

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IMPERATIVE CARE, INC.,  
Petitioner,

v.

INARI MEDICAL, INC.,  
Patent Owner.

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Case No. IPR2025-01025  
U.S. Patent No. 11,974,910

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**TABLE OF AUTHORITIES**

**CASES**

*Abbott Labs. v. Andrx Pharms., Inc.*,  
452 F.3d 1331 (Fed. Cir. 2006) ..... 1

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*Novartis AG v. Noven Pharms. Inc.*,  
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*Telebrands Corp. v. Tinnus Enter.*,  
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*Univ. of Texas v. Camenisch*,  
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**EXHIBIT LIST**

	<b>Petitioner's Exhibits</b>
<b>Exhibit</b>	<b>Description</b>
EX1001	U.S. Patent No. 11,974,910 ("the '910 patent")
EX1002	'910 Patent Prosecution History
EX1003	Expert Declaration of Troy Thornton
EX1004	Resume of Troy Thornton
EX1005	U.S. Patent No. 8,734,374 B2 to Aklog et al. ("Aklog")
EX1006	U.S. Patent Publication No. 2015/0173782 A1 to Garrison et al. ("Garrison")
EX1007	WIPO Publication No. WO 2006/124307 A2 to Goff et al. ("Goff")
EX1008	U.S. Patent Publication No. 2003/0116731 A1 to Hartley ("Hartley")
EX1009	U.S. Patent No. 6,776,770 B2 to Trerotola ("Trerotola")
EX1010	U.S. Patent Publication No. 2010/0042118 A1 to Garrison et al.
EX1011	U.S. Patent No. 8,535,283 B2 to Heaton et al. ("Heaton")
EX1012	U.S. Patent Publication No. 2017/0043066 A1 to Laub ("Laub")
EX1013	U.S. Patent Publication US 2003/0225379 A1 to Schaffer et al. ("Schaffer")
EX1014	U.S. Patent No. 5,938,645 to Gordon ("Gordon")
EX1015	U.S. Patent Publication No. 2014/0296868 A1 to Garrison et al.
EX1016	U.S. Patent No. 7,998,104 B2 to Chang ("Chang")
EX1017	U.S. Patent No. 8,157,760 B2 to Criado et al. ("Criado")
EX1018	U.S. Patent No. 6,481,439 B1 to Lewis et al.
EX1019	U.S. Patent No. 8,075,510 B2 to Aklog et al.
EX1020	WIPO Publication No. WO 2018/019829 A1 to Brady et al. ("Brady")

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<b>Petitioner's Exhibits</b>	
<b>Exhibit</b>	<b>Description</b>
EX1021	U.S. Patent Application No. 16/117,519 (the "519 application")
EX1022	Expert Declaration of Dr. Aquilla S. Turk, III, DO
EX1023	Resume of Dr. Aquilla Turk, III, D.O.
EX1024	Shani, Jacob M.D., et al., Mechanical Manipulation of Thrombus: Coronary Thrombectomy, Intracoronary Clot Displacement, and Transcatheter Aspiration, 72 Am. J. Cardiol. 116G-118G (1993)
EX1025	Bose, A et al., The Penumbra System: A Mechanical Device for the Treatment of Acute Stroke due to Thromboembolism, 29 Am. J. Neuroradiol. 1409-1413 (Aug. 2008)
EX1026	Turk, Aquilla S. et al., Initial clinical experience with the ADAPT technique: A direct aspiration first pass technique for stroke thrombectomy, 6 J. NeuroIntervent. Surg. 231-237 (2014)
EX1027	Turk, Aquilla S. et al., ADAPT FAST study: a direct aspiration first pass technique for acute stroke thrombectomy, 6 J. NeuroIntervent. Surg. 260-264 (2014)
EX1028	April 24, 2024 Letter from Inari to Imperative Care
EX1029	Turk, Aquilla S. et al., Aspiration thrombectomy versus stent retriever thrombectomy as first-line approach for large vessel occlusion (COMPASS): a multicentre, randomized, open label, blinded outcome, non-inferiority trial, 393 Lancet 998-1008 (March 2019)
EX1030	Save, Jeffrey L., Time is Brain – Quantified, American Heart Association Journals, available at <a href="http://www.stokeaha.org">http://www.stokeaha.org</a> (2005).
EX1031	U.S. Patent No. 9,980,813 B1 to Eller ("Eller")
EX1032	US 2018/0064453 A1 ("Garrison II")
EX1033	US 2005/0054995 A1 ("Barzell")

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<b>Petitioner's Exhibits</b>	
<b>Exhibit</b>	<b>Description</b>
EX1034	Decision Granting Institution of <i>Inter Partes</i> Review for U.S. Patent No. 11,697,011 (Paper 7) in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2024-01157 (P.T.A.B. Jan. 23, 2025)
EX1035	Decision Granting Institution of <i>Inter Partes</i> Review for U.S. Patent No. 11,697,012 (Paper 6) in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2025-00156 (P.T.A.B. Apr. 22, 2025)
EX1036	U.S. Patent No. 12,109,384 B2 to Merritt et al.
EX1037	Patent Owner's Exhibit 2002 filed in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2025-00289 (P.T.A.B.)
EX1038	Indigo Aspiration System-Penumbra Engine Pump and Canister, 510(k) No. K180105 (Mar. 8, 2018) ("Indigo Aspiration System")
EX1039	AXS Universal Aspiration Set Brochure (2017)
EX1040	VacLok Negative Pressure Syringe Brochure
EX1041	O. Nikoubashman et al., Under Pressure: Comparison of Aspiration Techniques for Endovascular Mechanical Thrombectomy, 39 Am. J. Neuroradiol. 905-909 (May 2018) ("Nikoubashman")
EX1042	Inari's Supplemental Infringement Contentions (without claim charts) from <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , No. 24- cv-3117 (N.D. Cal.) (served February 7, 2025)
EX1043	Inari's Notice of Motion and Motion for Leave to File Third Amended Complaint (Dkt. #88) in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.) (filed March 5, 2025)
EX1044	Case Management & Scheduling Order (Dkt. #54) in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.) (issued December 19, 2024)
EX1045	Decision Denying Institution of <i>Inter Partes</i> Review for U.S. Patent No. 11,744,691 (Paper 10) in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2024-01257 (P.T.A.B. Feb. 7, 2025)

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<b>Petitioner's Exhibits</b>	
<b>Exhibit</b>	<b>Description</b>
EX1046	U.S. Patent No. 7,984,730 B2 to Ziv et al.
EX1047	Imperative Care's Opposition to Inari's Motion for Leave to File Third Amended Complaint (Dkt. #98) in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.) (filed March 26, 2025)
EX1048	Imperative Care's Notice of Motion and Motion to Stay Pending <i>Inter Partes</i> Review (Dkt. #100) in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.) (filed April 2, 2025)
EX1049	Ahmed Pasha et al., Successful Management of Acute Massive Pulmonary Embolism Using Angiovac Suction Catheter Technique in a Hemodynamically Unstable Patient, 15 Cardiovasc. Revasc. Med. 240-243 (2014)
EX1050	Certified File History of U.S. Patent Application 10/371,190 (Schaffer File History)
EX1051	Maureen Kohi, Catheter Directed Interventions for Acute Deep Vein Thrombosis, 6 Cardiovasc. Diagn. Ther. 599-611 (2016)
EX1052	Interview Summary from U.S. Patent Application No. 18/329,450 dated January 31, 2024
EX1053	Claim Construction Expert Report of Troy Thornton in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.)
EX1054	Decision Denying Patent Owner's Request for Discretionary Denial (Paper 9) in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2025-00289 (P.T.A.B. June 12, 2025)
EX1055	Decision Referring the Petition to the Board (Paper 9) in <i>Imperative Care, Inc. v. Inari Medical, Inc.</i> , IPR2025-00728 (P.T.A.B. July 31, 2025)
EX1056	Order Denying Motion for Preliminary Injunction (Dkt. #136) in <i>Inari Medical, Inc. v. Imperative Care, Inc.</i> , 24-cv-03117-EKL (N.D. Cal.) (issued September 29, 2025)

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<b>Patent Owner's Exhibits</b>	
<b>Exhibit</b>	<b>Description</b>
EX2001	Notice of Allowance from U.S. Patent Application No. 18/329,450
EX2002	U.S. Patent Application Publication No. 2018/0042623 to Batiste ("Batiste")
EX2003	Declaration of Brian Brown
EX2004	Mirza, M., Kummer, K., Touchette, J., McCarthy, R., Rai, A., Brouwer, P., & Gilvarry, M. (2024). Variability in Intracranial vessel Diameters and Considerations for Neurovascular Models: A Systematic Review and Meta - Analysis. <i>Stroke Vascular and Interventional Neurology</i> , 4(4). <a href="https://doi.org/10.1161/svin.123.001177">https://doi.org/10.1161/svin.123.001177</a>
EX2006	Order Granting in Part Motion to Stay

## Patent Owner's Sur Reply Regarding Preliminary Response

**I. A Preliminary Injunction Decision Under a Different Standard and Different Record Is Not Relevant to Institution.**

In *Telebrands Corp. v. Tinnus Enter.*, the PTAB explained that a “preliminary injunction is just that—preliminary—it is not a definitive finding of fact and is merely intended to maintain the status quo between the parties.” PGR2016-00030, at 6, 2017 WL 2130371 at \*2 (PTAB May 17, 2017) (citing *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981) and *Hamilton Watch Co. v. Benrus Watch Co.*, 206 F.2d 738, 742 (2d Cir. 1953) (“For a preliminary injunction—as indicated by the numerous more or less synonymous adjectives used to label it—is, by its very nature, interlocutory, tentative, provisional, ad interim, impermanent, mutable, not fixed or final or conclusive, characterized by its for-the-time-beingness.”). As such, any findings of fact in a preliminary injunction are not binding on the district court let alone binding on the PTAB. *See Abbott Labs. v. Andrx Pharms., Inc.*, 452 F.3d 1331, 1337 (Fed. Cir. 2006) (decision on invalidity in preliminary injunction not binding and “in no way resolves the ultimate question of invalidity”).

Moreover, the preliminary injunction involved a different patent and claims. And in Petitioner's preliminary reply (“Petitioner's Reply”; Paper 13) to Patent Owner's preliminary response (“POPR”; Paper 8), Petitioner does not assert that the same arguments, let alone the same record from the district court is before the PTAB. *See* Petitioner's Reply, pp.1-2 (conceding that “PO did not even challenge that Garrison and Laub disclose the limitations it now raises in POPR” and characterizing

Patent Owner's Sur Reply Regarding Preliminary Response  
Patent Owner's arguments in the POPR as "new arguments"). So, as the PTAB has explained, "even if the same record were before us, this would not constrain our independent review of the arguments and evidence presented by the parties for the purposes of determining whether to institute a post-grant review." *Telebrands Corp.*, 2017 WL 2130371 at \*2. (citing *Novartis AG v. Noven Pharms. Inc.*, 2017 WL 1229742, at \*3 (Fed. Cir. 2017). Indeed, Petitioner does not cite a single precedent otherwise.

Accordingly, the decision on preliminary injunction under a different standard and different record has no bearing on the decision to institute here.

**II. None of Garrison's Embodiments Utilizing Either a Pump or a Syringe Disclose or Suggest the Buildup/Storage and Subsequent Release of Vacuum Pressure or the "Fluid Control Device[s]" That Enable That Buildup and Release as Recited in Independent Claims 1 and 11.**

As explained in Patent Owner's POPR, Petitioner mixes and matches features of various embodiments shown in Figures 33-34 and described in paragraphs [0131]-[0134] of Garrison to manufacture a purported system to allege that Garrison discloses the features of Claims 1 and 11 that Garrison does in fact not disclose and that is contrary to the disclosure of Garrison. POPR, pp.37-56. In Petitioner's Reply, Petitioner incorrectly asserts that "PO's argument depends on limiting the aspiration source in Garrison's Figures 33-34 to *only* a peristaltic pump." (Petitioner's Reply, p.2.) That is inaccurate. Patent Owner explained that Garrison discloses that the aspiration source can be a peristaltic pump, other types of pumps, or a locking

Patent Owner's Sur Reply Regarding Preliminary Response syringe but, regardless of the aspiration source, the embodiments in Figures 33-34 of Garrison do not include the "fluid control device[s]" or the generation of "vacuum pressure" while the fluid control device "is in [a] first position" where the pressure source is "fluidly disconnected" from the catheter as recited in Claims 1 and 11 of '910 Patent. POPR, pp.19-27 & 37-45. Specifically, the primary embodiment relied on by Petitioner in Figure 33 of Garrison does not include any fluid control device at all. Petition, pp.34-35 & 39-42; POPR, pp.41-42. And, the embodiment in Figure 34 of Garrison utilizes a single peristaltic pump 3430 that is connectable to one, both, or neither of the arterial access device 2010 and the catheter 2030 via a *single* valve 3325. POPR, pp.42-45; EX1006, ¶[0132]. Garrison discloses that the valve 3325 is not used to build up vacuum pressure but simply switches the connections to the arterial access device 2010 and the catheter 2030, and is not needed in Figure 33 of Garrison where an aspiration source is connected separately to each of the arterial access device 2010 and the catheter 2030. *Id.*

Patent Owner readily explained that Garrison discloses an embodiment including an aspiration source that comprises a locking syringe rather than a peristaltic pump and, accordingly, that Garrison is not limited to only a peristaltic pump. POPR, pp.52-56; EX1006, ¶[0134]. But, a POSA would not have modified Garrison based on that paragraph to arrive at Petitioner's demonstrative illustration adding valves to Figure 33 of Garrison (that are not found in Figure 33) because it

Patent Owner's Sur Reply Regarding Preliminary Response would not have maximized aspiration as Petitioner contends, among other reasons.

POPR, pp.52-56; Petition, pp.51 & 53.

### **III. Petitioner's Modifications Would Not Enable the "Maximum Level of Aspiration."**

Petitioner attempts to rebut Patent Owner's arguments that the embodiments in Figures 33-34 of Garrison including a peristaltic pump would not enable the "maximum level of aspiration" simply by arguing that the disclosure in paragraph [0134] including the locking syringe embodiment "immediately follows" Garrison's disclosure related to Figures 33-34. Petitioner's Reply, pp. 3-4; POPR, pp.53-56. But that argument ignores the fundamental difference between a peristaltic (or other like pump) and a syringe, namely that a peristaltic pump does not have a fixed volume like a syringe that can be evacuated to maximize aspiration. POPR, pp.53-54. Rather, vacuum is maximized by increasing the operational speed of the pump. *Id.* at p.54. And, Petitioner does not dispute that Laub's disclosure that *continuous* aspiration maximizes aspiration—rather than the *noncontinuous* aspiration in Petitioner's combinations importing "fluid control device[s]" into Figure 33 of Garrison. POPR, pp.54-56.

And, again, Petitioner's conflates the embodiments in Figures 33-34 and the embodiment described in paragraph [0134] of Garrison. Petitioner's Reply, pp.4-5. That Garrison discloses the use of either a pump or a syringe does not suffice to demonstrate that Garrison discloses the arrangement recited in Claims 1 and 11 of

Patent Owner's Sur Reply Regarding Preliminary Response the '910 Patent including the "fluid control device[s]" and the generation of "vacuum pressure" while the fluid control device "is in [a] first position" where the pressure source is "fluidly disconnected" from the catheter. The primary embodiment in Figure 33 of Garrison relied on by Petitioner does not include any "fluid control device[s]" and a POSA would not have been motivated to include any fluid control devices in that embodiment as Petitioner alleges. POPR, pp.37-56.

#### **IV. Petitioner's Proposed Combinations Are Not Suitable for Blood Return.**

As explained by Patent Owner and as expressly recited in Garrison itself, the very embodiments of Garrison relied on by Petitioner are unsuitable for blood return—let alone continuous blood return—which both Laub and Aklog disclose as critical to patient safety when treating large clots like deep vein thrombosis and pulmonary embolism. *See* EX1006, ¶[0135]; POPR, pp.57-68; EX1012, ¶[0045] (omitting continuous blood return "could quickly result in exsanguination of the patient"); *see also* EX1005, 5:19-23 (omitting continuous blood return could "lead to "occurrences of fluid loss and/or shock").

Petitioner's argument on reply that "Garrison discloses that the valve is closed prior to aspiration[] (Ex. 1006, [0134])" and that "[o]nce Garrison's valve is opened, the system runs continuously, allowing for blood return, which Garrison itself discloses. (*Id.*, [0136])" is incorrect and found nowhere in Garrison. Petitioner's Reply, pp.5-6. First, Garrison discloses that the embodiments of Garrison in

Patent Owner's Sur Reply Regarding Preliminary Response paragraphs [0134] and Figures 33-34 are expressly unsuitable for blood return because the blood remains static and/or is exposed to air. EX1006, ¶[0135]; POPR, pp.62-63. And, the different embodiment in paragraph [0136] of Garrison is incompatible with Petitioner's proposed combinations because in that embodiment the pump device is used in a system *without* any "fluid control device[s]" unlike Petitioner's proposed combination, because blood is continuously aspirated and reinfused in real time to prevent the blood from remaining static so it can be returned to the patient. POPR, pp.65-65.

Second, Petitioner ignores that if the alleged "fluid control device[s]" in its proposed modification to Garrison's Figure 33 were closed or reclosed at any time then blood would remain static in that purported modified system, including distal to the "fluid control device[s]"—which Garrison recognizes as rendering the blood unsuitable for return to a patient. Petitioner's Reply, p.6; EX1006, ¶[0135]; POPR, pp.63-65.

**V. Petitioner Argues for the First Time in Reply that a POSA Would Have Included a Different Stopcock in Its Proposed Combination.**

Petitioner now asserts that introducing two stopcocks into Figure 33 of Garrison would not introduce dangerous flow paths or needlessly complicate that system because "PO's argument is premised on incorporating a 3- or 4-way stopcock valve into Figure 33" and that "[h]ere, a standard 2-way stopcock would suffice." Petitioner's reply, pp. 6-7; POPR, pp.48-51. But, that is not what Petitioner asserted

Patent Owner's Sur Reply Regarding Preliminary Response in the Petition—stating only that “**the same valve 3325 (as shown in Figure 34)** [is] between each pressure source and catheter.” Petition, p.51 (emphasis added). And, Garrison only discloses that the valve is 3325 a 3-way or 4-way stopcock or flow controller to “enable one device [e.g., the arterial access device 2010], the other device [e.g., the catheter 2030], both devices, or neither device to be connected to the aspiration source at any given time.” EX1006, ¶[0132]. Thus, Patent Owner's argument is not “unreasonable” but responsive to Petitioner's only assertion in the Petition. Petitioner's Reply, p.7.

## **VI. Conclusion**

For all the above reasons and the reasons set forth in its POPR, Patent Owner respectfully requests that the Board deny institution.

Respectfully submitted,

Dated: 10/28/2025

By: / *Joseph Hamilton* / \_\_\_\_\_  
Joseph Hamilton  
Reg. No. 51,770  
Lead Counsel for Patent Owner

Patent Owner's Sur Reply Regarding Preliminary Response

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on October 28, 2025, a copy of **PATENT OWNER'S SUR REPLY REGARDING PATENT OWNER'S PRELIMINARY RESPONSE** was served upon the below-listed counsel by electronic mail:

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