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Paper 30
Date: December 10, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK INC.,
Petitioner,

v.

NTECH PROPERTIES, INC.,
Patent Owner.

IPR2024-01340 (Patent 8,145,704 B2)
IPR2024-01342 (Patent 8,886,753 B2)

Before KEN B. BARRETT, TERRENCE W. McMILLIN, and SCOTT B. HOWARD, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

ORDER
Denying Petitioner's Motions to Strike
37 C.F.R. § 42.5

IPR2024-01340 ("1340 IPR") and IPR2024-01342 ("1342 IPR") are related matters.[1] The 1340 IPR and the 1342 IPR involve the same parties and related patents. In the 01340 IPR, U.S. Patent No. 8,145,704 ("'704 patent") is challenged and in the 01342 IPR, U.S. Patent No. 8,886,753 ("'753 patent") is challenged. The '753 patent issued from a continuation of the application from which the '704 patent issued. 1342 IPR, Exhibit 1001, code (63). The challenges to the patentability of the claims in both proceedings are based on the same prior art references. 1340 IPR, Paper 2 (Petition), 3–4; 1342 IPR, Paper 2 (Petition), 3–4. These proceedings are set for a single, consolidated oral argument on December 18, 2025. 1340 IPR, Paper 22; IPR 1342, Paper 25.[2]

In both the 1340 IPR and the 1342 IPR, Petitioner has filed a Petitioner's Motion to Strike (1340 IPR, Paper 28; 1342 IPR, Paper 31) and Patent Owner has filed an Opposition (1340 IPR, Paper 29; 1342 IPR, Paper 32). In both Motions, Petitioner requests that arguments be stricken from the Patent Owner's Sur-reply because the targeted arguments are improper new arguments not previously presented. 1340 IPR, Paper 28; 1342 IPR, Paper 31.

The Patent Trial and Appeal Board's Consolidated Trial Practice Guide addresses motions to strike, stating:

> In most cases, the Board is capable of identifying new issues or belatedly presented evidence when weighing the

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[1] Both parties identify these proceedings as related matters. 1340 IPR, Paper 2 (Petition), 2; 1340 IPR, Paper 4 (Patent Owner's Mandatory Notices), 1; 1342 IPR, Paper 2 (Petition), 2; 1342 IPR, Paper 3 (Patent Owner's Mandatory Notices), 1.

[2] Although this Order has different paper numbers in the two proceedings, it is the same Order.

> evidence at the close of trial, and disregarding any new issues or belatedly presented evidence that exceeds the proper scope of reply or sur-reply. As such, striking the entirety or a portion of a party's brief is an exceptional remedy that the Board expects will be granted rarely.

Consolidated Trial Practice Guide at 80 (available at https://www.uspto.gov/TrialPracticeGuideConsolidated). We have considered the Motions and their Oppositions and determine that the exceptional remedy is not appropriate. We are capable of identifying belatedly presented arguments, particularly where Petitioner has raised the objection. In light of this, we decline to strike portions of Patent Owner's Sur-replies. In reaching final decisions in these proceedings, we will consider only timely presented arguments and will not consider belatedly raised theories or any arguments that exceed the proper scope of a sur-reply.

Although we deny both Motions, our denial is without prejudice to the parties raising the issues presented in the Motions and the Oppositions at the consolidated oral argument to be held on December 18, 2025.

ORDER

Accordingly, it is

ORDERED that Petioner's Motion to Strike in IPR2024-01340 (Paper 28) and Petitioner's Motion to Strike in IPR2024-01342 (Paper 31) are *denied*.

For PETITIONER:

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