

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IMPERATIVE CARE, INC.,
Petitioner,

v.

INARI MEDICAL, INC.,
Patent Owner.

IPR2025-01021 (Patent 11,969,333 B2)
IPR2025-01025 (Patent 11,974,910 B2)
IPR2025-01264 (Patent 12,016,580 B2)¹

Before ERIC C. JESCHKE, TIMOTHY G. MAJORS, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

ORDER
CONDUCT OF THE PROCEEDING
Resolving Discovery Dispute Regarding Deposition
37 C.F.R. §§ 42.5, 42.53(c)

¹ This Order applies and will be entered in each of the above-listed proceedings. This Order does not reflect a panel change. Judges Jeschke, Majors, and Valek comprise the panel in IPR2025-01264; Judges Fredman, Jeschke, and Majors comprise the panel in IPR2025-01021 and IPR2025-01025, but Judge Fredman is temporarily unavailable.

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I. DISCUSSION

On February 4, 2026, Patent Owner wrote to the Board detailing a dispute between the parties about the production of one of Petitioner's declarants, Dr. Aquilla S. Turk, for deposition in the above-captioned proceedings.² Ex. 3001. The dispute is thus: Patent Owner proposes that Dr. Turk be made available for cross-examination at deposition by Patent Owner for at least 14 hours, split over two days; Petitioner counters that it is willing to make Dr. Turk available for up to 9 hours of cross-examination at deposition on a single day. *Id.* We held a conference call with the parties on February 6, 2026. A court reporter was present for a portion of that call and the Board requested that Patent Owner submit a transcript of the call as an exhibit when that transcript becomes available.

Absent a stipulation between the parties or an order from the Board, the Board's rules set default time limits for taking un compelled deposition testimony of a witness: seven hours for cross-examination, four hours for redirect, and two hours for recross. 37 C.F.R. § 42.53(c)(2).

Patent Owner argues it should be allowed at least fourteen hours to cross-examine Dr. Turk because Petitioner submitted declaration testimony from Dr. Turk in each of the three proceedings—each proceeding challenging the patentability of claims in a different patent. Ex. 3001.

² The Board, to expedite matters, opted to resolve this dispute after hearing from the parties at a conference call and without requiring further motion briefing. Citations herein are to papers or exhibits filed in IPR2025-01021 and similar papers were filed in the other captioned proceedings.

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Patent Owner also suggests it needs time to explore via cross-examination an alleged financial interest of Dr. Turk in these proceedings. *Id.*

At this point, we agree with Petitioner that the relatively limited scope of Dr. Turk's direct testimony does not justify the additional amount of up-front, cross-examination time sought by Patent Owner. *Id.* Dr. Turk's direct testimony is set forth in a twenty-page declaration in each case, which declarations are substantially identical across the three proceedings. *See generally* Ex. 1022. That testimony relates generally to his experience as an interventional radiologist, and to clinical aspects of the state of the art and background technology in these cases. The scope of Patent Owner's cross-examination of Dr. Turk should, within reasonable limits, stay within the scope of Dr. Turk's direct testimony. *See* Fed. R. Evid. 611 (providing that cross-examination should not go beyond the subject matter of the direct examination and matters concerning witness credibility). Based on the arguments and record at this time, we believe the nine hours of cross-examination offered by Petitioner should provide sufficient opportunity for Patent Owner to fairly cross-examine Dr. Turk.

II. ORDER

In consideration of the foregoing, it is:

ORDERED that Patent Owner is permitted up to nine (9) hours to cross-examine Dr. Turk at deposition related to his direct testimony submitted in these proceedings.

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