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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 Case No. 4:20-cv-07572-JSW

17 BYTEDANCE INC., TIKTOK INC., AND
18 TIKTOK PTE. LTD.,

19 Plaintiffs,

20 v.

21 TRILLER, INC.,

22 Defendant.

**PLAINTIFFS' ~~PROPOSED~~ ORDER RE:
DEFENDANT'S MOTION TO DISMISS,
OR IN THE ALTERNATIVE, TO STAY
FIRST CLAIM FOR RELIEF OF
PLAINTIFFS' FIRST AMENDED
COMPLAINT**


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28 ~~PROPOSED~~ ORDER RE OPPOSITION TO
DEFENDANT'S MOT TO DISMISS
Case No 4:20-cv-07572-JSW

1 This matter comes before the Court on Defendant’s Motion to Dismiss, or in the
2 Alternative, to Stay First Claim for Relief of Plaintiffs’ First Amended Complaint (Dkt. No. 33,
3 “the Motion”). The Court finds that a limited stay of Plaintiffs’ declaratory judgment claim
4 (Plaintiffs’ First Claim for Relief) is more efficient and appropriate than dismissal of that claim.
5 See, e.g., *Google Inc. v. Eolas Techs., Inc.*, 2016 U.S. Dist. LEXIS 78842, at *24 (N.D. Cal. June
6 16, 2016).

7 Finding good cause shown, **IT IS HEREBY ORDERED** that Defendant’s Motion to
8 Dismiss is **DENIED**, and Plaintiffs’ claim for Declaratory Judgment of Non-Infringement of U.S.
9 Patent No. 9,691,429 (Plaintiffs’ First Claim for Relief) is **STAYED** until resolution of the 28
10 U.S.C. § 1404(a) transfer issues raised in the Motion to Transfer filed in *Triller, Inc. v. Bytedance*
11 *Ltd. et al.*, No. 6:20-cv-693 (W.D. Tex. Nov. 13, 2020), Dkt. No. 30 in that case.
12 The parties shall file a notice with this Court of that decision within 7 days of its issuance.

13 **IT IS SO ORDERED.**

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15 Dated: March 30, 2021

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17 Hon. Jeffrey S. White
United States District Court