

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.,
Petitioner,

v.

DISTEFANO WEBSITE INNOVATIONS, LLC,
Patent Owner.

IPR2025-01061
Patent 11,763,316 B2

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

ORDER
Initiating *Sua Sponte* Director Review

On December 23, 2025, I issued a Notice granting institution of the above-referenced *inter partes* review (“IPR”), but stayed the proceeding in view of the pending Director Review of the institution decisions in IPR2024-00757, IPR2024-00759, IPR2024-00760, IPR2024-00767, IPR2024-00768, IPR2024-00769, and IPR2024-00770 (collectively, the “Cellspin Soft IPRs”). Paper 14 (“Notice”), 2. On March 30, 2026, I issued an order vacating the Board’s decisions granting institution in the Cellspin Soft IPRs because TikTok, Inc. (“Petitioner”)—the same petitioner as in this proceeding—had failed to carry its burden to establish that a foreign government was not a real party in interest (“RPI”) at the time it filed those petitions. *See* IPR2024-00757, Paper 42, 6–7 (citing *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12 (Director Mar. 18, 2026) (precedential)).

In light of my decision in the Cellspin Soft IPRs, *sua sponte* Director Review is appropriate to reconsider whether this IPR should have been instituted. *See* Paper 2 (“Petition”), 115 (identifying several Bytedance companies and Heliophilia Pte. Ltd. as RPIs); Paper 16, 1 (Petitioner’s Updated Mandatory Notices identifying TikTok USDS Joint Venture LLC as the only other RPI). Accordingly, the parties are each authorized to file an additional brief addressing whether at the time the Petition was filed, a foreign government was an unnamed RPI, and whether the petition is thus barred. *See Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (precedential, except § II.E.1) (explaining that petitioners have an obligation to identify all RPIs in their petitions). The parties also may address what effect, if any, the

January 2026 announced TikTok USDS Joint Venture LLC¹ has on this proceeding, including whether and to what extent RPI issues are otherwise alleviated and/or whether a time bar applies. Each party shall file a brief of no more than ten pages no later than June 3, 2026. Additional evidence is not authorized at this time. An opinion will issue in due course.

Accordingly, it is:

ORDERED that a *sua sponte* Director Review of the Notice granting institution of *inter partes* review is initiated;

FURTHER ORDERED that the proceeding remains stayed pending a decision on Director Review or separate order lifting the stay; and

FURTHER ORDERED that the parties are authorized to file a ten-page brief addressing the issues set forth above no later than June 3, 2026.

¹ Available at <https://newsroom.tiktok.com/announcement-from-the-new-tiktok-usds-joint-venture-llc?lang=en>.

IPR2025-01061
Patent 11,763,316 B2

FOR PETITIONER:

Jaysen S. Chung
Shuo Josh Zhang
GIBSON, DUNN & CRUTCHER LLP
jschung@gibsondunn.com
szhang@gibsondunn.com

FOR PATENT OWNER:

Meredith Martin Addy
Robert P. Hart
Gregory B. Gulliver
ADDYHART LLC
meredith@addyhart.com
robert@addyhart.com
gbgulliver@addyhart.com