UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRILLER, INC.,
Petitioner

v.

TIKTOK PTE. LTD,
Patent Owner

U.S. Patent No. 9,294,430
U.S. Patent No. 9,648,132
U.S. Patent No. 9,992,322

DECLARATION OF MICHAEL SHAMOS, PH.D.

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I, Michael Shamos, declare as follows:

I. INTRODUCTION

1. I am over the age of eighteen (18) and otherwise competent to make this Declaration.

2. I have been retained by counsel for Petitioner as an independent technical expert consultant in this proceeding before the United States Patent and Trademark Office. I am being compensated at my rate of $550 per hour for my services. No part of my compensation is dependent on my opinions or on the outcome of this proceeding. I have no financial interest in any of the parties to this proceeding.

3. This Declaration is in support of petitions ("Petitions") for *inter partes* review ("IPR") of U.S. Patents 9,294,430 ("'430 Patent", Ex. 1003), 9,648,132 ("'132 Patent", Ex. 1001) and 9,992,322 ("'322 Patent", Ex. 1002) (collectively, the "Patents"). The Patents are intimately related, in that the '322 Patent is a continuation of the '132 Patent, which is itself a continuation of the '430 Patent. Thus, the Patents share a common specification.

4. The following claims are challenged among the three Petitions (collectively, the "Challenged Claims"): '430 Patent claims 1, 19, 23, 24 and 28; '132 Patent claims 1-3, 6, 22, 26, 27 and 31; and '322 Patent claims 30-32, 35, 51 and 55-56.

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5. The challenged claims of the ’430 Patent and the ’322 Patent contain multiple limitations that do not differ materially from the limitations of the Challenged Claims of the ’132 Patent. Therefore, a showing of invalidity of the Challenged ’132 claims serves as a basis for my opinions concerning the Challenged ’430 Claims and the Challenged ’322 Claims. For reasons of economy, this Declaration is structured to be used in support of all three Petitions.

6. The Patents are all entitled “Method of Enabling Digital Music Content to be Downloaded to and Used on a Portable Wireless Computing Device” and list the same inventors.

7. I understand that, according to USPTO records, the Patents are currently assigned to TikTok Pte. Ltd. (“TTPL” or “Patent Owner”).

8. Patent Owner has asserted the Patents against Petitioner Triller in case 4:20-cv-7572-JSW (N.D. Cal.) (the “Underlying Litigation”).

9. In preparing this Declaration, I have reviewed the Patents, their prosecution histories, including all the patents and patent applications to which the Patents claim priority, as well as the patents and documents cited herein, and I have considered these documents in light of the general knowledge in the art. In formulating my opinions, I have relied upon my experience in the relevant art. I have also considered the viewpoint of a person of ordinary skill in the art

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