

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BOSTON SCIENTIFIC CORP. AND  
BOSTON SCIENTIFIC  
NEUROMODULATION CORP.,

Plaintiffs,

v.

NEVRO CORP.,

Defendant.

C.A. No. 16-1163-CFC

BOSTON SCIENTIFIC CORP. AND  
BOSTON SCIENTIFIC  
NEUROMODULATION CORP.,

Plaintiffs,

v.

NEVRO CORP.,

Defendant.

C.A. No. 18-644-CFC-CJB

**PLAINTIFFS' REPLY BRIEF IN FURTHER SUPPORT OF THEIR MOTION  
TO CONSOLIDATE, BIFURCATE, AND PARTIALLY LIFT STAY**

*Of Counsel:*

Matthew M. Wolf  
Edward Han  
Marc Cohn  
Amy DeWitt  
**ARNOLD & PORTER KAYE SCHOLER LLP**  
601 Massachusetts Ave., NW  
Washington, DC 20001-3743  
(202) 942-5000  
Matthew.Wolf@arnoldporter.com  
Edward.Han@arnoldporter.com  
Marc.Cohn@arnoldporter.com  
Amy.DeWitt@arnoldporter.com

Karen L. Pascale (#2903)  
Pilar G. Kraman (#5199)  
**YOUNG CONAWAY STARGATT &  
TAYLOR LLP**  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-6600  
kpascale@ycst.com  
pkraman@ycst.com

*Attorneys for Plaintiffs Boston Scientific  
Corporation and Boston Scientific  
Neuromodulation Corp.*

Krista M. Carter  
Thomas T. Carmack  
**ARNOLD & PORTER KAYE SCHOLER LLP**  
3000 El Camino Real  
Five Palo Alto Square | Suite 500  
Palo Alto, CA 94306-2112  
(650) 319-4500  
Krista.Carter@arnoldporter.com  
Tom.Carmack@arnoldporter.com

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Plaintiffs Boston Scientific Corp. and Boston Scientific Neuromodulation Corp. (collectively, “Boston Scientific”) respectfully submit this reply brief in support of their motion to consolidate, bifurcate, and partially lift stay. (D.I. 52.)<sup>1</sup>

## **I. PRELIMINARY STATEMENT**

Boston Scientific invested hundreds of millions of dollars developing its market-leading neuromodulation business, resulting in patents and know-how that served as the foundation for its success. Rather than build its own business, Nevro infringed sixteen Boston Scientific patents and stole confidential Boston Scientific trade secrets. The trade secrets were not limited in nature—Nevro’s Mr. Thacker stole all manner of trade secrets that gave Nevro a head start across its whole enterprise, including clinical protocols, software validation tests, salesperson lists, and customer Q&A scripts. Nevro’s suggestion that these trade secrets are stale is belied by the fact their misappropriation accelerated Nevro’s initial product launch and, consequently, its entire business trajectory and revenue curve. Nevro’s exploitation of Boston Scientific’s technology long ago—unknownst to Boston Scientific until it was informed about the documents stolen by Mr. Thacker—gave Nevro a head start from which it is still reaping profits today. Boston Scientific deserves its day in court to hold Nevro accountable for its actions.

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<sup>1</sup> Docket citations are to the C.A. No. 18-644-CFC-CJB action.

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