

**From:** [Director DI](#)  
**To:** [Trials](#); [Director DI](#); [Milch, Erik](#)  
**Cc:** [Drayton, Joseph](#); [Shrieves, Elizabeth C.](#); [Teran, Alan S.](#); [Villar, Connor J.](#); [Caracappa, John](#); [Cappaert, Kate](#); [Chappell, Scott](#); [Sim, Matthew](#); [Woodworth, Travis](#); [Haemonetics IPRs](#); [\[MtrDist\] Terumo BCT](#)  
**Subject:** RE: PGR2025-00077, PGR2025-00078, PGR2026-00006, IPR2025-01420, IPR2026-00045, and IPR2026-00046 - Request for Consideration Regarding Petitioner's Claim Construction Positions  
**Date:** Wednesday, February 18, 2026 3:11:13 PM

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Patent Owner is authorized to file a 3-page preliminary reply in PGR2025-00077, PGR2025-00078, PGR2026-00006, IPR2025-01420, IPR2026-00045, and IPR2026-00046, due no later than February 23, 2026, limited to addressing the issues below. Petitioner is authorized to file a 3-page preliminary sur-reply due no later than February 26, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS.

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**From:** Milch, Erik <[EMilch@proskauer.com](mailto:EMilch@proskauer.com)>  
**Sent:** Wednesday, February 11, 2026 6:36 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
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**Subject:** PGR2025-00077 - Request for Consideration Regarding Petitioner's Claim Construction Positions

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Dear Board:

Patent Owner respectfully requests authorization to file a Request for Consideration pursuant to 37 C.F.R. §§ 42.5, 42.20 in PGR2025-00077.

Patent Owner seeks leave to submit information concerning Petitioner's inconsistent claim construction positions in the co-pending district court litigation that was not available when Patent Owner submitted its preliminary response in this proceeding. Patent Owner submits that this information is germane to the Board's institution analysis and relates to issues addressed in recent Board and Director decisions concerning claim construction consistency.

Patent Owner proposes that the submission be limited in scope and directed solely to this issue.

Patent Owner has conferred with Petitioner and Petitioner opposes this request. Petitioner submits that it has not taken inconsistent claim construction positions and thus no additional briefing is warranted. If, however, the Board grants Patent Owner's request for additional briefing, Petitioner would ask that it also be accorded the ability to submit a responsive brief limited to the issues raised

in Patent Owner's submission.

The parties are available for a telephone conference with the Board, if one is needed, on Friday, February 13<sup>th</sup> between 9am-1:30pm ET and on Wednesday, February 18<sup>th</sup> between 9am-11am ET.

Please let us know if the Board authorizes the filing of this Request.

Respectfully submitted,  
Erik B. Milch  
Reg. No. 42,887  
Attorney for Patent Owner

**Erik B. Milch**  
Partner  
Co-Head, Patent Litigation

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