

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERUMO BCT INC.,

Petitioner

v.

HAEMONETICS CORP.,

Patent Owner

IPR2025-01391
U.S. Patent No. 10,758,652

**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 & Serve Amended Expert Declaration

EXHIBIT LIST

Exhibit	Reference
1001	U.S. Patent No. 10,758,652 (“’652 patent”)
1002	File History of the ’652 patent
1003	Declaration of Dr. Gary D. Fletcher in Support of Petition
1004	Japanese Patent Publication No. JP 2002-282352 A including certified English translation and declaration by Japanese translator (“Takagi”)
1005	U.S. Patent No. 4,898,675 (“Lavender”)
1006	U.S. Patent No. 8,075,468 (“Min”)
1007	U.S. Patent Publication No. 2003/0125881 (“Ryan”)
1008	U.S. Patent No. 9,370,324 (“Barrett”)
1009	U.S. Patent No. 6,296,602 (“Headley”)
1010	“Membrane versus centrifuge-based therapeutic plasma exchange: a randomized prospective crossover study,” Carsten Hafer et al., Int. Urol. Nephrol (2016) 48:133-138; Springer Science+Business Media Dordrecht 2015.
1011	U.S. Patent Publication No. 2017/0029762 (“Turgut”)
1012	“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.
1013	Bruce C. McLeod, MD, et al., “Apheresis: Principles and Practice,” 3rd Edition, AABB Press 2010.
1014	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
1015	Curriculum Vitae (“CV”) of Dr. Gary D. Fletcher
1016	U.S. Patent Publication No. 2012/0175313 (“Barry”)

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Petitioner seeks leave to correct a clerical error in its Petition requesting *Inter Partes* Review of U.S. Patent No. 10,758,652 (“the ’652 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—“a blood component separation device for separating the drawn blood into a plasma component and a second blood component, the blood component separation device having an outlet and being configured to send the plasma component to a plasma container”—which should have appeared between limitations 11[a] and 11[b]—from the Petition and expert declaration. Petition at 34-36, 50-53; EX1003, pp. 48-49, 65-67. This error is clerical, was brought to the Board’s attention as soon as Petitioner identified it, does not prejudice Patent Owner because Petitioner and Dr. Fletcher both address the substance of the omitted limitation in other portions of the Petition and expert declaration, 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 11’s recitation of “a blood component separation device for separating the drawn blood .

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. . and being configured to send the plasma component to a plasma container” from the Petition and Dr. Fletcher’s declaration. Petition at 34-36, 50-53; EX1003, pp. 48-49, 65-67. The clerical error occurred while transferring the ’652 Patent’s claim language into a claim template, which was also provided to Dr. Fletcher, thereby propagating the error. Had Petitioner’s headings been correct, the limitation would have appeared between limitations 11[a] and 11[b] and Petitioner and Dr. Fletcher would have cited to the substantive analysis in claim limitations 1[d], 1[f], and 1[g] 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 missing limitation and cites to the sections of the Petition and expert declaration discussing claim limitations 1[d], 1[f], and 1[g].

Petitioner Acted Diligently. Petitioner sought the Board’s leave to correct the clerical error within three days of identifying it. Petitioner discovered the error on November 18, 2025, contacted Patent Owner that day, conferred with them the next day, and sought leave from the Board to file this Motion on November 20, 2025. 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[d], 1[f], and 1[g], which are discussed in detail in the Petition and Dr. Fletcher’s declaration. *See* Petition at 24-27; EX1003, ¶¶ 70-73, 106-111. Patent

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Owner has been on notice of Petitioner's analysis for these limitations since the Petition was filed and had the opportunity to challenge them in its Patent Owner Preliminary Response ("POPR"). In its POPR, however, Patent Owner's only discussion of claim limitations 1[d], 1[f], and 1[g] is with respect to whether the Petition fails to establish that Lavender (Ground 2) withdraws "whole blood." Paper 8 at 17-18. But withdrawing "whole blood," as Patent Owner recognizes, is recited in claim limitation 11[a] in the Petition, not the inadvertently omitted limitation. *Id.* at 17, 17 n.5. Thus, Patent Owner does not take issue with any aspects of claim limitations 1[d], 1[f], and 1[g] that relate to the inadvertently omitted limitation. As Patent Owner had the opportunity to challenge the analysis for substantially similar claim limitations 1[d], 1[f], and 1[g], and did not, there is no prejudice if the Board allows the correction. *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.

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Date: 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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