

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERUMO BCT INC.,

Petitioner

v.

HAEMONETICS CORP.,

Patent Owner

IPR2025-01420

U.S. Patent No. 10,792,416

**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 Number	Description
1001	U.S. Patent No. 10,792,416 (“’416 patent”)
1002	File History of the ’416 patent
1003	Declaration of Dr. Gary D. Fletcher in Support of Petition
1004	U.S. Patent No. 4,898,675 (“Lavender”)
1005	“Calculations in Apheresis” (“Neyrinck”)
1006	U.S. Patent Publication No. 2002/0033370 (“Bainbridge”)
1007	U.S. Patent Publication No. 2011/0097344 (“Darashkevich”)
1008	U.S. Patent No. 8,075,468 (“Min”)
1009	U.S. Patent Publication No. 2017/0029762 (“Turgut”)
1010	U.S. Patent No. 6,296,602 (“Headley”)
1011	U.S. Patent No. 9,370,324 (“Barrett”)
1012	“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.
1013	“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.
1014	Bruce C. McLeod, MD, et al., “Apheresis: Principles and Practice,” 3rd Edition, AABB Press 2010.
1015	Sergeant 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
1016	Japanese Patent Publication No. JP 2002-282352 A and certified Japanese to English translation (“Takagi”)
1017	J. Klespitz and L. Kovács, “Identification and control of peristaltic pumps in hemodialysis machines,” 14th IEEE International Symposium on Computational Intelligence and Informatics 83-87 (2013)
1018	Curriculum Vitae (“CV”) of Dr. Gary D. Fletcher
1019	Search Disclosure Declaration (Filing Party and Board Only)
1020	Redacted Search Disclosure Declaration

Motion to Correct Clerical Error & Serve Amended Expert Declaration

Petitioner seeks leave to correct two clerical errors in its Petition requesting *Inter Partes* Review of U.S. Patent No. 10,792,416 (the “416 Patent”) and to file an amended declaration from Petitioner’s expert, Dr. Gary Fletcher. Both clerical errors relate to a typographical mistake where the letter “(j)” was erroneously typed as “(i)” when discussing claim limitation 1[k]. This typographical mistake appears in the heading for claim limitation 1[k] in the Petition and Dr. Fletcher’s Declaration (EX1003), which both state that claim limitation 1[k] recites “continuing steps (e) through (i)” as opposed to “continuing steps (e) through (j)” EX1001, cl. 1; Petition at 33; EX1003, p. 46. Both the Petition and Dr. Fletcher’s Declaration also state that “Lavender performs steps (e)-(i),” instead of “Lavender performs steps (e)-(j)” when discussing how Lavender discloses claim limitation 1[k]. Petition at 33; EX1003, p. 46. The substantive analysis for claim limitation 1[k] provided in both, however, explain how Lavender continuously performs steps (e) through (j). As these typographical errors are clerical, were brought to the Board’s attention as soon as Petitioner identified them, do not prejudice Patent Owner because the Petition and Dr. Fletcher’s Declaration contain analysis for “continuing steps (e) through (j),” and because correcting them would ensure a clear record, Petitioner’s Motion should be granted.

The Error Is Clerical. In both the Petition and Dr. Fletcher’s Declaration, claim limitation 1[k] was accidentally mistyped as “continuing steps (e) through (i),”

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instead of “continuing steps (e) through (j),” and, when discussing claim limitation 1[k], both the Petition and Dr. Fletcher’s Declaration state that “Lavender performs steps (e)-(i)” instead of “(e)-(j).” Petition at 33; EX1003, p. 46. This is the result of a typographical error made when transferring the claim language from the ’416 Patent to the Petition. The error does not affect the substantive analysis for claim limitation 1[k], which would remain unchanged if Petitioner’s Motion is granted. The only changes would be changing “(i)” to “(j)” where the recited language in claim limitation 1[k] appears and when discussing claim limitation 1[k].

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, and contacted Patent Owner that day. On November 19, 2025, Petitioner conferred with Patent Owner, and on November 20, 2025, Petitioner sought leave from the Board to file this Motion. The Board authorized Petitioner to file this motion on December 1, 2025.

Correcting the Clerical Error Does Not Prejudice Patent Owner. Correcting the typographical error does not prejudice Patent Owner because the as-filed Petition’s and Dr. Fletcher’s discussion of claim limitation 1[k] already includes analysis establishing that Lavender continues steps (e) through (j). Petition at 26-33; EX1003, pp. 39-47. Thus, the correction would not add, or change, either the Petition’s or Dr. Fletcher’s Declaration’s substantive analysis. Instead, it would

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simply change “(i)” to “(j)” in the recitation and when discussing claim limitation 1[k].

Petitioner’s diligence further minimizes the finding of prejudice. As discussed above, Patent Owner was alerted to the clerical error shortly after Petitioner discovered it. Additionally, this Motion is being filed well in advance of Patent Owner’s first due date—December 21, 2025—which is when Patent Owner can file any Request for Discretionary Denial.

The Proposed Corrections Will Positively Impact the Proceeding.

Granting Petitioner’s Motion would positively impact the proceeding because the corrected petition will contain a cleaner record of Petitioner’s arguments and better serve the interests of justice as the Board will consider the merits of a corrected petition and not one with known typographical errors. Thus, 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. v. Amsted Rail Co., Inc.*, IPR2023-00538, Paper 9 at 4 (P.T.A.B. Apr. 11, 2023).

For the foregoing reasons, Petitioner respectfully requests that the Board grant Petitioner’s Motion and allow Petitioner to correct “(i)” to “(j)” in the recitation and discussion of claim 1[k] in the Petition and Dr. Fletcher’s Declaration.

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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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