

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERUMO BCT INC.,
Petitioner,

v.

HAEMONETICS CORP.,
Patent Owner.

IPR2025-01391
Patent 10,758,652 B2

Before JAMES A. TARTAL, ZHENYU YANG, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion to File Corrected Petition and Exhibit 1003
37 C.F.R. §§ 42.5, 42.104(c)

Petitioner Terumo BCT, Inc. filed a *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*. Paper 12. Patent Owner filed an opposition to the Motion. Paper 13.

For the reasons set forth below, we grant Petitioner’s Motion.

A. Background

Under our Rules, “[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.” 37 C.F.R. § 42.104(c). We apply our Rules “to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b).

Petitioner asserts that the Petition and Dr. Fletcher’s declaration (Exhibit 1003) inadvertently omit analysis of a limitation of claim 11, which should have appeared between limitations 11[a] and 11[b] in the Petition and declaration. *See* Paper 12, 1 (citing Petition 34–36, 50–53; Ex. 1003 pp. 48–49, 65–67). Petitioner asserts that this “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.” *Id.* at 2. Petitioner argues that correcting the error will not prejudice Patent Owner because the “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.” Paper 12, 2 (citing Petition 24–27; Ex. 1003 ¶¶ 70–73, 106–111).

Patent Owner responds that Petitioner’s Motion is untimely because it “was filed after Patent Owner submitted its Preliminary Response,” and thus

“any correction would necessarily delay the proceeding, increase costs, and should be denied.” Paper 13, 1. Patent Owner argues that “[t]he missing limitation is not ‘substantively similar’ to those in the Petition” because none of limitations 1[d], 1[f], and 1[g] “include the claimed ‘outlet’ of the blood component separation device in the omitted limitation of claim 11.” *Id.* at 2–3. According to Patent Owner, “[s]ubstance would necessarily be required to address the missing limitation in both the Petition and Patent Owner Preliminary Response.” *Id.* at 3. Patent Owner further notes that “Petitioner fails to include a redline of the proposed changes and Patent Owner is left to speculate as to what substance would be added by the correction.” *Id.* at 3 n.2.

B. Analysis

After considering the arguments of record, we grant Petitioner’s motion. We agree with Petitioner that “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.” Paper 12, 1. Because these similar limitations were already addressed by Petitioner and Patent Owner had the opportunity to address them in its Patent Owner Preliminary Response, any prejudice to Patent Owner is minimal.¹ Although Patent Owner takes issue with the timing of Petitioner’s Motion, Patent Owner does not dispute that Petitioner first alerted Patent Owner of the error on November 18, 2026, which was one week before

¹ To the extent the Petition, as corrected, inadequately addresses the claimed “outlet” as Patent Owner contends (*see* Paper 13, 2–3), Patent Owner is free to raise this issue in its Patent Owner Response.

Patent Owner filed its Patent Owner Preliminary Response on November 25, 2026.² Additionally, Patent Owner fails to explain how the correction would “necessarily delay the proceeding [and] increase costs.” Paper 13, 1. We note that Patent Owner’s next brief, the Patent Owner Response, is not due until April 21, 2026 (*see* Paper 16, 13), which provides Patent Owner ample opportunity to consider and respond to the corrected materials.

It is true that Petitioner did not include a redline of the proposed changes. It did, however, outline the specific requested changes, i.e., indicating that “[i]f 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].” Paper 12, 2. Thus, we disagree with Patent Owner’s assertion that it is left to speculate about the substance of any changes. We will limit Petitioner’s corrections to only those stated in its Motion.

In view of the above, we authorize Petitioner to file a corrected petition and corrected version of Dr. Fletcher’s declaration (Ex. 1003). The corrections shall be limited to adding (1) the language of the omitted limitation of claim 11; and (2) cross-references to the sections of the Petition and expert declaration that discuss claim limitations 1[d], 1[f], and 1[g].

² Patent Owner incorrectly states that “Petitioner sought leave [to file this Motion] only after Patent Owner filed its Preliminary Response.” Paper 13, 2. As shown in Exhibit 3001, Petitioner first contacted the Board on November 20, 2026, which predates Patent Owner’s filing of its Preliminary Response on November 25, 2026.

Beyond these limited additions, no new analysis or other changes are permitted.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motion is *granted*;

FURTHER ORDERED that within five business days of this Order, Petitioner shall file the corrected documents in accordance with the limitations above.

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