

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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7 IMPERATIVE CARE, INC.,

8 PETITIONER,

9
10 v.

11
12 INARI MEDICAL, INC.,

13 PATENT OWNER.
14 _____

15 CASE IPR2024-01157
16 PATENT NO. 11,697,011 B2

17 REPORTER'S TRANSCRIPT OF REMOTE PROCEEDINGS

18 BEFORE TIMOTHY G. MAJORS,
19 JEFFREY N. FREDMAN,
20 ERIC C. JESCHKE,
21 MICHAEL A. VALEK,
22 ADMINISTRATIVE PATENT JUDGES

23 FRIDAY, FEBRUARY 6, 2026

24 LENA MESCALL, CSR NO. 13018, RPR
25 JOB NO. 24007
REPORTED REMOTELY FROM IRVINE, CALIFORNIA
PAGES 1 - 14

1 REMOTE APPEARANCES BEFORE TIMOTHY G. MAJORS,
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1 REPORTED REMOTELY FROM IRVINE, CALIFORNIA;

2 FRIDAY, FEBRUARY 6, 2026, 11:08 A.M. TO 11:27 A.M.

3
4 JUDGE MAJORS: Okay. So very quickly, for your
5 reference, we are here today in IPR2025-1021, 1025, and
6 1264. And on the line, we have Judges Fredman; Jeschke;
7 Valek; myself, Judge Majors; and then counsel for the
8 parties, Mr. Barnes, Mr. Stowell, and Mr. Hamilton.
9 Sorry for the housekeeping, but I just wanted to make
10 sure you have a record of who was on.

11 THE REPORTER: I appreciate it. Thank you.

12 JUDGE MAJORS: Okay. Let me just finish my
13 point, and since we now have the court reporter on,
14 Mr. Hamilton, I'll sort of turn it back to you, just if
15 you can quickly recap Patent Owner's ask, after I make
16 this point. But I was simply making the point that it
17 really didn't seem like he was conducting a
18 patentability analysis unique to any claim or any of the
19 three patents. It seemed like it was just providing
20 sort of a, as I said, clinical overview of some things
21 that would have been in a clinician's mind when they are
22 treating the different types of emboli.

23 MR. HAMILTON: Thank you, Your Honor. So as I
24 said, we want a full and fair opportunity to
25 cross-examine the witness, read his declaration, and the

1 applicability to each of the IPRs. And as I said, the
2 subject matter of each is different. I'll just give you
3 maybe one example.

4 So in his declaration, he talks about that
5 vacuuming was known, and the applicability of vacuuming
6 was known, and that's a pretty important concept in all
7 three patents. And it is implemented differently in all
8 three patents. And so for one example of why this
9 matters, why we need this extra time, and frankly --
10 and, sorry, not extra time, but more time than the
11 single day that Petitioner is agreeing to -- what he
12 means by vacuuming, what he meant by that in his
13 declaration, as compared to how it's used in the claims,
14 in the two different patents, two different
15 specifications, how it's implemented in those different
16 specifications, and what was actually known, and I
17 believe, you know, that that's just one simple example
18 of why it's going to be different for each of the three
19 cases and why we need the extra day more than
20 Petitioner's agreeing to run through those issues with
21 Dr. Turk.

22 And I believe, you know, it would be unfair to
23 Patent Owner for Petitioner to put those in, reference
24 those documents in each of those declarations, and then
25 limit our ability to examine Dr. Turk on how his

1 declaration and his comments apply to those documents in
2 those claims and those terms.

3 JUDGE MAJORS: Quick question for Petitioner.
4 Mr. Stowell, if you're doing the talking today, the
5 offer of nine hours -- is that nine hours of time for
6 Patent Owner? That's not nine hours for the total day?

7 MR. STOWELL: That's correct, Your Honor.
8 Yeah, we would provide Patent Owner with nine hours on
9 the record. That's the proposal.

10 JUDGE MAJORS: Okay. So back to you,
11 Mr. Hamilton, I guess, from my part, I am struggling,
12 nonetheless, to understand why -- you know, why it can't
13 be done in nine hours. That's quite a bit of time for,
14 essentially, a 20-page declaration that -- again, I
15 looked at it -- about seven of those pages are his
16 background. We are dealing with a situation where the
17 scope of his direct is, I would say, somewhat narrow.
18 So I don't -- I am not understanding why nine hours is
19 not going to be sufficient for you to cover the ground
20 that you want to cover.

21 MR. HAMILTON: So I guess, you know, a couple
22 of things. So one is it's not clear to me if Dr. Turk
23 has even read, for example, the '580 patent nor its
24 claims. And what would be important is -- I would
25 imagine when he puts it in his list of exhibits that,

1 when we get the deposition, he's going to say he's read
2 it and it applies to those things. And if he does, I
3 want to be able to ask him, when he says -- for example,
4 that term "vacuuming" -- when he said that in his
5 declaration, is he talking about that as it's used in
6 the claims? Is he talking about the methods that he
7 said the vacuuming was known? What exactly did he mean
8 by that vis-à-vis the patent specification and claims,
9 because that's really all that matters in the IPR?

10 And if he didn't mean those things, then it may
11 be very simple. If he hasn't read the patent, then it
12 may be very simple. But I believe, you know, the way it
13 is drafted and the way that that is included, so every
14 single exhibit from the IPRs is listed in his
15 declaration as if he's reviewed those makes it very
16 difficult for me to say we can do this in nine hours.

17 And I am sure you can appreciate nine hours of
18 actual depo time is a pretty long day for a witness and
19 probably not the same as doing nine hours one day --
20 seven hours one day and two hours the next day. And my
21 concern is if it's limited to a single day and nine
22 hours, we are not going to be able to get through what
23 we need to get through unless we have that second day.

24 JUDGE MAJORS: Thank you. Why don't we hear
25 from Petitioner?

1 Mr. Stowell, whenever you are ready.

2 MR. STOWELL: Thank you, Judge Majors. I
3 appreciate the opportunity to be heard today, and so
4 does Dr. Turk. As you know from reading the
5 declaration, Dr. Turk is a practicing interventional
6 neuroradiologist. He's one of the leaders in the
7 country in that field. So his case schedule is very
8 busy, which means that he actually needs to do the
9 deposition during his vacation. And he's willing to
10 break away for this deposition, but we've made our
11 proposal to try to minimize the inconvenience on him.

12 And I'll say you have already addressed several
13 of the points that we have. He's only submitted the one
14 declaration. It was across three IPRs, but it's the
15 same, identical declaration. It refers in the text to
16 the exact same seven or eight exhibits across every
17 single one. The table of exhibits at the front of his
18 declaration that Mr. Hamilton keeps referring to is just
19 the table of exhibits that is present in the case. It
20 is not the documents that he has considered. The
21 documents he has opined upon are specifically referenced
22 within the body of the declaration. And, again, that's
23 only, I think, seven or eight exhibits.

24 And as you mentioned, it's a very short
25 declaration. It's, you know, roughly 14 pages of

1 substantive material and another six or seven pages of
2 about his extensive background and credentials. So very
3 short there. He has not, as you recognize, opined
4 specifically on any specific patent. He does not
5 mention any of the specific patents at issue and does
6 not dive into any of the claim language. His
7 declaration focuses on the state of the art, what
8 doctors were doing in the art at specific times, and how
9 doctors treat patients in the real world, and what the
10 real world application is.

11 So to the extent Counsel is intending to, you
12 know, dive into patent claims and the patents, you know,
13 that's likely to be outside the scope of the direct, and
14 that would violate Federal Rule of Evidence 611. So
15 that would not be a basis to extend the deposition
16 beyond the nine hours that's been proposed.

17 We also have a couple of data points that may
18 be helpful for the board here. Inari and its counsel at
19 Perkins already deposed Dr. Turk on this declaration in
20 the District Court action. This same declaration was
21 filed as part of the opposition to the preliminary
22 injunction, the '910 patent, which is one of the patents
23 that's at issue in these three IPRs, was also at issue
24 in the PI motion. Again, that declaration covered the
25 exact same exhibits.

1 And in that deposition, Dr. Turk was deposed
2 for about four-and-a-half hours on the record for the
3 PI. So here we are offering double the time that was
4 previously used for this second deposition, and that
5 seems very reasonable. During that deposition, Counsel
6 covered Dr. Turk's background, his ties to Imperative
7 Care, and all the different substantive opinions in the
8 declaration. So it was a comprehensive deposition. So
9 that's one data point.

10 The other data point is that we recently had
11 experience where Inari demanded three days of deposition
12 for Mr. Thornton at the beginning of January relating to
13 three different IPRs. We made Mr. Thornton available
14 for those three days. The first day, Inari concluded
15 the deposition after 2 hours, including breaks. The
16 second day, the deposition was concluded after 2 hours
17 and 20 minutes, including breaks. The third day
18 concluded after 1 hour 40 minutes, including breaks.
19 And so counsel and the witness had cleared out three
20 days for what effectively was less than six hours on the
21 record of deposition.

22 So given that experience, we think that, in
23 addition to minimizing inconvenience on the witness,
24 that one day, nine hours, promotes efficiency and
25 encourages the attorneys to use the deposition time and

1 the witness's time efficiently.

2 JUDGE MAJORS: All right. Thank you.

3 All right. The panel -- unless there's
4 anything further, let me confer with the other judges
5 and we will be right back on in just a moment.

6 MR. HAMILTON: I just want to point out one
7 response. So the previous depo at that time, that was
8 several months before any of these IPRs were filed.
9 They didn't cover anywhere near the issues that are
10 applicable in these three IPRs, and so, you know, that
11 was a very different deposition about a very different
12 subject matter.

13 And then in terms of the previous depositions
14 with Mr. Thornton, that is a -- that was for different
15 IPRs for different families where he has been deposed
16 many, many times in that family. And as you may be
17 aware, that relates to the -- to a valve that's used
18 with the system. These are the first -- this is our
19 first opportunity to depose any witnesses related to the
20 subject matter of these IPRs, and they weren't even
21 filed back when the previous deposition occurred.

22 JUDGE MAJORS: Yeah. I figured that might have
23 been the case. Perhaps there's only so many ways you
24 can ask what a filament is. So that might explain the
25 short timetable on some of the other ones.

1 So let me just confer with the other judges,
2 and we will be back on in just a moment. So please be
3 patient.

4 MR. HAMILTON: Thank you, Your Honor.

5 JUDGE MAJORS: All right. Thank you, everyone.
6 This is Judge Majors again.

7 I've talked to the other judges. We are going
8 to allow the nine hours on a single day, Mr. Hamilton
9 and Mr. Stowell.

10 That being said, if after you have conducted
11 the deposition, Mr. Hamilton, if you feel that more time
12 is needed and can make a specific showing as to why
13 additional time is needed, you can approach us again,
14 and that would likely mean we'd take a closer look into
15 the deposition and see how the day was budgeted and we
16 may see -- and this is for Petitioner's caution -- you
17 know, the witness was being especially evasive or things
18 of that nature that might not put the witness in the
19 best light in terms of how the day went.

20 But conferring with the other judges, we think
21 that nine hours is more than enough to cover the ground
22 that we think you're going to get through, Mr. Hamilton,
23 but recognizing that there are some unknowns at this
24 time, relative to what he may have looked at or what he
25 may have considered in forming his opinions, and so you

1 should have some latitude to explore those areas.

2 With all that being said, does anyone have any
3 questions?

4 MR. HAMILTON: This is Joe Hamilton. Thank
5 you, Your Honor, for your understanding the issue. I
6 appreciate it.

7 MR. STOWELL: Nothing further from Petitioner,
8 Your Honor. Thank you.

9 JUDGE MAJORS: Okay. Very good. Thank you,
10 everyone.

11 Mr. Hamilton, again, if I could remind you to
12 have the court reporter submit the transcript when it's
13 ready.

14 MR. HAMILTON: We will do that. Thank you.

15 JUDGE MAJORS: Okay. We will follow this up
16 with a short order, maybe in the form of just an email
17 or it may be just a short conduct of proceedings order
18 for the file. But with that, I'll let everyone have the
19 rest of their day and hope everyone has a nice weekend.

20 Thank you very much, and the call is adjourned.

21 (The proceedings concluded at 11:27 A.M.)

22 * * *

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1 STATE OF CALIFORNIA)
2 COUNTY OF ORANGE) ss.
3

4 I, Lena Mescall, Certified Shorthand Reporter,
5 Certificate No. 13018, for the State of California,
6 hereby certify:

7 I am the person that stenographically recorded
8 the transcript of proceedings held on Friday,
9 February 6, 2026.

10 The foregoing transcript is a true record of
11 said proceedings.

12
13
14 Dated February 12, 2026.

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