

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TRILLER, INC.,

Plaintiff,

vs.

BYTEDANCE LTD., and TIKTOK, INC.,

Defendants.

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Case No. 6:20cv693

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

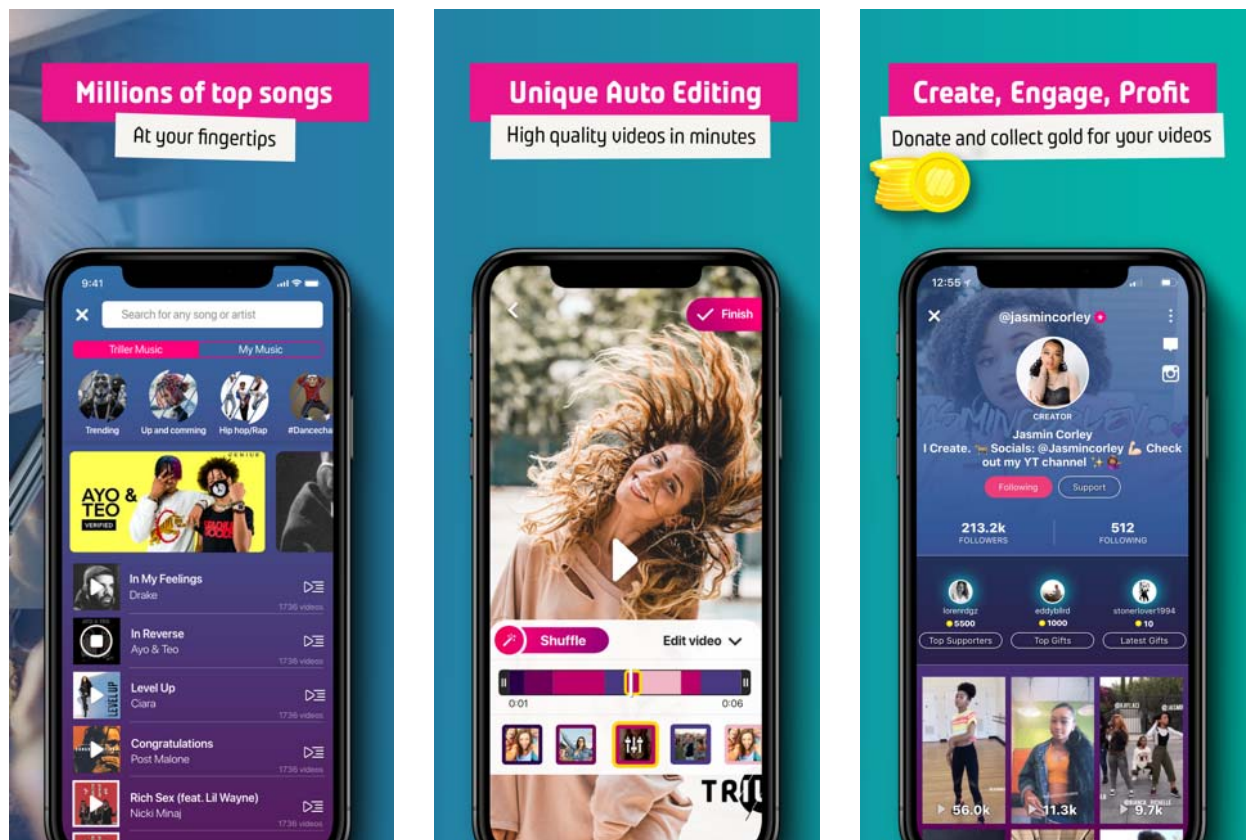
Triller, Inc. (“Triller”) files its Complaint in this patent infringement action against Defendants ByteDance Ltd. and TikTok, Inc. (“Defendants”).

NATURE OF THE CLAIMS

1. This is an action for patent infringement. Triller alleges that ByteDance and TikTok infringe U.S. Patent No. 9,691,429 titled “Systems and methods for creating music videos synchronized with an audio track” (“the ’429 Patent,” attached as Exhibit A) (the “Asserted Patent”).

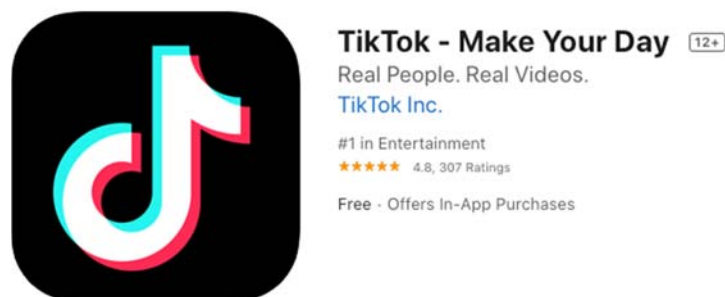
2. Triller is the developer and distributor of the innovative Triller social video platform application for iOS and Android. The Triller application is a leading entertainment platform built for creators in the social video community. The Triller application allows its users to create and share their own music video creations; its platform is built around innovative technology and intellectual property that provides users with the ability to create flawless, synchronized videos and to share those videos with other users in just seconds. Triller has invested enormous time and resources building its social platform, and took particular care to

protect its intellectual property. Examples of Triller’s innovative platform and social video interface are reproduced below:



Source: <https://apps.apple.com/us/app/triller-social-video-platform/id994905763>.

3. Triller alleges that ByteDance and TikTok directly and indirectly infringe the Asserted Patent by making, using, offering for sale, selling and importing the popular iOS and Android software application known as “TikTok.”



Source: <https://apps.apple.com/lc/app/tiktok-make-your-day/id835599320>

THE PARTIES

4. Plaintiff Triller, Inc. is a Delaware Corporation with offices in Los Angeles at 2121 Avenue of the Stars, Suite 2320, Los Angeles, CA 90067. Triller is the owner of the '429 Patent.

5. Defendant ByteDance Ltd. (“ByteDance”) is a Chinese multinational internet technology corporation headquartered in Beijing at ByteDance, Ltd., Haidian District, Beijing 100080, with a regular and established place of business in Austin, TX 78205. ByteDance is the parent corporation and owner of TikTok, Inc.

6. Defendant TikTok, Inc. (“TikTok”) is a California corporation with a regular and established place of business in Austin, TX 78205, and a registered agent for service of process at CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201 (*See Exhibit B*).

JURISDICTION AND VENUE

7. This action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1338.

8. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and § 1400(b) because TikTok and ByteDance have regular and established places of business in this District; have committed acts within this District giving rise to this action; and conducts business in this District, including selling, distributing, using, importing, and/or offering for sale infringing products to TikTok customers in this District. Upon information and belief, TikTok maintains offices in this District, hires and maintains employees in this District (*See Exhibit C*), including an Office Administrator in Austin, TX (*See Exhibit D*), and conducts business in this District consistent with its substantial physical presence in this District. For

example, senior executives at TikTok have noted “We have many exciting roles across Ops, Training, Quality, Policy, Data, and more to fill in our Austin office,” and “The TikTok Austin Office is growing fast! Check out these great new jobs to join Rebecca Sawyer in building an amazing team!” (*See* Exhibit E.) Also upon information and belief, ByteDance maintains offices in this District, hires and maintains employees in this District (*See* Exhibit F), including an Office Administrator in Austin, TX (*See* Exhibit D), and conducts business in this District consistent with its substantial physical presence in this District.

9. TikTok and ByteDance are subject to this Court’s specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) business related to infringing acts as alleged herein; or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District. Within this state, TikTok and ByteDance have used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, TikTok and ByteDance have derived revenues from their infringing acts occurring within the Western District of Texas. Further, TikTok and ByteDance are subject to the Court’s general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Texas and the Western District of Texas. Further, TikTok and ByteDance are subject to the Court’s personal jurisdiction at least due to their distribution of products or services within Texas and the Western District of Texas. TikTok and ByteDance have committed such purposeful acts and transactions in Texas such that they reasonably should know and expect that they could be haled into this Court because of such activity.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,691,429

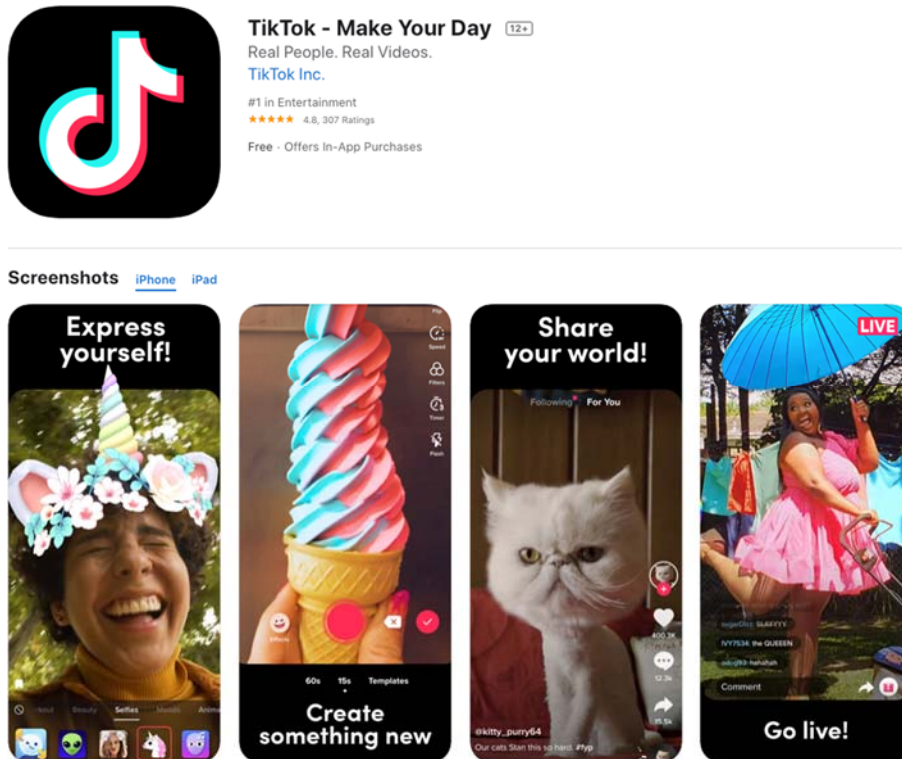
10. The allegations of all of the preceding paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

11. On June 27, 2017, the '429 Patent, titled "Systems and methods for creating music videos synchronized with an audio track" duly and legally issued. A true and correct copy of the '429 Patent is attached as Exhibit A.

12. Triller is the owner of the '429 Patent.

13. Pursuant to 35 U.S.C. § 282, the '429 Patent is presumed valid.

14. TikTok and ByteDance make, use, offer for sale, distribute, and/or sell in the United States software products that provide TikTok subscribers with social video platform services to create and distribute music videos. Such software products are available for iOS and Android hand-held or tablet devices and are distributed under the TikTok brand name (the "TikTok app" or "Accused Products"), as shown below:



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