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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

15
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

**DEFENDANT'S REPLY IN FURTHER
SUPPORT OF MOTION FOR
JUDGMENT ON THE PLEADINGS
DISMISSING SECOND, THIRD, AND
FOURTH CLAIMS FOR RELIEF IN
SECOND AMENDED COMPLAINT**

Hon. Jeffrey S. White

Date: November 5, 2021

Time: 9:00 AM

Courtroom: 5

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I. INTRODUCTION

Plaintiffs argue that Triller’s motion for judgment on the pleadings should be denied on grounds that (1) there are factual disputes that prevent resolution of the § 101 issue at this stage of the case, (2) there are unresolved claim interpretation issues that prevent resolution of the § 101 issue at this stage of the case, (3) the asserted claims are not “directed to” organizing human activity on a computerized network, and (4) the asserted claims require “significantly more” than organizing human activity on a computerized network. All of those arguments fail.

Plaintiffs’ first and most glaring error is their failure to view the asserted claims “as a whole” in analyzing what those claims are “directed to” for purposes of the first step of the *Alice* analysis. Instead of analyzing the claims “as a whole,” Plaintiffs attempt to establish what an asserted claim is “directed to” by pointing to individual limitations of the claims. That analysis is incorrect. Another glaring error is Plaintiffs’ assertion that the asserted claims solve a technical problem that is untethered to—and even contradicted by—the language of the claims, when what matters is the problem solved by the *claimed* invention. When the proper analysis is used, it is apparent that *these* claims are “directed to” the abstract idea of a social network implemented on a computerized network, that none of them contain anything sufficient to ensure that the patent amounts to “significantly more” than a patent on the abstract idea itself, and that any genuine factual disputes or claim interpretation issues make no difference to the outcome of the § 101 issue.

II. ARGUMENT

A. The First Step of the *Alice* Analysis Requires Viewing the Asserted Claims as a Whole, Not Individual Limitations of the Asserted Claims

The first step of the *Alice* analysis requires viewing the asserted claims “as a whole.” [*Internet Patents Corp. v. Active Network, Inc.*](#), 790 F.3d 1343, 1346 (Fed. Cir. 2015) (“Under step one of *Mayo/Alice*, the claims are considered in their entirety to ascertain whether their character *as a whole* is directed to excluded subject matter.”); [*Enfish, LLC v. Microsoft Corp.*](#), 822 F.3d 1327, 1335 (Fed. Cir. 2016) (“[T]he ‘directed to’ inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether their character *as a whole* is directed to excluded subject matter.” (internal quotation marks omitted)); [*Athena Diagnostics, Inc. v. Mayo*](#)

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