

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRILLER, INC.,
Petitioner

v.

TIKTOK PTE. LTD.
Patent Owner

Case IPR2022-00179
Patent 9,648,132 B2

**PATENT OWNER TIKTOK PTE. LTD.'S
PRELIMINARY RESPONSE**

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LIST OF EXHIBITS

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EX2001	U.S. Patent Pub. No. 2004/0268005 to Dickie (“Dickie”)
EX2002	U.S. Patent Pub. No. 2007/0130592 to Haeusel (“Haeusel”)
EX2003	U.S. Patent No. 7,260,381 to Lipsit (“Lipsit”)
EX2004	U.S. Patent Pub. No. 2007/0214141 (“Sittig”)

I. INTRODUCTION

The Petition sets forth eight Grounds of unpatentability, each of which suffers from critical defects that render *Inter Partes* Review untenable. Throughout the Petition, Triller repeatedly identifies high level descriptions in the cited references without specifying how each specific claim recitation is found within the references, while insisting that other non-disclosed features occur “inherently” or would occur in “all” such systems with no support for such assertions. This failure to properly demonstrate how each claim element is provided in the prior art is pervasive throughout the Petition, including both the independent and dependent claims.

To start, Triller fails to demonstrate that the cited Abrams reference (EX1009) includes a software application “executable on a portable wireless computing device” that performs each of the functions recited by the challenged claims. Rather, Abrams discloses a web-server that performs various functions and merely “sends out Web pages” to end user devices. EX1009, [0077]. That is, as demonstrated below, all relevant functionality described in Abrams is performed at a “Web application server” and not by a software application installed on and executed by a portable wireless computing device. *Id.*

Second, Triller argues that all of the functions recited by the challenged claims would “inherently occur over a ‘wireless connection’” in Abrams’s system. Pet., 27.

However, as demonstrated below, the evidence of record shows that such functionality is anything but inherent.

Finally, the Knight 2010 reference (EX1012) does not qualify as prior art with respect to any of the challenged claims because all of the challenged claims (and in particular, dependent claims 3, 6, and 27) are fully supported by the earlier-filed May 2007 PCT application to which the '132 patent claims priority. As demonstrated below, each of Grounds 1-6 as articulated in the Petition fail and therefore institution should be denied.

II. LEVEL OF ORDINARY SKILL

For purposes of this IPR, Patent Owner submits that a person of ordinary skill in the art at the time of the alleged invention (a “POSITA”) would have had a Bachelor’s degree in Computer Science, Computer Engineering, Human Factors, or an equivalent degree and at least two years of experience working in the fields of user interfaces, communications applications, networking applications, or media applications, or a person with equivalent education, work, or experience in such fields.

III. CLAIM CONSTRUCTION

Patent Owner submits that all claim terms should be construed according to the *Phillips* standard. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005); 37 C.F.R. §42.100. Unless otherwise noted below, Patent Owner submits that terms

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