

Filed on behalf of: CMS Cepcor Ltd., and
CMS Cepcor Americas LLC

By: Terry M. Sanks (tsanks@firstiniplaw.com; litigation@firstiniplaw.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CMS CEP COR LTD., and
CMS CEP COR AMERICAS LLC,
Petitioners,

v.

SANDVIK INTELLECTUAL PROPERTY AB,
Patent Owner.

Case No. IPR2024-01381
Patent No. 11,014,090

**PETITIONERS' MOTION TO CORRECT, OR IN THE ALTERNATIVE,
REPLACE EXHIBITS**

TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. SUMMARY OF ARGUMENT.....	1
III. EXHIBITS FOR WHICH CORRECTION OR REPLACEMENT IS SOUGHT.....	2
A.Exhibit 1052 – U.S. Patent No. 3,813,047 (Torrence)	2
B.Exhibit 1054 - U.S. Patent No. 3,343,376 (Carman)	3
C.Exhibit 1056 - U.S. Patent No. 8,302,754 (Yagi)	3
IV. LEGAL BASIS FOR REQUEST.....	4
V. STATEMENT OF RELIEF REQUESTED	5
VI. CERTIFICATION UNDER 37 C.F.R. § 42.6(e).....	5
VII. CONCLUSION.....	5

TABLE OF AUTHORITIES

CASES

Pantech Wireless, Inc. v. Feher, IPR2014-00769, Paper 11 (July 8, 2014).....4

STATUTES

37 C.F.R. § 42.104(c).....2, 4
37 C.F.R. § 42.123.....1
37 C.F.R. § 42.20(b).....1
37 C.F.R. § 42.6.....1, 5
37 C.F.R. § 42.5(a).....1, 2
37 C.F.R. § 42.7(a).....4

OTHER AUTHORITY

PTAB Consolidated Trial Practice Guide (Nov. 2019).....1

EXHIBIT LIST

Ex. 1012	U.S. Patent No. 3,813,047
Ex. 1032	U.S. Patent No. 3,343,376
Ex. 1040	U.S. Patent No. 8,302,754
Ex. 1052	U.S. Patent No. 3,813,047
Ex. 1054	U.S. Patent No. 3,343,376
Ex. 1056	U.S. Patent No. 8,302,754

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.123, 37 C.F.R. § 42.6, 37 C.F.R. § 42.5(a) and the authorization granted by the Board through its e-mail on December 17, 2025, Petitioners, CMS CEP COR LTD. and CMS CEP COR AMERICAS LLC (hereafter “Petitioners”), respectfully move to correct or, in the alternative, replace Exhibit 1052 – U.S. Patent No. 3,813,047 (Torrence), Exhibit 1054 - U.S. Patent No. 3,343,376 (Carman), and Exhibit 1056 - U.S. Patent No. 8,302,754 (Yagi) (collectively the “Exhibits”) in this proceeding. In support of this motion, Petitioners provide the following incorporated memorandum of law.

II. SUMMARY OF ARGUMENT

On December 16, 2025, Petitioners e-mailed the Panel requesting a conference call to seek authorization to file this Motion to Correct, or, in the Alternative, Replace Exhibits (hereafter the “Motion”) pursuant to 37 C.F.R. § 42.20(b). On December 17, 2025, the Board authorized Petitioners to file this Motion in order to address the clerical errors, mislabeling, and formatting issues of the Exhibits. As the Board’s authorization satisfies the prerequisite for motions not expressly permitted by rule, this Motion is proper. *See* PTAB Consolidated Trial Practice Guide (Nov. 2019) (“TPG”), at 82–83 (discussing motions requiring prior authorization).

The requested relief concerns non-substantive corrections that fall squarely within the Board’s authority to manage the record and ensure orderly proceedings. *See* 37 C.F.R. § 42.5(a) (allowing the Board to “determine proper course of conduct” and “set times” and manner of filings); 37 C.F.R. § 42.104(c) (allowing correction of clerical mistakes). The proposed corrections do not alter the substance of any argument or evidence and are sought solely to ensure the accuracy and clarity of the record.

III. EXHIBITS FOR WHICH CORRECTION OR REPLACEMENT IS SOUGHT

Below is a detailed list of the affected Exhibits, the issue, and the proposed corrections.

A. Exhibit 1052 – U.S. Patent No. 3,813,047 (Torrence)

Exhibit 1052 was inadvertently filed as a duplicate of previously submitted Exhibit 1012 – U.S. Patent No. 3,813,047 (Torrence), but with a newly assigned exhibit label. The duplicate filing does not reflect a new or revised document and was submitted in error. Additionally, this type of duplicative exhibit creates confusion in the record as it relates to Petitioners’ filings.

Petitioners request that Exhibit 1052 be corrected by withdrawing the duplicate filing and replacing the filing to reflect the originally submitted Exhibit 1012 – U.S. Patent No. 3,813,047 (Torrence), which contains the same document with its correct exhibit designation in compliance with the rules. No substantive

changes are made to the document, and the correction is intended solely to avoid confusion arising from duplicative exhibit labels. This correction will also eliminate duplicative filings, ensuring a clear and accurate record.

B. Exhibit 1054 - U.S. Patent No. 3,343,376 (Carman)

Exhibit 1054 was inadvertently filed as a duplicate of previously submitted Exhibit 1032 – U.S. Patent No. 3,343,376 (Carman), but with a newly assigned exhibit label. The duplicate filing does not reflect a new or revised document and was submitted in error. Additionally, this type of duplicative exhibit creates confusion in the record as it relates to Petitioners’ filings.

Petitioners request that Exhibit 1054 be corrected by withdrawing the duplicate filing and replacing the filing to reflect the originally submitted Exhibit 1032 – U.S. Patent No. 3,343,376 (Carman), which contains the same document with its correct exhibit designation in compliance with the rules. No substantive changes are made to the document, and the correction is intended solely to avoid confusion arising from duplicative exhibit labels. This correction will also eliminate duplicative filings, ensuring a clear and accurate record.

C. Exhibit 1056 - U.S. Patent No. 8,302,754 (Yagi)

Exhibit 1056 was inadvertently filed as a duplicate of previously submitted Exhibit 1040 – U.S. Patent No. 8,302,754 (Yagi), but with a newly assigned exhibit label. The duplicate filing does not reflect a new or revised document and was

submitted in error. Additionally, this type of duplicative exhibit creates confusion in the record as it relates to Petitioners' filings.

Petitioners request that Exhibit 1056 be corrected by withdrawing the duplicate filing and replacing the filing to reflect the originally submitted Exhibit 1040 – U.S. Patent No. 8,302,754 (Yagi), which contains the same document with its correct exhibit designation in compliance with the rules. No substantive changes are made to the document, and the correction is intended solely to avoid confusion arising from duplicative exhibit labels. This correction will also eliminate duplicative filings, ensuring a clear and accurate record.

IV. LEGAL BASIS FOR REQUEST

The Board has found that the inclusion of an incorrect document with a petition as an exhibit – instead of the correct document – reflects a clerical or typographical error. *See, e.g., Pantech Wireless, Inc. v. Feher*, IPR2014-00769, Paper 11 (July 8, 2014). A motion to correct or replace exhibits is proper where the correction is administrative or clerical and does not introduce new substantive content. *See* 37 C.F.R. §§ 37 C.F.R. § 42.104(c) and 42.7(a).

As outlined further above, good cause exists for the requested corrections to the Exhibits because the proposed corrections relate solely to clerical or administrative errors, the proposed corrections do not alter the substance of the previously submitted exhibits, and the corrected will ensure that the record remains

accurate and complete. Furthermore, granting this motion will not prejudice Patent Owner, SANDVIK INTELLECTUAL PROPERTY AB, as no deadlines or briefing positions are altered and no new evidence or argument is being introduced.

V. STATEMENT OF RELIEF REQUESTED

Petitioners respectfully request that the Board (1) grant this Motion to Correct , or, in the Alternative, Replace Exhibit 1052 – U.S. Patent No. 3,813,047 (Torrence), Exhibit 1054 - U.S. Patent No. 3,343,376 (Carman), and Exhibit 1056 - U.S. Patent No. 8,302,754 (Yagi); (2) accept Exhibit 1012 – U.S. Patent No. 3,813,047 (Torrence), Exhibit 1032 – U.S. Patent No. 3,343,376 (Carman), and Exhibit 1040 – U.S. Patent No. 8,302,754 (Yagi) filed concurrently as the operative exhibits for the record as identified above; (3) update the exhibits list under 37 C.F.R. § 42.63(e) to reflect the corrected/updated exhibit designations; and; and (4) provide any further relief the Board deems appropriate.

VI. CERTIFICATION UNDER 37 C.F.R. § 42.6(e)

The undersigned certifies that the revised exhibits do not include any substantive changes to previously submitted content, including, but not limited to any previously provided testimony, argument, analysis, or evidence, other than the corrections identified in this Motion.

VII. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board grant the requested corrections and deem the replacement exhibits filed herewith as operative.

Date: December 23, 2025

/Terry M. Sanks/

Terry M. Sanks, Esquire

Reg. No. 45,069

BEUSSE SANKS, PLLC

612 E. Colonial Drive, Suite 250

Orlando, Florida 32803

Tel: (407) 644-8888

tsanks@firstiniplaw.com

litigation@firstiniplaw.com

CERTIFICATE OF SERVICE

I hereby certify that, on December 23, 2025, a true and correct copy of the foregoing Petition (and accompanying exhibits) was served on the Patent Owner via electronic means (by agreement of the parties) at the addresses listed below:

Mehran Arjomand
MArjomand@mofo.com

Alex S. Yap
AYap@mofo.com

MORRISON & FOERSTER LLP
707 Wilshire Blvd., Suite 6000 Los Angeles, CA 90017
Tel: 213-892-5200

- and –

Aaron G. Fountain
afountain@mofo.com
MORRISON & FOERSTER LLP
200 Clarendon Street, 21st Floor
Boston, MA 02116
Tel: 617-648-4700

-and-

Jeffrey G. Young
JeffreyYoung@mofo.com
MORRISON & FOERSTER LLP
2100 L Street, NW Suite 900
Washington, DC 20037
Tel: 202-877-1500

Attorneys for Patent Owner
Sandvik Intellectual Property AB

/Terry M. Sanks/

Terry M. Sanks
Reg. No. 45,069