

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LIFESCAN, INC., SENSEONICS HOLDINGS, INC., and  
ASCENSIA DIABETES CARE HOLDINGS AG,  
Petitioner,

v.

CELLSPIN SOFT, INC.,  
Patent Owner.

---

IPR2025-00102 (Patent 11,234,121 B2)  
IPR2025-00103 (Patent 9,900,766 B2)  
IPR2025-00104 (Patent 8,904,030 B2)<sup>1</sup>

---

Before GREGG I. ANDERSON, CYNTHIA M. HARDMAN, and  
MICHAEL A. VALEK, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

---

<sup>1</sup> This Order addresses issues common to the identified cases. The parties are not authorized to use this caption without express authorization.

IPR2025-00102 (Patent 11,234,121 B2)  
IPR2025-00103 (Patent 9,900,766 B2)  
IPR2025-00104 (Patent 8,904,030 B2)

## INTRODUCTION

On October 30, 2024, LifeScan, Inc., Senseonics Holdings, Inc., and Ascensia Diabetes Care Holdings AG (collectively “Petitioner”) filed Petitions in IPR2025-00102, IPR2025-00103, and IPR2025-00104 requesting *inter partes* review of claims in the above-referenced patents. *See* Paper 1.<sup>2</sup> Concurrently with its Petitions, Petitioner filed Motions for Joinder seeking to join IPR2024-00768, IPR2024-00769, and IPR2024-00770, which were originally filed by TikTok, Inc. *See* Paper 5. Patent Owner did not file a Preliminary Response or respond to Petitioner’s Motion for Joinder.

On March 13, 2025, we instituted Petitioner’s IPRs and granted Petitioner’s Motions for Joinder of its IPRs to IPR2024-00768, IPR2024-00769, and IPR2024-00770. *See* Paper 9. We limited Petitioner to an understudy role in these proceedings unless and until the original petitioner (TikTok, Inc.) was terminated. *See id.* at 12–14.

On April 17, 2025, Patent Owner Cellspin Soft, Inc. requested termination of these IPRs on the grounds that TikTok, Inc. (1) is controlled by a foreign government that is ineligible to file an IPR; and (2) failed to identify all real parties in interest as required under 35 U.S.C. § 312(a)(2). *See* Paper 21 in IPR2024-00768 at 1. On June 2, 2025, the Board denied Patent Owner’s Motions to Terminate. *See* Paper 32 in IPR2024-00768.

On June 5, 2025, the Director *sua sponte* initiated review of the IPRs to reconsider the Board’s decisions to institute in view of the novel issues

---

<sup>2</sup> We cite papers and exhibits filed in IPR2025-00102 and IPR2024-00768. Similar papers and exhibits were filed in IPR2025-00103, IPR2025-00104, IPR2024-00769, and IPR2024-00770.

IPR2025-00102 (Patent 11,234,121 B2)  
IPR2025-00103 (Patent 9,900,766 B2)  
IPR2025-00104 (Patent 8,904,030 B2)

presented in the IPRs, and the cases were stayed. *See* Paper 33 in IPR2024-00768.

On March 30, 2026, the Director issued an order vacating the Board’s institution of TikTok’s petitions and denying TikTok’s petitions in IPR2024-00768, IPR2024-00769, and IPR2024-00770. *See* Paper 41 in IPR2024-00768 (“March 30 Order”) at 7. The March 30 Order also vacated the Board’s orders joining LifeScan, Senseonics, and Ascensia as petitioners to TikTok’s IPRs and directed the Board to determine whether Petitioner’s Petitions should be instituted on their own. *Id.*

### DISCUSSION

With that background in mind, we turn to next steps. Because the proceedings filed by TikTok, Inc. are terminated, the limitations placed on Petitioner’s role in the joined proceedings (as discussed in Paper 16 in IPR2024-00768) are lifted.

Consistent with our previous determinations regarding the merits of the grounds in Petitioner’s Petitions, we intend to issue decisions instituting review in each proceeding. *See* Paper 9, 10–11 (determining the arguments and evidence presented with the Petition meets the reasonable likelihood standard for instituting trial). We also intend to rule on Petitioner’s pending motion to strike, which was fully briefed prior to the grant of Director review. *See* Papers 26 and 31 in IPR2024-00768.

As of June 5, 2025, when these proceedings were stayed, only Due Dates 6–8 of the Scheduling Order (Paper 9 in IPR2024-00768) remained. Due Dates 6 and 7 relate to oppositions and replies on motions to exclude, but no motions to exclude had been filed as of the prior deadline (Due Date 5). Accordingly, the only remaining activities in the Scheduling Order

IPR2025-00102 (Patent 11,234,121 B2)

IPR2025-00103 (Patent 9,900,766 B2)

IPR2025-00104 (Patent 8,904,030 B2)

were Request for prehearing conference (Due Date 6) and Oral Argument (Due Date 8). Given this history, the panel is presently of the view that the parties' positions regarding the merits of Petitioner's grounds have been fully briefed such that these cases can move directly to Oral Argument. We would like to hear from both sides regarding the same.

The Board hereby sets a conference call for **April 8, 2026 at 2 pm Eastern time** with Petitioner and Patent Owner to discuss moving these cases forward. The parties shall also be prepared to discuss the status of any related matters. In advance of the call, the parties shall file any necessary updates to their Mandatory Notices.

#### ORDER

In consideration of the foregoing, it is hereby

ORDERED that a conference call is set for **April 8, 2026 at 2 pm Eastern time** (connection information will follow by email).

IPR2025-00102 (Patent 11,234,121 B2)

IPR2025-00103 (Patent 9,900,766 B2)

IPR2025-00104 (Patent 8,904,030 B2)

For PETITIONER:

Charles M. McMahon

Thomas M. DaMario

BENESCH FRIEDLANDER COPLAN & ARONOFF LLP

cmcmahon@beneschlaw.com

tdamario@beneschlaw.com

Joseph A. Hynds

Michael Battaglia

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

jhynds@rfem.com

mbattaglia@rfem.com

For PATENT OWNER:

René A. Vasquez

SINERGIA TECHNOLOGY LAW GROUP, PLLC

rvasquez@sinergialaw.com

M. Scott Fuller

GARTEISER HONEA PLLC

sfuller@ghiplaw.com