

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

TIKTOK INC.,¹
Petitioner,

v.

CELLSPIN SOFT, INC.,
Patent Owner.

IPR2024-00757 (Patent 8,756,336 B2)
IPR2024-00759 (Patent 8,862,757 B2)
IPR2024-00760 (Patent 8,898,260 B2)
IPR2024-00767 (Patent 11,659,381 B2)
IPR2024-00768 (Patent 11,234,121 B2)
IPR2024-00769 (Patent 9,900,766 B2)
IPR2024-00770 (Patent 8,904,030 B2)

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

ORDER
Authorizing Additional Briefing

¹ LifeScan, Inc., Senseonics Holdings, Inc., and Ascensia Diabetes Care Holdings AG have been joined as petitioners to IPR2024-00768, IPR2024-00769, and IPR2024-00770. Unless otherwise noted, citations are to papers in IPR2024-00757.

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Cellspin Soft, Inc. (“Patent Owner”) requested termination of these proceedings and vacatur of the Board’s institution decisions, arguing that: (1) Petitioner TikTok, Inc. (“Petitioner”) is controlled by a foreign government that is ineligible to file an *inter partes* review under the Supreme Court’s ruling in *Return Mail, Inc. v. United States Postal Service*, 587 U.S. 618 (2019); and (2) the Petitions failed to identify all real parties in interest (“RPI”) as required under 35 U.S.C. § 312(a)(2). Paper 22, 1. On June 2, 2025, the Board issued an Order Denying Patent Owner’s Motion to Terminate the proceedings. *See* Paper 33.

On June 5, 2025, *sua sponte* Director Review was initiated in each of the above-referenced cases to reconsider the Board’s decisions to institute and the cases were stayed. *See* Paper 34.

On January 15, 2026, I issued a Director Review decision in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc.*, IPR2025-00098, -00099, Paper 38 (Director Jan. 15, 2026) (informative) (“*YMTC*”), vacating institution decisions and denying institution because the patent owner sufficiently placed RPI in dispute and the petitioner then provided insufficient argument and evidence for the Office to determine whether its petitions had identified all RPIs. In *YMTC*, I explained that a petitioner’s failure to provide clarity as to its actual identity proved fatal to its petitions. *Id.* at 6. I further explained that the patent owner had produced evidence suggesting that the petitioner’s parent corporation is wholly owned by state-owned enterprises, which was sufficient to put into dispute whether the

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petitions identified all RPIs under the Federal Circuit’s decision in *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1244 (Fed. Cir. 2018). *Id.* at 7. I designated *YMTC* as an informative decision on January 16, 2026.

Here, circumstances appear to have changed considerably. On January 22, 2026, Petitioner announced that TikTok USDS Joint Venture LLC (“Joint Venture”) had been “established in compliance with the Executive Order signed by President Trump on September 25, 2025.” <https://newsroom.tiktok.com/announcement-from-the-new-tiktok-usds-joint-venture-llc?lang=en>. According to the announcement, the Joint Venture LLC has three managing investors each holding 15%, ByteDance retains 19.9%, and an additional consortium of investors holds the remaining interest. *Id.*

In view of the informative *YMTC* decision and Petitioner’s announced Joint Venture and the referenced ownership attributes thereof, the parties are each authorized to file an additional brief addressing: (1) whether the evidence Patent Owner submitted is sufficient to put Petitioner’s RPI identification into dispute; and (2) what effect, if any, does the announced Joint Venture have on these proceedings. Each party shall file a brief of no more than seven pages no later than February 2, 2026. Additional evidence is not authorized at this time.

Accordingly, it is:

ORDERED that Patent Owner and Petitioner are each authorized to file a seven-page brief addressing the issues set forth above; and

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FURTHER ORDERED that the parties' briefs shall be filed no later than February 2, 2026.

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