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Paper No. 19
Entered: April 15, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

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)[1]

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

HARDMAN, *Administrative Patent Judge*.

CONDUCT OF THE PROCEEDING
37 C.F.R. § 42.5

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[1] This Order addresses issues common to the identified cases. The parties are not authorized to use this caption without express authorization.

INTRODUCTION

We issued an order on April 2, 2026, scheduling a conference call with the parties to discuss moving these cases forward following the Director's March 30 Order vacating the prior joinder and instructing the Board to determine whether these *inter partes* reviews should be instituted on their own. *See* Paper 12;[2] *see also* Paper 41 in IPR2024-00768 ("Director's Order").

On April 8, 2026, Judges Hardman and Valek held a conference call with counsel for LifeScan, Inc., Senseonics Holdings, Inc., and Ascensia Diabetes Care Holdings AG (collectively, "Petitioners") and Cellspin Soft, Inc. ("Patent Owner"). Neither side arranged for a court reporter to be present on this call.

During the call, the panel reiterated that, consistent with our prior consideration of the merits of Petitioners' grounds both before and after the Director's Order, we intend to issue decisions instituting review in each proceeding. *See* Paper 12, 3. We indicated that this determination is based on the pre-trial record at the time of the original institution and joinder decision in these cases. Petitioners agreed with this course of action. Having previously waived its preliminary response, Patent Owner requested an opportunity to reopen the pre-institution record to file briefing regarding discretionary denial issues. The panel denies that request because the Director's Order directing the Board to determine whether Petitioners'

[2] We cite papers and exhibits filed in IPR2025-00102. Similar papers and exhibits were filed in IPR2025-00103 and IPR2025-00104.

Petitions should be instituted on their own does not contemplate reopening the pre-institution record to discretionary denial briefing.[3]

During the call, we also discussed whether these cases could proceed directly to Oral Argument, relying on the record that had been previously developed in IPR2024-00768, IPR2024-00769, and IPR2024-00770 ("the Tik-Tok IPRs").[4] Both sides agreed with this course of action. Petitioners agreed to be bound by the post-institution briefing previously submitted by the petitioner in the Tik-Tok IPRs.

Patent Owner also agreed to be bound by its post-institution briefing from the Tik-Tok IPRs, but requested authorization to file a short (5–7 page) supplemental brief in each case addressing the merits of Petitioners' patentability challenges, including any new case law and issues specific to the present Petitioners.[5] Patent Owner further indicated that it would not seek to file any new evidence with its brief, nor would it try to use that brief as an attempt to avoid the pending motion to strike.

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[3] During the call, the parties informed us that the related district court litigations remained stayed in view of the prior IPR institutions, there had been no update from the district court regarding those cases in view of the Director's Order, and the litigation involving Petitioners remained at a very early stage having not progressed beyond the pleadings.

[4] Petitioners previously participated in the TikTok IPRs in an understudy capacity. The TikTok IPRs were stayed for Director review shortly before oral hearing. By that time, all of the trial briefing and the evidentiary record was complete as was the briefing on petitioner's motion to strike certain exhibits filed with Patent Owner's Sur-reply (*see* IPR2024-00768, Papers 26 and 31). That motion remains pending and will be decided to the extent it is relevant to the present proceedings.

[5] Patent Owner clarified that this requested brief is separate from its request for a pre-institution brief regarding discretionary denial issues.

Petitioners opposed Patent Owner's request to file supplemental briefs in each case, noting they were unaware of any new case law and that these proceedings concern the challenged patents, not the particular petitioner.

After hearing the parties' positions, and given the unusual procedural posture of these proceedings, we authorize a short supplemental brief in each case as set forth below and issue a schedule for proceeding to oral hearing as indicated below.

ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner may file a supplemental brief in each case of no more than 7 pages. The supplemental briefs are limited to addressing the merits of the patentability challenges, including any issues specific to the present Petitioners, and any new case law Patent Owner believes is relevant to those merits. The supplemental briefs shall not be accompanied by any new evidence. Any such brief shall be filed no later than **May 6, 2026**;

FURTHER ORDERED that, if Patent Owner files supplemental briefs, Petitioners may file replies of no more than 7 pages, limited to addressing the issues raised in Patent Owner's supplemental briefs. Petitioners' briefs shall not be accompanied by any new evidence, and shall be filed no later **May 27, 2026**;

FURTHER ORDERED that either side may request oral argument. Requests for oral argument must comply with 37 C.F.R. § 42.70(a) and must be filed by **May 28, 2026**. Oral argument will be held in person at the

USPTO headquarters in Alexandria, and both parties are expected to be physically present, absent a showing of good cause;

FURTHER ORDERED that (if requested by either side) oral argument will be held on **June 30, 2026**. In advance of the hearing date, the Board will issue a hearing order governing the time and length of the hearing and a schedule for serving and filing demonstratives.

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