

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERUMO BCT INC.,

Petitioner

v.

HAEMONETICS CORP.,

Patent Owner

PGR2026-00006
U.S. Patent No. 12,377,204

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL**

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PETITIONER’S UPDATED EXHIBIT LIST

Exhibit	Reference
1001	U.S. Patent No. 12,377,204 (“’204 Patent”)
1002	File History of the ’204 Patent
1003	Declaration of Dr. Gary D. 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	“Calculations in Apheresis” (“Neyrinck”)
1007	“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.
1008	Curriculum Vitae (“CV”) of Dr. Gary D. Fletcher
1009	Bruce C. McLeod, MD, et al., “Apheresis: Principles and Practice,” 3rd Edition, AABB Press 2010.
1010	Japanese Patent Publication No. JP 2002-282352 A and certified Japanese to English translation (“Takagi”)
1011	Sergent SR, Ashurst JV. Plasmapheresis. [Updated 2023 Jul 10]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2025 Jan-. Available from: https://www.ncbi.nlm.nih.gov/books/NBK560566/?report=printable
1012	Search Disclosure Declaration (Filing Party and Board Only)
1013	Redacted Disclosure Declaration
1014	Prosecution History of U.S. Patent No. 12,186,474
1015	PTAB Notice of Decisions on Institution, Dec. 11, 2025
1016	PTAB Notice of Decisions on Institution, Jan. 9, 2026

I. INTRODUCTION

Discretionary denial of Terumo BCT, Inc.'s ("Terumo's") Petition for Post Grant Review ("PGR") of U.S. Patent No. 12,377,204 ("the '204 patent") is wholly unwarranted for at least two reasons.

First, every factor in *Apple Inc. v. Fintiv, Inc.* ("*Fintiv*") is either neutral or strongly supports institution. IPR2020-00019, Paper 11 at 5-6 (P.T.A.B. Mar. 20, 2020). Significantly, as Patent Owner concedes, any district court trial is unlikely to occur until well over a year after a final written decision ("FWD").

Second, the Examiner neglected to perform a proper prior art search while examining the '204 patent's pending claims, among other errors and inconsistencies in the examination, which warrants this tribunal assessing the validity of the '204 patent.

In addition to these reasons, Petitioner submitted a compliant Search Disclosure Declaration (SDD), which provides for a non-exclusive, non-dispositive favorable discretionary factor supporting institution.

Accordingly, Terumo respectfully asks that the Director deny Patent Owner's request for discretionary denial.

II. LITIGATION BACKGROUND

A. The District Court Litigation

On May 5, 2025, Patent Owner initiated *Haemonetics Corp. v. Terumo BCT*,

Inc., Case No. 1:25-cv-01409-RMR-SBP (D. Colo. filed May 5, 2025) (the “District Court Litigation”), asserting that Terumo’s Rika System infringed seven patents in the same family. Since then, Patent Owner has filed two amended complaints, bringing the total number of asserted patents to nine (collectively, “the Asserted Patents”). Patent Owner’s Second Amended Complaint—the District Court Litigation’s operative pleading—was filed on August 12, 2025, one week after the ’204 patent issued on August 5, 2025. No significant docket activity occurred before Patent Owner filed the Second Amended Complaint.

To date, the district court has not invested significant resources in the case, and the case is far from reaching substantive milestones. Discovery began a month after the Second Amended Complaint was filed. While initial infringement and invalidity contentions have been served and responded to, the Parties have not yet engaged in significant discovery, with Patent Owner producing only 395 documents, many of which are duplicates. *See* EX2003 at 8-9. Claim construction briefing will not begin until March 2026, and the claim construction hearing will not occur until at least May 2026. *Id.* at 9. Given that the claim construction order will set the deadlines for the close of fact and expert discovery, it is not expected that discovery will close before early 2027. *See id.* Further, and as Patent Owner recognizes, trial is unlikely to occur before mid-2028, at the earliest. Paper 8 at 4.

On November 7, 2025, Terumo moved to stay the District Court Litigation until all *inter partes* review (“IPRs”) and PGRs are resolved—a request that is likely to succeed and push the trial date back even further. *See* District Court Litigation, Dkt. 65. Even if not stayed, however, the case remains in the early stages.

B. This PGR Proceeding

Terumo also acted diligently in filing this PGR. Patent Owner did not allege that Terumo infringed the ’204 patent until it filed its Second Amended Complaint on August 12, 2025, a week after the ’204 patent issued. Less than three months later, Terumo timely and diligently filed PGR2026-00006 among eight other post-grant procedures challenging 238 total claims, four of which have already survived discretionary denial considerations. *See Cellco P’ship v. Huawei Device Co., Ltd.*, IPR2020-01117, Paper 10 at 22 (P.T.A.B. Feb. 3, 2021); EX1015; EX1016.

**III. DISCRETIONARY DENIAL IS INAPPROPRIATE UNDER
35 U.S.C. § 324(a)¹**

A. The *Fintiv* Factors Do Not Support Discretionary Denial

¹ Patent Owner requests discretionary denial under 35 U.S.C. § 314(a), which pertains to IPRs, but Petitioner understands Patent Owner’s seeks discretionary denial under 35 U.S.C. § 324(a). Paper 8, at 1.

Patent Owner's request for discretionary denial exclusively focuses on the *Fintiv* factors.² Because the *Fintiv* factors are either neutral or strongly favor institution, as described more fully below, the Director should deny Patent Owner's request for discretionary denial.

1. The District Court Will Likely Grant a Stay

The first *Fintiv* factor asks "whether evidence exists that [a stay] may be granted if a proceeding is instituted." *Fintiv, Inc.*, IPR2020-00019, Paper 11 at 12. Patent Owner acknowledges that Terumo has moved to stay the District Court Litigation but ignores that case law and statistics overwhelmingly support a stay. *See* Paper 8 at 2-4. Before issuing a stay, district courts consider (1) whether a stay will simplify the issues in question and streamline the trial; (2) whether discovery is complete and whether a trial date has been set; (3) whether a stay would unduly prejudice the nonmoving party or present a clear tactical advantage for the moving party; and (4) whether a stay will reduce the burden of litigation on the parties and

² Patent Owner does not argue that discretionary denial is warranted due to settled expectations. *See generally* Paper 8. That is because, as Patent Owner seemingly recognizes, it does not have settled expectations in the '204 patent, which issued less than six months ago, on August 5, 2025.

on the court. *See eSoft, Inc. v. Blue Coat Sys., Inc.*, 505 F. Supp. 2d 784, 787 (D. Colo. 2007).

Here, invalidity proceedings before the PTAB will simplify the issues in the District Court Litigation. While Patent Owner laments the volume of Terumo's invalidity contentions in the District Court Litigation, *see* Paper 8 at 5, any burden is of Patent Owner's own doing, as Patent Owner decided to bring a nine-patent case with over 200 asserted claims despite knowing that the litigation is too large and will need to be narrowed. *See* District Court Litigation, Dkt. 67, at 2. Moreover, as Terumo has challenged all nine of the Asserted Patents, the Board is uniquely positioned to best resolve these disputes due to the complexity and numerosity of the Asserted Patents and invalidity grounds. *See Samsung Elecs. Co. Ltd. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Paper 11 at 3 (P.T.A.B. October 10, 2025). Accordingly, the district court will likely stay the District Court Litigation in view of Terumo's post-grant proceedings so that the Board can narrow the scope of the dispute.

Further, that discovery in the District Court Litigation is at its infancy and a trial date has not been set strongly favors a stay. The parties have just begun fact discovery, there is no fact or expert discovery deadline, and no depositions have been noticed. The court has not expended any resources at all on discovery because the parties have not raised any disputes with the court. Additionally, the parties have

only exchanged preliminary terms for construction. *See* EX2003.

Despite all this, Patent Owner asserts “[t]here is no reason to believe the district court will stay the litigation pre-institution” because the District of Colorado grants stays “in only 69% of cases.” Paper 8 at 2. But Patent Owner’s statistic is “persuasive evidence that a stay will be granted”—not a “speculative” or “remote” possibility. *Twitch Interactive, Inc. v. RazDog Holdings LLC*, IPR2025-00307, Paper 18 at 2 (P.T.A.B. May 16, 2025); *Imperative Care, Inc. v. Inari Med., Inc.*, IPR2025-00289, Paper 9 at 2 (P.T.A.B. June 12, 2025) (citing *id.*, Paper 8 at 7-9).

Further, while Patent Owner may not be convinced by the District of Colorado’s 69% grant rate, that probability increases when looking at the judges presiding over the District Court Litigation. Magistrate Judge Prose, who will hear the Motion, has granted a motion to stay pending post-grant proceedings, at least in part, in 100% of the cases where the question was presented.³ *See Downing Wellhead Equip., LLC*, No. 1:23-cv-01180-RMR-SBP (D. Colo. Feb. 14, 2024), Dkt. 65. This includes when the proceedings had not yet been instituted. *See id.* Judge Rodriguez

³ In the one case where it was granted in part, some third-party discovery was allowed to continue. *Downing Wellhead Equipment, LLC*, No. 1:23-cv-01180-RMR-SBP, Dkt. 65, at 22. Here, no party has begun third-party discovery.

adopted the magistrate's recommendation and stayed a case pending IPR in the one instance where the request was raised. *See Downing Wellhead Equip., LLC v. Intelligent Wellhead Sys., Inc.*, No. 1:23-cv-01180-RMR-SBP (D. Colo. Oct. 21, 2024), Dkt. 74.

2. The 2028 Trial Date Weighs Strongly In Favor of Institution

The second *Fintiv* factor assesses the “proximity of the court’s trial date to the Board’s projected statutory deadline for a written decision.” *Fintiv, Inc.*, IPR2020-00019, Paper 11 at 12.

Here, as Patent Owner concedes, FWD will issue over a year in advance of a projected trial date. The FWD is projected to issue in April 2027, and no trial date has been set in the District Court Litigation. *See Twitch Interactive, Inc.*, IPR2025-00307, Paper 18 at 2-3 (denying discretionary denial where there was no scheduled trial date); *Imperative Care, Inc.*, IPR2025-00289, Paper 9 at 2 (same). As Patent Owner acknowledges, the median time-to-trial statistics in the District of Colorado indicate trial is unlikely to occur before June 2028, which is over a year after the FWD would issue. Paper 8 at 4. Because *Fintiv* Factor Two weighs strongly in favor of Terumo, Patent Owner points to *Murata* and *Hisense* to argue that this factor is not dispositive. Paper 11 at 7-8. But both *Murata* and *Hisense* are inapposite. In both *Murata* and *Hisense*, the Board recognized that the likelihood that a FWD would

issue before the district court trial occurred counseled against discretionary denial. *Murata Mfg. Co. v. Georgia Tech Rsch. Corp.*, IPR2025-00383, Paper 14 at 2 (P.T.A.B. July 29, 2025); *see Hisense USA Corp. v. VideoLabs, Inc.*, IPR2025-00880, Paper 11 at 2 (P.T.A.B. Oct. 10, 2025). Despite that, in both cases, the Board relied on settled expectations in patents that had been issued for 16 years (*Murata*) and 11 and 12 years (*Hisense*) to support discretionary denial. *Murata Mfg.*, IPR2025-00383, Paper 14 at 2; *Hisense USA*, IPR2025-00880, Paper 11 at 2. Here, however, Patent Owner does not allege it has settled expectations in the '204 patent, because it does not. Thus, there is no countervailing factor to offset the fact that this proceeding's FWD date strongly supports institution.

In sum, the projected timing of trial well after the Board's FWD issues weighs strongly against discretionary denial and supports institution.

3. Minimal Investment in the District Court Favors Institution

The third *Fintiv* factor assesses the “investment in the parallel proceedings by the court and the parties.” *Fintiv, Inc.*, IPR2020-00019, Paper 11 at 13. “If, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.” *Id.* at 9-10 (emphasis added).

Here, the District Court has not issued any orders specifically related to the '204 patent. In fact, despite the fact that the District Court Litigation has been

pending for eight months, the Parties and Court have not significantly invested in it. While Terumo has filed a Partial Motion to Dismiss, Terumo has not yet answered the Second Amended Complaint, discovery has just begun, and the District Court's involvement has been focused primarily on standard case-management issues.

Patent Owner's argument that the case is far enough along to warrant discretionary denial is not supported by Board precedent. Initial invalidity contentions were just served and responded to, the parties exchanged claim construction terms less than two weeks ago, and the parties will not have completed the claim construction process by this institution deadline. *See* EX2003 at 9. Moreover, while Patent Owner suggests claim construction will finish in May, no *Markman* hearing has been scheduled, and the scheduling order only gives a *proposed* month for the hearing. Paper 8 at 2-3; EX2003 at 9. Further, there are no set deadlines for the close of fact or expert discovery, and both will likely be ongoing when any FWD issues. This factor favors institution. *See Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper 11 at 1, 3 (P.T.A.B. June 26, 2025) (denying discretionary denial with respect to three patents because parallel litigation did not have a trial date or even a *Markman* hearing scheduled).

Despite Patent Owner's arguments to the contrary, in similar situations where the most burdensome parts of the case lie ahead, the Board has found that this factor weighs against discretionary denial. For example, the Board has found parallel

proceedings to still be in the early stages when the district court has not issued any orders related to the challenged patent. *See Fintiv*, IPR2020-00019, Paper 11 at 10 n.18 (first citing *Facebook, Inc. v. Search and Social Media Partners, LLC*, IPR2018-01620, Paper 8, at 24-25 (P.T.A.B. Mar. 1, 2019) and then citing *Amazon.com, Inc. v. CustomPlay, LLC*, IPR2018-01496, Paper 12, at 8-9 (P.T.A.B. Mar. 7, 2019)). In fact, the Board recently denied a discretionary denial request despite the Petition being filed after the parties had exchanged infringement and invalidity contentions, and claim construction being in its preliminary phase. *See e.g., Samsung Elecs. Co. Ltd., v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-01164, Paper 7, at 16 (P.T.A.B. October 14, 2025); *id.*, Paper 11 at 5.

Accordingly, as there has been minimal investment in the District Court Litigation related to the '204 patent, this factor weighs against discretionary denial.

4. There is Little Risk of Overlapping Issues

The fourth *Fintiv* factor assesses the “overlap between the issues raised in the petition and in the parallel proceeding.” *Fintiv, Inc.*, IPR2020-00019, Paper 11 at 12. Petitioner will be estopped from asserting “any ground for invalidity that was raised or could have been raised during the PGR” more than a year before the expected trial date, reducing the risk of inconsistent decisions. 35 U.S.C. § 325(e)(2); *see also Phison Elecs. Corp. v. Vervain, LLC*, PGR2025-00010, Paper 14 at 3 (P.T.A.B. July 10, 2025); EX2013. Plus, the District Court Litigation is expected to be stayed,

further mitigating the risk of inconsistent decisions. *See Intas Pharms. Ltd. v. Atossa Therapeutics, Inc.*, PGR2025-00043, Paper 12 at 2-3 (P.T.A.B. Aug. 29, 2025). A stipulation, therefore, is unnecessary.

Patent Owner has also indicated that it will drop claims in the District Court Litigation. District Court Litigation, Dkt. 67, at 2. Therefore, Board review of the more expansive claim set will not only be more efficient but more comprehensive. This factor is at least neutral and is considered “on a holistic assessment of all of the evidence and arguments presented” with other *Fintiv* factors. *See Anthony, Inc. v. Controlotec, LLC*, IPR2025-00636, Paper 9 at 3 (P.T.A.B. July 16, 2025) (referring IPR to merits panel despite Petitioner not filing a *Sotera* stipulation); *see also id.*, Paper 6 at 7-9 (June 10, 2025).

5. Identical Parties

Patent Owner notes that the parties here are the same as in the parallel proceeding. Paper 8 at 7. Therefore, this factor is neutral and does not weigh against institution. *See Fintiv, Inc.*, IPR2020-00019, Paper 11 at 13.

6. The Petition Presents Strong Merits

The sixth and final *Fintiv* factor assesses “other circumstances that impact the Board’s exercise of discretion, including the merits.” *Fintiv, Inc.*, IPR2020-00019, Paper 11 at 13. Here, discretionary denial is unwarranted considering the compelling merits of the unpatentability grounds set forth in the Petition, consistent with the

Director's *Interim Processes for PTAB Workload Management*. EX2001 at 2.

Patent Owner asserts the Petition is weak by declaring Dr. Fletcher's declaration duplicative of the Petition. While the Petition and the declaration cite the same specific disclosures that prove the '204 patent is invalid, and thus have textual overlap, this overlap is neither improper nor conclusory.

Patent Owner also sets up a strawman to argue that Fletcher-Haynes does not anticipate the '204 patent. First, Patent Owner ignores that Fletcher-Haynes discloses a system that collects "one predetermined blood component (e.g., ... plasma) from a source of whole blood," and claims Fletcher-Haynes is "directed to" a platelet collection system. Paper 8 at 8; EX1005, 7:33-36; Pet. at 20, 32. Second, Patent Owner mischaracterizes Fletcher-Haynes by suggesting its prediction models merely determine donor eligibility. *Compare* Paper 8 at 8 *with* EX1005, 5:28-36. In reality, Fletcher-Haynes' prediction model outputs the source plasma volume to be collected during a plasma donation procedure. EX1005, 49:19-26, Eqs. 17, 22.

Tellingly, Patent Owner does not address most of Petitioner's § 112 arguments, because it cannot. Petitioner and Dr. Fletcher provide compelling evidence that there is *no* textual support for most claims in the '204 patent. In its sole rebuttal, Patent Owner wrongly suggests that a mere three mentions of "plasma product" satisfies the written description requirement. Paper 8 at 10. These appearances of "plasma product," however, do not "blaze a trail through the forest[,]"

one that runs close by [Patent Owner's] proposed tree.” *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1571 (Fed. Cir. 1996). Rather, Patent Owner raises them when distinguishing its claimed approach from prior art systems that “collect a [target] volume of plasma product.” EX1001, 17:4-8; *see also id.* 17:24-19. Further, “[t]he question is not whether a claimed invention is an obvious variant of that which is disclosed in the specification,” *i.e.*, that Petitioner understood the meaning of “plasma product.” *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997). To satisfy the written description requirement, “a prior application itself must describe an invention.” *Id.* The '204 patent does not do that as it only describes calculating and using a target volume of *pure* plasma, not plasma product. Pet. at 76-78; EX1001, 2:4-10, 3:9-10, 6:7-12, 12:64-13:2, 14:3-20, 15:35-43.

Patent Owner's § 101 arguments are similarly thin. While Patent Owner asserts that Petitioner ignores generic “hardware elements” of the claimed system, these hardware elements need to be specialized to confer patent eligibility. *See Life Techs., Inc. v. Nintendo of Am., Inc.*, No. 3:13-cv-4987, 2020 WL 13281800, at *3-4 (N.D. Tex. Jan. 17, 2020). That is why, for example, claims for an “improved digital camera” in *Yu* were patent-ineligible despite claiming the lenses, image sensor, and other generic hardware elements. *Yu v. Apple Inc.*, 1 F.4th 1040, 1043-44 (Fed. Cir. 2021). Patent Owner has never asserted that its plasma collection equipment or the arrangement of the equipment is novel because it is not. *See*

BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC, 827 F.3d 1341, 1350 (Fed. Cir. 2016). Its purported invention lies in its mathematics, but surviving the § 101 inquiry requires “more than simply stating the abstract idea while adding the words ‘apply it’” on a generic device. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 221 (2014) (cleaned up) (quoting *Mayo Collaborative Servs. v. Prometheus Lab’ys, Inc.*, 566 U.S. 66, 72 (2012)); *see also BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290-91 (Fed. Cir. 2018). Thus, even when considering the “ordered combination” of elements, the ’204 patent is patent ineligible because there is “no ‘inventive concept’ in the claimed application of the formula[s]” in a generic plasma collection machine. *Mayo*, 566 U.S. at 72-73, 82; *Parker v. Flook*, 437 U.S. 584, 594 (1978); *Diamond v. Diehr*, 450 U.S. 175, 191-92 (1981). That is especially true where the FDA has provided guidance on, and codified, taking a weight, determining hematocrit, and identifying a donor’s sex before collecting plasma. *See* EX1007.

Accordingly, the Petition’s compelling merits favor institution.

IV. THE EXAMINER ERRED IN ALLOWING THE ’204 PATENT

The prosecution history reflects material errors that undermine validity.

First, the Examiner’s error during prosecution of another family member impacted the prosecution of the ’204 patent. The Examiner allowed the ’204 patent after requiring Patent Owner to file a terminal disclaimer over Patent Owner’s U.S.

Patent No. 12,186,474 (“the ’474 patent”), despite knowing that the ’474 patent’s claims issued after an improper prior art search. *See* EX1002 at 18, 146. Specifically, after issuing one office action containing only double patenting rejections, the Examiner allowed the ’474 patent because “the prior art fails to disclose a method of collecting blood plasma wherein a volume of anticoagulant in the collected plasma component is calculated in real time, as the plasma is being collected,” a requirement which Patent Owner communicated to the Examiner, after allowance, is missing from the ’474 patent’s claims. EX1014, at 12, 21. The Examiner never responded to or acknowledged Patent Owner’s Post-Allowance communication.

Because the Examiner knew that her prior art search for the ’474 patent was inadequate, she should have more thoroughly examined the ’204 patent’s pending claims, rather than relying exclusively on a nonstatutory double patenting rejection. Terumo submitted a Search Disclosure Declaration that a diligent examiner should have at least identified Petitioner’s primary Fletcher-Haynes reference during prosecution of the ’204 patent. EX1012, 1013. But the Examiner did *not* identify Fletcher-Haynes during prosecution. *See* EX1001, at 2-3.

Second, the Examiner was aware of patent eligibility issues in the ’204 patent but neglected to properly reject the claims. The Examiner raised Section 101 concerns in several dependent claims of the ’204 patent but never issued a Section 101 rejection. EX1002, at 156. Examiner’s arguments do not comport with the

applicable subject matter eligibility guidance, *see* MPEP §2106 (incorporating 2019 Patent Eligibility Guidance), and the Examiner should have more fully analyzed the '204 patent's pending claims under § 101 using that multi-step process.

V. PETITIONER'S SDD MERITS FAVORABLE CREDIT SUPPORTING INSTITUTION

Patent Owner's argument that petitions must not rely upon patents or patent publications to earn favorable discretionary credit is not found in the Director's SDD memorandum. *Compare* Paper 8, at 11-12 *with* EX2006, at 1-2. Petitioner's SDD merits favorable credit supporting institution, as it discloses the databases and repositories in which the prior art was located, the general search approach, other analytics or publicly accessible resources consulted, the amount of time spent on the search, and the amount of time reviewing search results. *Compare* EX2006 *with* EX1012 *and* EX1013. Nevertheless, the paper art Petitioner used in its Petition is the result of a search strategy that differs from the USPTO's search methods and thus merits additional credit for revealing "new or underutilized pathways relevant to Office search practice." *See* EX2006; EX1012; EX1013.

VI. CONCLUSION

For the above reasons, Terumo submits discretionary denial is not warranted.

Date: January 22, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL was served on January 22, 2026 by filing this document through the P-TACTS platform as well as by delivering a copy via the delivery method indicated to the attorneys of record for the Patent Owner as follows:

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