

From: [Director Discretionary Decision](#)
To: [Hamilton, Joseph \(Perkins Coie\)](#); [Director Discretionary Decision](#)
Cc: hamilton-ptab@perkinscoie.com; parker-ptab@perkinscoie.com; williams-ptab@perkinscoie.com; [Joe Re](#); [Brian Barnes](#)
Subject: RE: Imperative Care, Inc. v. Inari Medical, Inc. – IPR2025-01021 (US11,969,333)
Date: Monday, October 6, 2025 3:33:01 PM

Please submit the order as an exhibit as soon as possible. No additional briefing is authorized.

From: Hamilton, Joseph (Perkins Coie) <JHamilton@perkinscoie.com>
Sent: Friday, October 3, 2025 3:27 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: hamilton-ptab@perkinscoie.com; parker-ptab@perkinscoie.com; williams-ptab@perkinscoie.com; Joe Re <Joe.Re@knobbe.com>; Brian Barnes <Brian.Barnes@knobbe.com>
Subject: Imperative Care, Inc. v. Inari Medical, Inc. – IPR2025-01021 (US11,969,333)

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Dear Director,

Pursuant to the [Interim Director Discretionary Process | USPTO](#), part IV, Patent Owner requests authorization to file a reply limited to five pages addressing the impact of an Order Denying Motion for Preliminary Injunction (“Order”) that issued September 29, 2025, in a related litigation pending before the United States District Court for the Northern District of California, *Inari Medical, Inc. v. Imperative Care, Inc.*, Case 5:24-cv-03117-EKL (“the Litigation”). On October 2, 2025, Petitioner filed the Order in the above referenced IPR as EX1055, attached. Specifically, Patent Owner requests discretionary denial under 35 USC 314(a) in view of the district court’s now significant investment of time and resources in the related district court litigation.

In the litigation, Patent Owner filed a motion for preliminary injunction asserting, in part, that Petitioner’s sale of its Symphony thrombectomy system infringed claim 1 of U.S. Patent No. 11,974,910. The Court denied Patent Owner’s motion for preliminary injunction on September 29, 2025. The Court’s analysis of U.S. Patent No. 11,974,910 appears at pages 17-22 of the Order and addresses the proposed combination of the references Garrison and Laub. The Petition for IPR here also includes grounds relying on the same combination of Garrison and Laub and other combinations relying on one or both of those references. On the same day as the Order, the District Court issued a separate order staying the litigation “for approximately four months, until February 4, 2026,” stating that “[b]y then, the PTAB will have made institution decisions on [Petitioner’s] petitions [for IPR] as to the nine original patents in this case[, and a]t that time, the Court will consider whether the stay should be lifted or extended.” Order Granting Stay in Part, at p. 7 (attached).

Patent Owner contends that good cause exists because the Order issued on September 29, 2025, after Patent Owner's brief for discretionary denial was due, and thus could not have been previously addressed.

The parties have met and conferred, and, while Petitioner disputes that good cause exists for a reply, Petitioner does not oppose this request subject to receiving an opportunity to respond. If Patent Owner is permitted to file a reply, Petitioner requests authorization to file a sur-reply limited to five pages and responding to the reply. Patent Owner does not oppose Petitioner's request for a sur-reply. Patent owner proposes to file the reply within three days of any order authorizing the reply. And Petitioner will file the sur-reply within five days of the filing of the reply.

While Patent Owner does not believe that a conference call is appropriate, if the Director would like to conduct a hearing to discuss this request, the parties are available at the following times for the requested conference call (all times eastern):

Tuesday, October 7 – 12:30 p.m.-3 p.m. (ET)
Thursday, October 9 – 12:30 p.m.-5 p.m. (ET)
Friday, October 10 – 12:30 p.m.-2:30 p.m. (ET)

If a hearing is held, Patent Owner will supply a court reporter for the call.

Regards,

Joseph Hamilton
Counsel for Patent Owner Inari Medical, Inc.

Joseph Hamilton
PARTNER

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