

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERUMO BCT INC.,

Petitioner

v.

HAEMONETICS CORP.,

Patent Owner

Case No. IPR2025-01420

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

**OPPOSITION TO 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**

Petitioner's Motion to correct a purported clerical error should be denied. Petitioner waited nearly two months to bring the Motion and only recognized its own error after Patent Owner brought a similar omission to Petitioner's attention in a parallel proceeding. Allowing Petitioner to belatedly amend its Petition on the eve of Patent Owner's discretionary denial briefing would unfairly advantage Petitioner to Patent Owner's detriment.

Petitioner's omission was neither clerical nor typographical. Although Petitioner's error appears typographical in nature—changing an “(i)” to a “(j)” —the fact that the same error appears in both the Petition and Dr. Fletcher's declaration indicates that it is not. While a Petitioner may correct a ministerial oversight, the Board has found that the same error appearing in the Petition and expert declaration is substantive, not clerical, and denied the motion to correct. *See International Bus. Mach. Corp. v. Intellectual Ventures II, LLC*, IPR2014-00660, Paper 17 at 2 (Jul. 31, 2014); *Nitro Fluids, LLC v. Cameron Int'l Corp.*, IPR2019-00852, Paper 20 at 5 (Nov. 12, 2019); *Amkor Tech., Inc. v. Tessera, Inc.*, IPR2013-00242, Paper 32 at 4 (Aug. 29, 2013) (“[Expert's] analysis is subject to the same types of inconsistencies that are found in the Petition, and does not support that the errors in the Petition were simply clerical or typographical”). It is not surprising that both the Petition and Dr. Fletcher's declaration excluded the same claim limitation

because the declaration and Petition are duplicative and repeat the same analyses, verbatim in most instances. *See* Pet.; EX1003.

Even if clerical, Petitioner’s proposed correction would prejudice Patent Owner. In both cases cited by Petitioner, the Petitioner notified the Patent Owner of the error within two weeks of filing. *See Hum Indus. Tech., Inc. v. Amsted Rail Co.*, IPR2023-00538, Paper 9 at 5 (Apr. 11, 2023); *T-Mobile US, Inc. v. Advanced Media Net., LLC*, IPR2016-00347, Paper 10 at 3 (Mar. 2, 2016)¹. Here, Petitioner did not notify Patent Owner of its error for over a month after filing the Petition. Moreover, Petitioner filed the instant Motion just over two weeks before Patent Owner’s Request for a Discretionary Denial is due. Because the Motion cannot change the Petition’s filing date, any correction at this juncture would now prejudice Patent Owner. 37 C.F.R. § 42.104(c).

While Petitioner asserts that only a minor typographical change will be made, Petitioner fails to include a redline of its proposed changes with the Motion. *Cf. Hum Indus.*, IPR2023-00538, Paper 9 at 3, 5 (referring to the redline in granting the motion for correction); *T-Mobile*, IPR2016-00347, Paper 10 at 2 (same). Patent Owner is left to speculate as to the substance of the corrected Petition.

¹ The motion for correction filed in the *T-Mobile* case is also inapposite as it was filed unopposed.

Petitioner was not diligent. In a parallel proceeding—where Petitioner also seeks correction—Patent Owner first identified an omitted claim limitation in its discretionary denial brief. *Terumo BCT, Inc. v. Haemonetics Corp.*, PGR2025-00078, Paper 6 at 17-18 (Nov. 17, 2025). The next day, Petitioner allegedly “identified” the omitted claim limitation here and informed Patent Owner. Mot. at 1. This is not diligence on Petitioner’s part, but a belated review of its own Petition, over a month after filing, triggered by Patent Owner’s own briefing.

This lack of diligence is exemplified by the fact that Petitioner is simultaneously seeking to correct two other, parallel petitions, each of which made omissions or errors in the challenged claim language. *See Terumo BCT, Inc. v. Haemonetics Corp.*, IPR2025-01391, Paper 12 (Dec. 4, 2025); *Terumo BCT, Inc. v. Haemonetics Corp.*, PGR2025-00078, Paper 9 (Dec. 4, 2025). In fact, Petitioner previously filed yet another corrected Petition in a parallel proceeding, without first seeking leave. *Terumo BCT, Inc. v. Haemonetics Corp.*, PGR2026-00009, Paper 5 (Nov. 6, 2025).

Petitioner should not be rewarded with continuous second chances to correct its error-ridden Petitions, months after they were filed. Giving Petitioner another bite at the apple to correct this Petition and expert declaration would not result in a just or speedy resolution and would improperly prejudice Patent Owner.

Opp. to Mot. to Correct Clerical Error & Serve Amended Expert Declaration
IPR2025-01420

Respectfully submitted,

/Erik B. Milch/

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Dated: December 9, 2025

Attorney for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on December 9, 2025, I caused a complete copy of Patent Owner's Opposition to 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, to be served on the Petitioner as follows:

Via and Electronic Mail to Petitioner's attorneys of record:

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