

UNITED STATES PATENT AND TRADEMARK
OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRILLER, INC.,
Petitioner,

v.

TIKTOK PTE. LTD.,
Patent Owner.

Case IPR2022-00180
Patent 9,992,322 B2

**JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO
35 U.S.C. § 317 and 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Triller, Inc. (“Triller” or “Petitioner”) and Patent Owner TikTok Pte. Ltd. (“TikTok” or “Patent Owner”) jointly request termination of *inter partes* review of U.S. Patent No. 9,992,322 (the “’322 Patent”) in IPR2022-00180 and request that the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b). The Board authorized the parties to file this Joint Request on September 28, 2022, via email.

I. Termination of Case No. IPR2022-00180 Would Be Appropriate.

Termination of IPR2022-00180 by the Board would be appropriate. The parties have executed a settlement agreement that resolves all of their disputes concerning the ’322 Patent—expressly including the present IPR—and the Board has not yet rendered its final decision in the proceeding. Furthermore, the Board should terminate IPR2022-00180 because termination of the present *inter partes* review would resolve all presently pending disputes between the parties pertaining to the ’322 Patent, because the district court case between the parties involving the ’322 patent has been dismissed, no further litigation or other proceedings involving the ’322 Patent are contemplated by either party, and because both Petitioner and Patent Owner agree that this *inter partes* review should be terminated. Accordingly, good cause exists to terminate this proceeding based on settlement as the Board has not yet rendered its final decision in this proceeding. Moreover, no

public interest or other factors militate against termination of this proceeding, especially where the Board seeks to favor settlement between parties in an IPR proceeding.

As set forth in 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the agreement has been made in writing in the form of a settlement agreement executed by the parties, and a true and correct copy of that settlement agreement has been filed as Exhibit 2007.

The parties hereby represent that the document filed as Exhibit 2007 represents all agreements made in connection with, or in contemplation of, the termination of this proceeding. The parties note that although section 6.9 of the settlement agreement refers to “attachments,” there are no attachments to the agreement and Exhibit 2007 represents the entirety of the agreement between the parties in connection with, or in contemplation of, the termination of this proceeding. All such agreements have been filed with the Board as required by § 317(b) and 37 C.F.R. § 42.74(b).

As stated in 35 U.S.C. § 317(a), because Petitioner and Patent Owner request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach as to Petitioner.

Submitted concurrently herewith is a request by Petitioner and Patent Owner that the settlement agreement be treated as business confidential information, be

kept separate from the file of the involved patents, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

II. Conclusion

Therefore, Petitioner and Patent Owner respectfully request termination of the *inter partes* review of U.S. Patent No. 9,992,322, Case No. IPR2022-00180.

Dated: September 28, 2022

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