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12 *Attorneys for Defendant Triller, Inc.*

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

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

18 Plaintiffs,

19 v.

21 TRILLER, INC.,

22 Defendant.

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

**DEFENDANT’S ANSWER TO
BYTEDANCE INC., TIKTOK INC., AND
TIKTOK PTE. LTD.’S SECOND
AMENDED COMPLAINT**

JURY TRIAL DEMANDED

23
24
25 Triller, Inc. (“Triller”) by and through its undersigned counsel, for its Answer to the Second
26 Amended Complaint (“SAC” filed by ByteDance, Inc. (“BDI”), TikTok, Inc. (“TTI”), and TikTok
27 Pte. Ltd. (“TTPL”) (collectively “Plaintiffs”), states as follows:
28

NATURE OF ACTION

1
2 1. Triller admits this is an action for patent infringement and declaratory judgment of
3 non-infringement of a patent. Triller also admits that BDI and TTI seek a declaratory judgment of
4 non-infringement and that TTI and TTPL have requested injunctive relief and money damages
5 against Triller. Triller denies that BDI and TTI are entitled to the declaratory judgment they seek,
6 denies that it has in the past infringed any of the TikTok patents-in-suit, and denies that it is
7 currently infringing any of said patents.

8 2. Triller admits that BDI and TTI seek declaratory judgment that they do not infringe
9 the '429 patent but denies that they are entitled to any such relief. Triller admits that TTI and
10 TTPL have asked for remedies in equity and law for alleged infringement of patents they assert
11 against Triller but denies that it infringes any of the TikTok patents-in-suit and denies that TTI and
12 TTPL are entitled to any such relief.

13 3. Triller admits that the TikTok entities are a collection of related entities who
14 together make, use, and distribute a mobile software application known as the “TikTok” app that
15 millions of Americans use to create and share videos. Triller is without knowledge or information
16 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3 of the SAC
17 and therefore denies them.

18 4. Triller admits that it develops and distributes the Triller application and admits that
19 it alleges that the TikTok application is used to infringe claims 1 and 3-9 of U.S. Patent No.
20 9,692,429 (“the '429 Patent”). Triller denies that it is liable for infringement of U.S. Patent No.
21 9,648,132 (“the '132 Patent), U.S. Patent No. 9,992,322 (“the '322 patent”), or U.S. Patent No.
22 9,294,430 (“the '430 patent”). Triller is without knowledge or information sufficient to form a
23 belief as to the truth of the remaining allegations of Paragraph 4 of the SAC and therefore denies
24 them.

25 5. Triller admits the allegations of paragraph 5 of the SAC.

26 6. Triller admits that the Honorable Alan Albright transferred the Texas Litigation to
27 this Court, that the Texas Litigation has been deemed related to this action, and that the litigation
28

1 of issues related to the '429 patent has been stayed pending resolution of the IPR related to that
2 patent but denies the remaining allegations of Paragraph 6 of the SAC.

3 7. Triller admits that there is a real and immediate controversy between Triller, BDI,
4 and TTI as to whether the TikTok entities infringe claims 1 and 3-9 of the '429 Patent. Triller
5 denies the remaining allegations of Paragraph 7 of the SAC.

6 8. Triller admits that there is an actual and justiciable controversy as to whether the
7 TikTok entities infringe claims 1 and 3-9 of the '429 Patent. Triller denies the remaining
8 allegations of Paragraph 8 of the SAC.

9 9. Triller denies the allegations of Paragraph 9 of the SAC.

10 10. Triller denies the allegations of paragraph 10 of the SAC because they are not
11 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
12 to the truth of the allegations of said paragraph.

13 11. Triller denies the allegations of paragraph 11 of the SAC because they are not
14 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
15 to the truth of the allegations of said paragraph.

16 12. Triller denies the allegations of paragraph 12 of the SAC because they are not
17 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
18 to the truth of the allegations of said paragraph.

19 13. Triller denies the allegations of paragraph 13 of the SAC because they are not
20 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
21 to the truth of the allegations of said paragraph.

22 14. Triller denies the allegations of paragraph 14 of the SAC because they are not
23 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
24 to the truth of the allegations of said paragraph.

25 15. Triller denies the allegations of paragraph 15 of the SAC because they are not
26 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
27 to the truth of the allegations of said paragraph.
28

1 16. Triller denies the allegations of paragraph 16 of the SAC because they are not
2 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
3 to the truth of the allegations of said paragraph.

4 17. Triller denies the allegations of paragraph 17 of the SAC because they are not
5 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
6 to the truth of the allegations of said paragraph.

7 18. Triller denies the allegations of paragraph 18 of the SAC because they are not
8 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
9 to the truth of the allegations of said paragraph.

10 19. Triller denies the allegations of paragraph 19 of the SAC because they are not
11 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
12 to the truth of the allegations of said paragraph.

13 20. Triller admits that the '322 patent includes the quoted language, but otherwise
14 denies the allegations of paragraph 20 of the SAC.

15 21. Triller denies the allegations of paragraph 21 of the SAC because they are not
16 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
17 to the truth of the allegations of said paragraph.

18 22. Triller denies the allegations of paragraph 22 of the SAC because they are not
19 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
20 to the truth of the allegations of said paragraph.

21 23. Triller denies the allegations of paragraph 23 of the SAC because they are not
22 accurate and/or because Triller is without knowledge or information sufficient to form a belief as
23 to the truth of the allegations of said paragraph.

24 24. Triller denies the allegations of paragraph 24 of the SAC.

25 25. Triller denies the allegations of paragraph 25 of the SAC.

26 26. Triller denies the allegations of paragraph 26 of the SAC.

27 27. Triller denies the allegations of Paragraph 27 of the SAC.
28

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