILTON:	10:39:57
15	Q Mr. Thornton, if you look at the Table of	10:39:57
16	Exhibits, are these all the exhibits you reviewed	10:39:59
17	and relied upon in preparing this declaration,	10:40:02
18	Exhibit 1039?	10:40:05
19	A The exhibits that I reference within this	10:40:09
20	supplemental are listed in the exhibit table, plus	10:40:17
21	others that I did not reference -- did not reference	10:40:22
22	within the supplemental declaration.	10:40:25
23	Q Did you rely on any document not listed in	10:40:33
24	the Table of Exhibits in preparing your declaration,	10:40:36
25	Exhibit 1039?	10:40:39

1	A	Yeah, I don't believe so.	10:40:54
2	Q	And does the Table of Exhibits identify	10:40:56
3		the '921 Patent?	10:41:01
4	A	No.	10:41:06
5	Q	If you could turn to page 19 of	10:41:25
6		Exhibit 1039. And do you see Figure 31 reproduced	10:41:28
7		on page 19?	10:41:41
8	A	Yes.	10:41:43
9	Q	Do you understand what's depicted in	10:41:44
10		Figure 31?	10:41:45
11	A	Yes.	10:41:46
12	Q	In the combination of Schaffer, any --	10:42:02
13		Hartley or Eller, would a person of ordinary skill	10:42:04
14		in the art simply replace each U-shaped actuating	10:42:10
15		member with a string or wire as opposed to taking a	10:42:18
16		single string or wire and looping it around the	10:42:21
17		lumen shown in Figure 31?	10:42:27
18		ATTORNEY STOWELL: Objection, vague.	10:42:30
19	A	I think there would be many options that a	10:42:32
20		person of skill in the art might attempt. And	10:42:36
21		replacing the two members with two more flexible	10:42:39
22		actuating members is what I'm showing on the next	10:42:54
23		page, the second image on page 20, where these are	10:42:57
24		two, you know, very flexible actuating members	10:43:03
25		surrounding a small tool, and that's the description	10:43:11

1 that we provided there. 10:43:13

2 Q (BY ATTORNEY HAMILTON) And why wouldn't 10:43:15

3 one skilled in the art simply replace those two 10:43:15

4 U-shaped actuating members with a string or wire a 10:43:21

5 as opposed to looping a single string or wire around 10:43:21

6 the lumen? 10:43:27

7 A I think both options could be, you know, 10:43:33

8 reasonable and obvious to try. There certainly 10:43:38

9 could be benefits of a single wire or filament. One 10:43:41

10 is simpler than two, fewer attachment points are a 10:43:53

11 couple of examples I can think of. 10:43:58

12 Q When you say "examples," examples of what? 10:44:03

13 A Examples of where a single wire looped 10:44:07

14 around a seal module may have benefits over two 10:44:10

15 separate filaments wrapped around the seal module. 10:44:14

16 The other potential benefit would be it 10:44:21

17 may seal better having a single filament wrapped 10:44:24

18 around the seal module than two separate even quite 10:44:29

19 flexible wire members. 10:44:34

20 ATTORNEY HAMILTON: So for the record, 10:44:54

21 Patent Owner believes that this exhibit was placed 10:44:57

22 into evidence in order to prevent a full examination 10:45:02

23 of the application of this Exhibit 1039, as it 10:45:05

24 applies to the '921 Patent. So for today, Patent 10:45:11

25 Owner is finished with his questions, but is leaving 10:45:15

1 the deposition -- deposition open and reserves the 10:45:19
2 right to recall the witness after the application of 10:45:21
3 this declaration can be fully evaluated with respect 10:45:25
4 to the '921 Patent. 10:45:28

5 ATTORNEY STOWELL: Petitioner disagrees 10:45:31
6 that it would be appropriate to leave the deposition 10:45:31
7 open. 10:45:34

8 THE VIDEOGRAPHER: Okay. No further 10:45:40
9 questions. We are going off the record. The time 10:45:41
10 is 10:45 a.m. 10:45:43

11 10:45:45
12 (TIME NOTED: 10:45 a.m.) 10:45:45
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I, TROY L. THORNTON, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
20____, at _____, _____.
(City) (State)

TROY L. THORNTON

1 I, MARY J. GOFF, CSR No. 13427, Certified
2 Shorthand Reporter of the State of California,
certify;

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth, at
5 which time the witness declared under penalty of
6 perjury; that the testimony of the witness and all
7 objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed under my direction and supervision; that
the foregoing is a full, true, and correct
transcript of my shorthand notes so taken and of the
testimony so given;

8 That before completion of the deposition,
9 review of the transcript () was (XX) was not
requested: () that the witness has failed or
refused to approve the transcript.

10 I further certify that I am not financially
11 interested in the action, and I am not a relative or
employee of any attorney of the parties, nor of any
of the parties.

12 I declare under penalty of perjury under the
13 laws of California that the foregoing is true and
14 correct, dated this 12th day of January, 2026.

15
16 

17 _____
18 MARY J. GOFF
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ERRATA SHEET

PLANET DEPOS

451 Hungerford Drive, Suite 400

Rockville, Maryland 20850

888-433-3767

CASE: Imperative Care v. Inari Medical

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TROY L. THORNTON

Subscribed and sworn to before me

this _____ day of _____, 2026.

Notary Public

Transcript of Troy L. Thornton
 Conducted on January 7, 2026

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