

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TERUMO BCT INC.,

Petitioner

v.

HAEMONETICS CORP.,

Patent Owner

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PGR2025-00078

U.S. Patent No. 12,171,916

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**MOTION TO CORRECT CLERICAL ERROR  
UNDER 37 C.F.R. § 42.104(c) AND TO SEEK LEAVE FOR DR. FLETCHER  
TO SERVE AN AMENDED DECLARATION**

## Motion to Correct Clerical Error &amp; Serve Amended Expert Declaration

**EXHIBIT LIST**

<b>Exhibit Number</b>	<b>Description</b>
1001	U.S. Patent No. 12,171,916 (“’916 Patent”)
1002	File History of the ’916 Patent
1003	Declaration of Dr. Gary Fletcher in Support of Petition
1004	U.S. Patent No. 4,898,675 (“Lavender”)
1005	U.S. Patent No. 7,072,769 (“Fletcher-Haynes”)
1006	U.S. Publication No. 2002/0033370 (“Bainbridge”)
1007	U.S. Patent No. 10,195,319 (“Kimura”)
1008	U.S. Patent No. 6,743,192 (“Sakota”)
1009	“Volume Limits – Automated Collection of Source Plasma,” November 4, 1992, Memorandum issued by the FDA Center for Biologics Evaluation and Research, Docket Number FDA-2013-S-0613.
1010	Curriculum Vitae (“CV”) of Dr. Gary D. Fletcher
1011	Bruce C. McLeod, MD, et al., “Apheresis: Principles and Practice,” 3rd Edition, AABB Press 2010.
1012	Japanese Patent Publication No. JP 2002-282352 A and certified Japanese to English translation (“Takagi”)
1013	Sergent SR, Ashurst JV. Plasmapheresis. [Updated 2023 Jul 10]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2025 Jan-. Available from: <a href="https://www.ncbi.nlm.nih.gov/books/NBK560566/?report=printable">https://www.ncbi.nlm.nih.gov/books/NBK560566/?report=printable</a>
1014	Search Disclosure Declaration (Filing Party and Board Only)
1015	Redacted Search Disclosure Declaration

## Motion to Correct Clerical Error &amp; Serve Amended Expert Declaration

Petitioner moves to correct a clerical error in its Petition requesting Post-Grant Review of U.S. Patent No. 12,171,916 (“the ’916 Patent”) and to file an amended declaration from Petitioner’s expert, Dr. Gary Fletcher. *See* 37 C.F.R. § 42.104(c). Petitioner and Dr. Fletcher inadvertently omitted the claim limitation—“the controller coupled to the touchscreen and programmed to . . . determine a target volume of plasma product and/or raw plasma based at least in part on the weight and hematocrit”—which should have appeared between limitations 7[g] and 7[h]—from the Petition and expert declaration. Petition at 25-26, 48-49; EX1003, pp. 40-42, 65. This error is clerical, was quickly brought to the Board’s attention, does not prejudice Patent Owner because Petitioner and Dr. Fletcher already address the substance of the omitted limitation when discussing claims 1, 10, and 14, and because allowing the correction would ensure a clear record. Accordingly, Petitioner’s Motion should be granted.

**The Error is Clerical.** The Board has held that the inadvertent omission of a claim limitation, like here, is a clerical error and falls within Rule 42.104(c). *Hum Indus. Tech., Inc. v. Amsted Rail Co., Inc.*, IPR2023-00538, Paper 9 at 5 (P.T.A.B. Apr. 11, 2023); *see also T-Mobile US, Inc. v. Adv. Media Net., LLC*, IPR2016-00347, Paper 10 at 2-3 (P.T.A.B. Mar. 2, 2016). Here, Petitioner inadvertently omitted claim 7’s recitation of “the controller coupled to the touchscreen and programmed to . . . determine a target volume of plasma product and/or raw plasma based at least in part on the weight and hematocrit” from the Petition and Dr. Fletcher’s declaration. Petition

Motion to Correct Clerical Error & Serve Amended Expert Declaration at 25-26, 48-49; EX1003, pp. 40-42, 65. The omission occurred when transferring the '916 Patent's claim language into a template document, which was also provided to Dr. Fletcher, propagating the error. If Petitioner's headings were correct, the limitation would have appeared between 7[g] and 7[h], and Petitioner and Dr. Fletcher would have cited to the substantive analysis in claim limitations 1[h], 10[h]-[i], and 14[h], all of which recite target volume calculations, to establish that the prior art disclosed the limitation. If the Board grants Petitioner's request, the corrected petition and Dr. Fletcher's declaration will be updated to include the omitted limitation and cites to the Petition's and expert declaration's discussions of limitations 1[h], 10[h]-[i], 14[h].

**Petitioner Acted Diligently.** Petitioner discovered the error when reviewing Patent Owner's Brief Requesting Discretionary Denial ("RDD") on November 18, 2025, reached out to Patent Owner the same day, met and conferred with Patent Owner on November 19, 2025, and on November 20, 2025, sought leave from the Board to file this Motion. The Board authorized Petitioner to file this motion on December 1, 2025.

**Correcting the Clerical Error Does Not Prejudice Patent Owner.** As discussed above, the omitted claim limitation is substantively similar to claim limitations 1[h], 10[h]-[i], and 14[h], which are discussed in detail in the Petition and Dr. Fletcher's declaration. *See* Petition at 31-33, 51-53; EX1003, ¶¶ 97-104, 130, 161-69. Patent Owner recognized this when it identified Petitioner's omission, acknowledging that the missing limitation is "[s]imilar [to] claim elements [] present in

Motion to Correct Clerical Error & Serve Amended Expert Declaration the other independent claims,” which Patent Owner addressed. Paper 6 at 17-18. Given Patent Owner identified the inadvertent omission in claim 7, recognized the overlap between the omitted limitation and other limitations in the ’916 patent, and addressed limitations 1[h], 10[h]-[i], and 14[h] in its RDD, Patent Owner has been on notice of Petitioner’s analysis, Dr. Fletcher’s opinion, and supporting evidence for the inadvertently missed claim limitation in claim 7 and is not prejudiced by its inclusion in a corrected petition or declaration. *Id.*; see Petition at 31-33, 51-53; EX1003, ¶¶ 97-104, 130, 161-69; see, e.g., *T-Mobile US, Inc.*, IPR2016-00347, Paper 10 at 2 (finding no prejudice when the corrected petition added a limitation “similar to limitations of other challenged claims.”) Further, there is no prejudice because Patent Owner’s Preliminary Response (“POPR”) is not due until December 15 and Patent Owner is on notice of the clerical error and can address it in its POPR. *Hum Indus. Tech., Inc.*, IPR2023-00538, Paper 9 at 5; *T-Mobile US, Inc.*, IPR2016-00347, Paper 10 at 2.

**The Proposed Corrections Will Positively Impact the Proceeding.**

Petitioner’s proposed corrections will not add any new analysis, will provide a more complete and accurate record, and will help “to secure the just, speedy, and inexpensive resolution” of this proceeding. 37 C.F.R. § 42.1(b); *Hum Indus. Tech., Inc.*, IPR2023-00538, Paper 9 at 4.

For the foregoing reasons, Petitioner respectfully requests that the Board grant Petitioner’s Motion.

Motion to Correct Clerical Error & Serve Amended Expert Declaration

Dated: December 4, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) on the Patent Owner on December 4, 2025 by filing a copy of this MOTION TO CORRECT CLERICAL ERROR UNDER 37 C.F.R. § 42.104(c) AND TO SEEK LEAVE FOR DR. FLETCHER TO SERVE AN AMENDED DECLARATION through the P-TACTS platform and served a true and correct copy of the foregoing by electronic mail on the following counsel for Patent Owner:

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