

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

Civil Action No.: 1:25-cv-01409-RMR-SBP

Haemonetics Corp.,

Plaintiff(s),

v.

Terumo BCT, Inc.,

Defendant(s).

SCHEDULING ORDER IN A PATENT CASE

**1. DATE OF CONFERENCE AND APPEARANCES
OF COUNSEL AND *PRO SE* PARTIES**

The Rule 16(b) Scheduling Conference will take place on August 19, 2025 at 11am MDT both telephonically and in Courtroom A-502 before Magistrate Judge Prose.

On behalf of Plaintiff Haemonetics Corporation (“Haemonetics” or “Plaintiff”), the following counsel will attend the conference:

Carolyn Juarez, Erik Milch, and Elizabeth Shrieves

On behalf of Defendant Terumo BCT, Inc. (“Terumo BCT” or “Defendant”), the following counsel will attend the conference:

John Caracappa and Katherine Cappaert

2. STATEMENT OF JURISDICTION

This action arises under the United States patent laws, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action for patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. STATEMENT OF CLAIMS AND DEFENSES

a. Plaintiff(s):

This is an action for patent infringement. Haemonetics alleges that Terumo BCT has and continues to infringe U.S. Patent Nos. 10,758,652 (the “652 Patent”); 10,792,416 (the “416 Patent”); 10,980,926 (the “926 Patent”); 10,980,934 (the “934 Patent”); 11,738,124 (the “124 Patent”); 12,171,916 (the “916 Patent”); 12,186,474 (the “474 Patent”); 12,324,873 (the “873 Patent”); and 12,377,204 (the “204 Patent”) (collectively, the “Asserted Patents”). Haemonetics alleges that Terumo BCT infringes the Asserted Patents, both directly and indirectly, literally and under the doctrine of equivalents, at least by making, using, selling, and offering for sale its Rika Plasma Donation System™ to a third party customer that uses the Rika Plasma Donation System™ in its plasma donation centers.

Haemonetics is a global medical technology company that manufactures, among other things, plasmapheresis collection systems. Dating back to 1971, Haemonetics was formed by Jack Latham who created a revolutionary bowl integral to separating blood components to improve the efficiency of blood (and, specifically, plasma) donation. Since 1971, Haemonetics has invested significant resources in improving upon Mr. Latham’s designs, ultimately resulting in the creation of the NexSys PCS® which is used throughout

the United States for plasma donations. Haemonetics has become an industry-leader in plasmapheresis systems and technology.

Alongside its development of the NexSys PCS® system, Haemonetics sought patent protection over its innovative technological approach to plasma collection. Haemonetics' patents, including the Asserted Patents, claim blood processing plasma collection systems directed to these innovative approaches. Specifically, the Asserted Patents cover systems which utilize an individual donor's actual height, weight, and hematocrit to calculate an accurate volume of plasma which is safe to collect from that individual donor. Unlike prior systems which grouped donors into categories to assign a collection volume including both anticoagulant and plasma, Haemonetics' patents and systems efficiently improve upon collection by tailoring the volume per donor and by identifying the pure plasma collected (instead of the total volume of plasma and anticoagulant).

Terumo BCT manufactures, uses, sells, and offers for sale its Rika Plasma Donation System™—with Nomogram A and B or with iNomi™ Nomogram—in the United States. Terumo BCT sells the Rika Plasma Donation System™ to at least CSL Plasma, a third party customer that implements the Rika Plasma Donation System™ in its centers (including those within this District) where donors can use them to donate blood plasma.

Terumo BCT has been on notice of some of the Asserted Patents since October 1, 2024 when Haemonetics' counsel sent a letter to Terumo BCT detailing its infringement allegations regarding the '652 Patent, '416 Patent, '926 Patent, '934 Patent, and '124 Patent. Terumo has also had knowledge of the '916 Patent and '474 Patent since the filing of the original Complaint on May 5, 2025, of the '873 Patent since the filing of the

First Amended Complaint on July 17, 2025, and of the '204 Patent since the filing of the Second Amended Complaint on August 12, 2025.

Haemonetics seeks injunctive relief and compensatory damages based on Terumo BCT's continued, and willful, infringement of the Asserted Patents.

b. Defendant(s):

Terumo denies Haemonetics' allegations. Terumo denies that it has infringed directly, indirectly, or willfully, any claim of any Asserted Patent literally or under the doctrine of equivalents. Terumo maintains that the claims of the Asserted Patents are not valid at least under 35 USC §§ 101, 102, 103, and 112. Terumo maintains that the Asserted Patents are unenforceable at least under the doctrines of unclean hands, patent misuse, and inequitable conduct. Additionally, Terumo intends to raise counterclaims and will present them at the time required by the Court.

c. Other Parties: N/A

4. UNDISPUTED FACTS The following facts are undisputed:

1. The parties do not dispute that this is an action for patent infringement arising under the United States patent laws, 35 U.S.C. § 1 *et seq.*
2. The parties do not dispute that this case involves nine patents: (1) U.S. Patent No. 10,758,652; (2) U.S. Patent No. 10,792,416; (3) U.S. Patent No. 10,980,926; (4) U.S. Patent No. 10,980,934; (5) U.S. Patent No. 11,738,124; (6) U.S. Patent No. 12,171,916; (7) U.S. Patent No. 12,186,474; (8) U.S. Patent No. 12,324,873; and (9) U.S. Patent No. 12,377,204.
3. The parties do not dispute their respective corporate structure, addresses, or registered agents.
4. The parties do not dispute that the Court has subject matter jurisdiction over this action.
5. The parties do not dispute that venue is proper in this judicial district.
6. The parties do not dispute that this Court has general and personal jurisdiction over them in this action.
7. The parties do not dispute that according to the face of the patent the '652 Patent was issued by the U.S. Patent and Trademark Office ("U.S. PTO") on September 1, 2020 and filed on May 30, 2017.
8. The parties do not dispute that according to the face of the patent the '416 Patent was issued by the U.S. PTO on October 6, 2020 and filed on October 25, 2017.
9. The parties do not dispute that according to the face of the patent the '926 Patent was issued by the U.S. PTO on April 20, 2021 and filed on May 4, 2020.
10. The parties do not dispute that according to the face of the patent the '934 Patent was issued by the U.S. PTO on April 20, 2021 and filed on July 16, 2020.
11. The parties do not dispute that according to the face of the patent the '124 Patent was issued by the U.S. PTO on August 29, 2023 and filed on September 13, 2022.
12. The parties do not dispute that according to the face of the patent the '916 Patent was issued by the U.S. PTO on December 24, 2024 and filed on March 18, 2021.
13. The parties do not dispute that according to the face of the patent the '474 Patent was issued by the U.S. PTO on January 7, 2025 and filed on March 18, 2021.

14. The parties do not dispute that according to the face of the patent the '873 Patent was issued by the U.S. PTO on June 10, 2025 and filed on November 21, 2024.
15. The parties do not dispute that according to the face of the patent the '204 Patent was issued by the U.S. PTO on August 5, 2025 and filed on March 12, 2025.
16. The parties do not dispute that Haemonetics designs, manufactures, and sells NexSys PCS® plasmapheresis systems.
17. The parties do not dispute that on October 1, 2024, Haemonetics' counsel sent a letter to Terumo BCT regarding Haemonetics' infringement allegations concerning the '652 Patent, '416 Patent, '926 Patent, '934 Patent, and '124 Patent.

5. COMPUTATION OF DAMAGES

Haemonetics seeks damages of no less than a reasonable royalty for Terumo BCT's infringement of the Asserted Patents. Haemonetics also seeks lost profits resulting from Terumo BCT's infringement of the Asserted Patents. Additionally, Haemonetics seeks treble damages based on Terumo BCT's willful infringement as well as a declaration that this case is exceptional and an award of Haemonetics' fees and expenses in having to file this lawsuit. Haemonetics seeks a permanent injunction enjoining any further infringement by Terumo BCT.

6. REPORT OF PRECONFERENCE DISCOVERY AND MEETING UNDER FED. R. CIV. P. 26(f)

- a. Date of Rule 26(f) meeting.

The Rule 26(f) meeting between the parties was held on July 25, 2025 and attended by counsel for the parties on the Zoom meeting platform.

- b. Names of each participant and party he/she represented.

Haemonetics was represented by Erik Milch, Carolyn Juarez, Elizabeth Shrieves, and Connor Villar.

Terumo BCT was represented by John Caracappa, Katherine Cappaert, and Anthony Pericolo.

c. Statement as to when Rule 26(a)(1) disclosures were made or will be made.

The parties exchanged Rule 26(a)(1) disclosures on August 8, 2025, which was fourteen (14) days from the Rule 26(f) meeting. See Fed. R. Civ. P. 26(a)(1)(C).

d. Statement concerning any agreements to conduct informal discovery:

The parties have not agreed on any informal discovery.

e. Statement concerning any other agreements or procedures to reduce discovery and other litigation costs, including the use of a unified exhibit numbering system:

The parties have agreed to use a unified exhibit numbering system and have also agreed that all discovery requests, responses, and document productions may be served via email to counsel of record.

f. Statement as to whether the parties anticipate that their claims or defenses will involve extensive electronically stored information, or that a substantial amount of disclosure or discovery will involve information or records maintained in electronic form.

The parties anticipate filing an ESI Agreement that will govern the production of electronically stored information. The parties will file a proposed ESI order by September 9, 2025.

g. Statement summarizing the parties' discussions regarding the possibilities for promptly settling or resolving the case.

The parties have not reached an agreement regarding a possible resolution to this case.

7. CONSENT

All parties have not consented to the exercise of jurisdiction of a magistrate judge.

8. CASE PLAN AND SCHEDULE

a. Deadline to join parties. Haemonetics proposes the deadline to join parties be January 26, 2026, subject to the requirements of Federal Rule of Civil Procedure 15(a). Terumo takes the position that this deadline has passed according to Federal Rule of Civil Procedure 15(a).

Infringement Contentions

- b. Deadline to serve Infringement Contentions, Claim Chart(s), and produce accompanying documents: September 16, 2025.
- c. Deadline to serve Response to Infringement Contentions and produce accompanying documents: October 28, 2025.

Invalidity Contentions

- d. Deadline to serve Invalidity Contentions and Claim Chart(s) and produce accompanying items of prior art: November 11, 2025.
- e. Deadline to serve Response to Invalidity Contentions and Claim Chart(s) and produce accompanying documents: December 23, 2025.

Opinion of Counsel

- f. Deadline to make opinion(s) of counsel available for inspection and copying: 60 days before the close of fact discovery.

Claim Construction

- g. Deadline for parties to exchange list of claim terms to be construed and proposed construction, specifically identifying up to ten (10) of the most critical terms to be construed: January 9, 2026.
- h. Deadline to file Joint Disputed Claim Terms Chart: February 3, 2026.
- i. Proposed month for technology tutorial with District Judge and Magistrate Judge (optional): May 2026 – presented before claim construction hearing.

- j. Deadline to file opening Claim Construction brief and all supporting evidence: March 3, 2026.
- k. Deadline to file Response to opening Claim Construction brief and all supporting evidence: March 24, 2026.
- l. Deadline to file reply brief in support of opening Claim Construction brief: March 31, 2026.
- m. Proposed month for claim construction hearing and estimated time necessary for the hearing. May 2026– 3 hours

Final Patent Disclosures

- n. Deadline to file Final Infringement Contentions: 60 days after Court's Claim Construction Order.
- o. Deadline to file Final Invalidity Contentions: 60 days after receiving Final Infringement Contentions.

Fact Discovery, Expert Disclosures, and Dispositive Motions Deadlines

- p. Fact discovery deadline. 120 days after Court's Claim Construction Order.
- q. Expert Witness Disclosure. In accordance with the Protective Order.

- 1. The parties shall identify anticipated fields of expert testimony, if any.

The parties anticipate designating experts on infringement, invalidity, and damages and irreparable harm.

- 2. Limitations which the parties propose on the use or number of expert witnesses.

Each party shall be limited to no more than 3 expert witnesses.

- 3. The parties shall designate all affirmative experts and provide opposing counsel and any pro se parties with all information specified in Fed. R. Civ. P. 26(a)(2) on or before 60 days after the close of fact discovery.

- 4. The parties shall designate all rebuttal experts and provide opposing counsel and any pro se party with all information specified in Fed. R. Civ. P. 26(a)(2) on or before 120 days after the close of fact discovery.

- r. Expert Discovery Deadline: 180 days after the close of fact discovery.
- s. Dispositive motions deadline:

Pursuant to Judge Rodriguez's Standing Order Regarding Rule 56 Motions, no later than 10 days after the close of discovery, a party seeking to file a motion for summary judgment must email Judge Rodriguez's chambers, copying opposing counsel, to inform the Court of their intent to file such a motion.

9. DISCOVERY LIMITATIONS

- a. Modifications which any party proposes to the presumptive numbers of depositions or interrogatories contained in the Federal Rules.

No modifications. The parties agree that any third party depositions are not included within the maximum of 10 depositions allowed pursuant to Fed. R. Civ. P. 30. A deposition pursuant to Rule 30(b)(6) counts as 1 deposition.

- b. Limitations which any party proposes on the length of depositions.

Unless otherwise agreed in advance, the daily limit of 7 hours shall apply to all depositions including any re-cross of a witness following redirect examination. To the extent not limited herein, discovery limitations are controlled by the Federal Rules of Civil Procedure and the Court's Local Rules. Any party may move to modifying these limitations for good cause.

- c. Limitations which any party proposes on the number of requests for production and/or requests for admission.

The parties to a maximum of 75 requests for production, 25 interrogatories, including discrete subparts, and 75 requests for admission. Prior to the close of discovery, a party may serve additional requests after receiving consent of the other party. The parties will not unreasonably withhold consent to an increase of the permitted number of requests.

Interrogatories, requests for production, and requests for admission shall be served no later than 45 days prior to the close of discovery.

d. Other Planning or Discovery Orders

1. Deadline for filing proposed protective order(s): August 8, 2025.
2. Other issues:

The parties anticipate the need to obtain discovery from third parties. The parties agree that officers, directors, partners, LLC members, managing agents, and all other employees of the parties (including third parties) shall be deposed at or near their principal place of business or at another mutually agreeable location, or via a remote deposition.

10. DATES FOR FURTHER CONFERENCES

- a. Status conferences will be held in this case at the following dates and times:

None at this time. Future status conferences may be set at the request of the parties or the Court.

- b. ~~A final pretrial conference will be held in this case on _____ at _____ o'clock _ m.~~ A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than five (5) days before the final pretrial conference. A final pretrial conference will be set by Judge Rodriguez after disposition of any dispositive motion. A Trial Preparation Conference and trial date(s) will be given to the parties at the Final Pretrial Conference. If no party seeks to file a summary judgment motion, the parties must jointly contact Judge Rodriguez's chambers to obtain dates for trial and a final pretrial/trial preparation conference.

11. OTHER SCHEDULING MATTERS

- a. Identify those discovery or scheduling issues, if any, on which counsel after a good faith effort, were unable to reach an agreement.

The parties have not identified any such issues at this time.

- b. Anticipated length of trial and whether trial is to the court or jury.

The parties request a trial by jury and anticipate 5 days of trial.

- c. Identify pretrial proceedings, if any, that the parties believe may be more efficiently or economically conducted in the District Court's facility at 212 N. Wahsatch Street, Colorado Springs, Colorado; Wayne Aspinall U.S. Courthouse/Federal Building, 402 Rood Avenue, Grand Junction, Colorado; or the U.S. District Court, LaPlata County Courthouse, Suite 150, 1060 E. 2nd Avenue Durango, CO 81301.

The parties do not foresee the need to hold any pretrial proceedings that are not already addressed above outside of the Court's Denver location.

12. NOTICE TO COUNSEL AND PRO SE PARTIES

Motions for extension of time or continuances must comply with D.C.COLO.LCivR 6.1, by containing proof that a copy of the motion has been served upon the moving attorney's client, all attorneys of record, and all *pro se* parties.

Counsel will be expected to be familiar and to comply with the Pretrial and Trial Procedures or Practice Standards established by the judicial officer presiding over the trial of this case.

With respect to discovery disputes, parties must comply with D.C.COLO.LCivR 7.1(a).

In addition to filing an appropriate notice with the clerk's office, a *prose* party must file a copy of a notice of change of his or her address or telephone number with the clerk of the magistrate judge assigned to this case. In addition to filing an appropriate notice with the clerk's office, counsel must file a copy of any motion for withdrawal, motion for substitution of counsel, or notice of change of counsel's address or telephone number with the clerk of the magistrate judge assigned to this case.

13. AMENDMENTS TO SCHEDULING ORDER

The Scheduling Order may be altered or amended only upon a showing of good cause.

DATED this 19th day of August, 2025.

BY THE COURT:



Susan Prose
United States Magistrate Judge

APPROVED:

By: /s/ Carolyn Juarez

Carolyn Juarez

Carolyn Juarez
NOD Law PC
726 Front St.
Suite 220
Louisville, CO 80027-1881
Telephone: (720) 536-4904
Email: carolyn@nod-law.com

Erik B. Milch
Elizabeth Shrieves
Proskauer Rose LLP
1001 Pennsylvania Ave., NW
Suite 600 South
Washington, DC 20004-2533
Telephone: (202) 416-6899
Email: emilch@proskauer.com
Email: eshrieves@proskauer.com

Joseph M. Drayton
Connor J. Villar
Proskauer Rose LLP
Eleven Times Square
New York, NY 10036-8299
Telephone: (212) 969-2900
Email: jdrayton@proskauer.com
Email: cvillar@proskauer.com

Alan S. Teran
Proskauer Rose LLP
2255 Glades Road
Suite 421 Atrium
Boca Raton, FL 33431-7360
Telephone: (561) 995-4723
Email: ateran@proskauer.com

*Counsel for Plaintiff Haemonetics
Corporation*

By: /s/ John M. Caracappa

John M. Caracappa

John M. Caracappa
Katherine D. Cappaert
Matthew Y. Sim
D. Scott Chappell
Heather P. Hildreth
Anthony A. Pericolo
Steptoe LLP
1330 Connecticut Avenue NW
Washington, D.C. 20036
Telephone: 202.429.3000
jcaracappa@steptoe.com
kcappaert@steptoe.com
msim@steptoe.com
schappell@steptoe.com
hhildreth@steptoe.com
apericolo@steptoe.com

James Patrick Brogan
Steptoe LLP
One Market Plaza,
Steuart Tower, Suite 1070
San Francisco, CA 94105
Telephone: 415.365.6700
jbrogan@steptoe.com

Shontel Stewart
Steptoe LLP
717 Texas Avenue, Suite 2800
Houston, TX 77002
Telephone: 713.221.2300
sstewart@steptoe.com

Counsel for Defendant Terumo BCT, Inc.