

From: [Hamilton, Joseph \(Perkins Coie\)](#)
To: [Trials](#)
Cc: hamilton-ptab@perkinscoie.com; parker-ptab@perkinscoie.com; williams-ptab@perkinscoie.com; [Joe Re](#); [Brian Barnes](#)
Subject: Imperative v. Inari, IPR Nos. 2025-01021, -01264, and -01025: Request for Conference call
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RE: *Imperative Care, Inc. v. Inari Medical, Inc*, IPR2025-01021
Imperative Care, Inc. v. Inari Medical, Inc, IPR2025-01025
Imperative Care, Inc. v. Inari Medical, Inc, IPR2025-01264

Dear PTAB Trials,

Patent Owner requests that the Board order Petitioner to produce the both Dr. Turk and Mr. Thornton for deposition in each of the above-referenced IPRs. Despite having submitted expert declarations from each witness in each of the above IPRs, Petitioner has refused to produce the witnesses in accordance with Rule 42.53(c)(1) and instead has offered to produce Dr. Turk for a single nine-hour deposition and Mr. Thornton for two seven-hour days of deposition. As a compromise, Patent Owner has requested that Dr. Turk be made available for a total of 14 hours of cross-examination and would agree to Mr. Thornton being made available for a total of 14 hours of cross-examination.

Patent Owner contends that good cause exists in view of 37 CFR 42.53(c)(1) which provides a limit of “[s]even hours for direct examination, four hours for cross-examination, and two hours for redirect examination” in each IPR. In IPR2025-1021, Petitioner submitted an expert declaration from Mr. Thornton (EX1003) and an expert declaration from Dr. Aquilla Turk (EX1022). In IPR2025-1025, Petitioner submitted another expert declaration from Mr. Thornton (EX1003) and another expert declaration from Dr. Aquilla Turk (EX1022). And in IPR2025-1264, Petitioner submitted another expert declaration from Mr. Thornton (EX1003) and another expert declaration from Dr. Aquilla Turk (EX1022). Patent Owner requests the opportunity to fully cross-examine the witnesses in relation to the subject matter of each IPR. While the subject matter of the IPRs and the expert declarations have some commonality, each challenged patent has different claims with different claim limitations and scope, and the challenged ’580 patent is in a different patent family, and thus has a different specification and figures, from the challenged ’333 and ’910 patents. Petitioner’s expert, Dr. Turk, is also identified by Petitioner as one of its “Founding Clinical Advisors” and Petitioner’s “Chief Medical Officer” and thus may have financial interest in the outcome of this matter. Patent Owner is willing to reasonably accommodate Dr. Turk’s vacation schedule. As such, Patent Owner requests that the Board order that Dr. Turk be made available for 14 hours of cross-examination.

The parties have met and conferred. Petitioner opposes Patent Owner's request.

Petitioner's statement: Petitioner does not oppose Patent Owner's proposal to cross-examine Mr. Thornton for 14 hours across two days. Petitioner opposes Patent Owner's request to cross-examine Dr. Turk for 14 hours across two days. Dr. Turk is a practicing interventional neuroradiologist who will be on vacation on the proposed deposition dates. His declaration detailing the state of the art is identical across the three IPRs and less than 20 pages (Ex. 1022 in all IPRs). Dr. Turk does not directly discuss any patent claims in the declaration. Patent Owner has already deposed Dr. Turk regarding the same declaration in the co-pending district court litigation. During that deposition, Patent Owner questioned Dr. Turk about the opinions he offers in the declaration, as well as his financial interest in, and role with, Petitioner. Therefore, Petitioner proposed a compromise of a 9-hour deposition on a single day for Dr. Turk.

The parties are available at the following times for the requested conference call (all times Eastern):

Thursday, February 5 – 12:30 p.m.-2 p.m. (ET)

Friday, February 6 – 11:30 a.m.-3 p.m. (ET)

Monday, February 9 – 12:30 p.m.-1:30 p.m. (ET)

Regards,

Joseph Hamilton

Counsel for Patent Owner

Perkins Coie

1888 Century Park East Suite 1700

Los Angeles, CA 90067-1721

+1.310.788.3271

jhamilton@perkinscoie.com

perkinscoie.com

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