

1 M. Elizabeth Day (SBN 177125)  
eday@feinday.com  
2 Marc Belloli (SBN 244290)  
mbelloli@feinday.com  
3 **FEINBERG DAY KRAMER ALBERTI**  
**LIM TONKOVICH & BELLOLI LLP**  
4 577 Airport Blvd., Suite 250  
Burlingame, CA. 94010  
5 Tel: 650 825-4300/Fax 650 460-8443

6 Brian N. Platt (*Admitted pro hac vice*)  
7 bplatt@wnlaw.com  
8 Brent P. Lorimer (*Admitted pro hac vice*)  
blorimer@wnlaw.com

9 **WORKMAN NYDEGGER**  
60 East South Temple Suite 1000  
10 Salt Lake City, UT 84111  
11 Tel: 801-533-9800/Fax 801-328-1707

12 *Attorneys for Defendant Triller, Inc.*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 BYTEDANCE INC., TIKTOK INC., and  
TIKTOK PTE. LTD.,

17 Plaintiffs,

18 v.

19 TRILLER, INC.,

20 Defendant.

Case No: 4:20-cv-7572-JSW

21 **DEFENDANT'S MOTION FOR**  
**JUDGMENT ON THE PLEADINGS**  
**DISMISSING SECOND, THIRD, AND**  
**FOURTH CLAIMS FOR RELIEF IN**  
**FIRST AMENDED COMPLAINT**

Hon. Jeffrey S. White

22 Date: June 18, 2021  
23 Time: 9:00 AM  
24 Courtroom: 5

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NOTICE OF MOTION AND MOTION ..... 1

STATEMENT OF RELIEF SOUGHT ..... 1

MEMORANDUM OF POINTS AND AUTHORITIES ..... 1

I. STATEMENT OF RELEVANT FACTS ..... 1

II. ARGUMENT ..... 5

    A. The Law of Eligible Subject Matter Under 35 U.S.C. § 101 ..... 5

    B. It Is Permissible to Address 35 U.S.C. § 101 Eligibility on the Pleadings ..... 7

    C. The Asserted Claims Are Invalid on Their Face Under 35 U.S.C. § 101 ..... 7

        1. The Asserted Claims Are Directed to Organizing Human Activity in  
           a Computerized Social Network, Which Is An Ineligible Abstract  
           Idea ..... 7

        2. There Is Nothing in the Asserted Claims That Transforms Them Into  
           Significantly More Than A Patent On An Abstract Idea ..... 10

III. CONCLUSION ..... 13

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Page(s)**

**Cases**

*Aatrix Software, Inc. v. Green Shades Software, Inc.*,  
882 F.3d 1121 (Fed. Cir. 2018).....7

*Affinity Labs of Texas, LLC v. DIRECTV, LLC*,  
838 F.3d 1253 (Fed. Cir. 2016).....6, 11, 12

*Alice Corp. Pty. v. CLS Bank Int’l*,  
573 U.S. 208 (2014)..... *passim*

*Ameranth, Inc. v. Domino’s Pizza, LLC*,  
792 Fed. Appx. 780 (Fed. Cir. 2019).....11

*Athena Diagnostics, Inc. v. Mayo Collaborative Services, LLC*,  
915 F.3d 743 (Fed. Cir. 2019).....6

*Continental Circuits LLC v. Intel Corp.*,  
915 F.3d 788 (Fed. Cir. 2019).....2

*Customedia Technologies, LLC v. Dish Network Corp.*,  
951 F.3d 1359 (Fed. Cir. 2020).....11

*Diamond v. Chakrabarty*,  
447 U.S. 303 (1980).....5

*Diamond v. Diehr*,  
450 U.S. 175 (1981).....6

*Enfish, LLC v. Microsoft Corp.*,  
822 F.3d 1327 (Fed. Cir. 2016).....6, 9

*Hal Roach Studios, Inc. v. Richard Feiner & Co.*,  
896 F.2d 1542 (9th Cir. 1990) .....7

*Mayo Collaborative Services v. Prometheus Laboratories, Inc.*,  
566 U.S. 66 (2012).....7, 10, 13

*Natera, Inc. v. ArcherDX, Inc.*,  
2020 WL 6043929 (D. Del. 2020) .....11

*NetSoc, LLC v. Match Group, LLC*,  
838 Fed. Appx. 544 (Fed. Cir. 2020).....5, 8, 9

1 *Salwan v. Iancu*,  
 825 Fed. Appx. 862 (Fed. Cir. 2020).....5, 9

2 *In re Salwan*,  
 3 681 Fed. Appx. 938 (Fed. Cir. 2017).....5, 9, 12, 13

4 *Search and Social Media Partners, LLC v. Facebook, Inc.*,  
 5 346 F.Supp.3d 626 (D. Del. 2018).....9

6 *Silver State Intellectual Technologies v. Facebook Inc.*,  
 314 F.Supp.3d 1041 (N.D. Cal. 2018) (White, J.) .....7

7 *Tele-Publishing, Inc. v. Facebook, Inc.*,  
 8 252 F.Supp.3d 17 (D. Mass. 2017).....9, 10

9 *In re TLI Communications LLC Patent Litigation*,  
 10 823 F.3d 607 (Fed. Cir. 2016).....5, 9

11 *Trading Technologies Int’l, Inc. v. IBG LLC*,  
 921 F.3d 1084 (Fed. Cir. 2019).....6

12 *Triller, Inc. v. Bytedance Ltd. et al.*,  
 13 No. 6:20-cv-693 (W.D. Tex.).....1

14 *TS Patents LLC v. Yahoo! Inc.*,  
 15 279 F. Supp. 3d 968 (N.D. Cal. 2017) .....12

16 *Voter Verified, Inc. v. Election Sys. & Software LLC*,  
 887 F.3d 1376 (Fed. Cir. 2018).....7

17 *ZKey Investments, LLC v. Facebook Inc.*,  
 18 225 F.Supp.3d 1147 (C.D. Cal. 2016) .....10

19 **Statutes**

20 28 U.S.C. § 1404(a) .....1

21 35 U.S.C. § 101..... *passim*

22 **Other Authorities**

23 Rule 12(b)(6).....7

24 Rule 12(c).....7

25

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1 **NOTICE OF MOTION AND MOTION**

2 Defendant Triller, Inc. (“Triller”) hereby moves for judgment on the pleadings under  
3 Fed.R.Civ.P. 12(c) dismissing the Second, Third, and Fourth Claims for Relief set forth in the First  
4 Amended Complaint. This motion is noticed to be heard on June 18, 2021 at 9:00am in Courtroom  
5 5.

6 **STATEMENT OF RELIEF SOUGHT**

7 Triller seeks judgment on the pleadings dismissing the Second, Third, and Fourth Claims  
8 for Relief because U.S. Patent Nos. 9,648,132 (“the ’132 patent”), 9,992,322 (“the ’322 patent”),  
9 and 9,294,430 (“the ’430 patent”) are invalid on their face for claiming subject matter that is not  
10 eligible for patenting under 35 U.S.C. § 101.

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. STATEMENT OF RELEVANT FACTS**

13 On October 28, 2020, Plaintiffs Bytedance Inc. (“BDI”) and TikTok Inc. (“TTI”) filed a  
14 Complaint in this action seeking a declaratory judgment of non-infringement of Triller’s U.S.  
15 Patent No. 9,691,429 (“the ’429 patent”). ([ECF No. 1.](#)) On November 11, 2020, BDI, TTI, and  
16 TikTok Pte. Ltd. (“TTPL”) filed a First Amended Complaint that restyled the declaratory judgment  
17 claim from its Complaint as a First Claim for Relief. ([ECF No. 9](#), pp. 9-10.) Triller moved to  
18 dismiss this claim under the first-to-file rule on January 8, 2021. ([ECF No. 33.](#)) On March 30,  
19 2021, the Court declined to dismiss the First Claim for Relief but did stay it until resolution of the  
20 28 U.S.C. § 1404(a) transfer issues raised in *Triller, Inc. v. Bytedance Ltd. et al.*, No. 6:20-cv-693  
21 (W.D. Tex.). ([ECF No. 44.](#))

22 The First Amended Complaint also added a Second Claim for Relief, a Third Claim for  
23 Relief, and a Fourth Claim for Relief by TTPL and TTI against Triller for infringement of the ’132  
24 patent, the ’322 patent, and the ’430 patent, all allegedly owned by TTPL and exclusively licensed  
25 to TTI. (ECF No. 9, pp. 11-16.) Triller now moves for judgment on the pleadings to dismiss these  
26 three claims. These three patents are invalid on their face because they are directed to subject  
27 matter that is not eligible for patenting under 35 U.S.C. § 101.

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