

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK INC.,

Petitioner,

v.

DISTEFANO WEBSITE INNOVATIONS, LLC,

Patent Owner.

PTAB Case No. IPR2025-01061

Patent No. 11,763,316

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S PETITION
AND EXPERT DECLARATION
UNDER 37 C.F.R. § 42.64**

First, pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner hereby objects to Exhibit 1003 - “Expert Declaration of Dr. Andy Cockburn” - submitted in support of Petitioner Google LLC’s (“Petitioner”). Patent Owner objects to the entirety of Exhibit 1003 for lacking relevance under Federal Rules of Evidence 401, 402, and 403 and for having unsupported opinion testimony lacking sufficient probative value under Rules 702 and 703. Dr. Cockburn, Petitioner’s expert, makes conclusory statements throughout the Declaration, and his opinions regarding what is taught by the references are not based upon finding the elements in the references.

Second, Patent Owner objects to Dr. Cockburn expert declaration Exhibit 1003 and his opinions relied upon in the Petition for lacking relevance under Federal Rules of Evidence 401, 402, and 403, and for having unsupported opinion testimony lacking sufficient probative value under Rules 702 and 703. Dr. Cockburn fails to have the skills required by the Patent Owner’s person of skill in the art (POSITA) as described in the POPR. *See* POPR, pp. 9-10. Further, Dr. Cockburn’s opinions are cited as permissive rather than as actually being found in the references. For example, “the ‘selection boxes and control tabs’ can be used to generate ‘an instruction to modify the web asset’.” Petition, p. 22 (*emphasis added*).

Third, Patent Owner objects to the Petition for failing to meet the particularity requirement of 35 U.S.C. § 312(a)(3). String cites have been used throughout the Petition. This lack of particularity adversely affects the Patent Owner's ability to

fully respond to the issues raised by the Petitioner. Further, the Petitioner has failed to meet the requirement of the PTAB's Trial Practice Guide, which advises petitioners to "avoid submitting a repository of all the information that a judge could possibly consider, and instead focus on concise, well-organized, easy-to-follow arguments supported by readily identifiable evidence of record." 77 Fed. Reg. 48,756, 48,763 (Aug. 14, 2012). Fourth, Patent Owner objects to the Exhibit 1040 and Petitioner's reliance on the Exhibit 1040 under Federal Rules of Evidence 401, 402, and 403, and for having unsupported opinion testimony lacking sufficient probative value under Rules 702 and 703. Pages 6-7 of the Petition cite to Exhibit 1040 as a District Court decision on page 6 and then cite to Exhibit 1040 as the Federal Circuit appeal on page 7. The exhibit list on page vii states Exhibit 1040 is the District Court decision. Because of this, multiple citations to an exhibit to represent different exhibits make the exhibit unreliable and more confusing than probative.

Fifth, Patent Owner objects to Exhibits 1037-1040 under Federal Rules of Evidence 401, 402, and 403, and for having unsupported opinion testimony lacking sufficient probative value under Rules 702 and 703. The patent claims and references at issue are different from the grounds asserted in this IPR. Beyond the exhibits being used for claim construction, the exhibits are more prejudicial than probative and lack relevance to the current proceeding.

Sixth, Patent Owner objects to the Petitioner failing to name in the real party-in-interest in the Petition the Chinese Communist Party (“CCP”) as a real party-in-interest (“RPI”) as required under 35 U.S.C. § 312(a). The “CCP” has at least an ownership interest in TIKTOK.¹

Seventh, Patent Owner objects to the Petitioner improperly filing a Petition on behalf of an entity controlled by a sovereign, the “CCP,” and, therefore, not a “person” eligible to file IPRs under the Supreme Court’s ruling in *Return Mail, Inc. v. United States Postal Service*, 587 U.S. 618 (2019)².

Dated: January 6, 2026

Respectfully Submitted

By: /s/ Robert Hart/

Robert Hart (Reg. No. 35,185)
Counsel for Patent Owner

¹ The Director has determined *sua sponte* Director Review is appropriate to reconsider the Board’s decision to institute and stayed a number of TIKTOK’s IPRs, *see* IPR2024-00757, paper 34.

² The Director has determined *sua sponte* Director Review is appropriate to reconsider the Board’s decision to institute and stayed a number of TIKTOK’s IPRs, *see* IPR2024-00757, paper 34.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies Patent Owner DH International Ltd. served this **PATENT OWNER'S OBJECTIONS TO PETITIONER'S PETITION AND EXPERT DECLARATION** on the counsel of record for Petitioner TIKTOK INC., by filing this document through the P-TACTS, as well as delivering a copy via electronic mail to the following:

Jaysen S. Chung (Reg. No. 68,199)
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Shuo Josh Zhang (Reg. No. 71,774)
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Date: January 6, 2026

By: /s/ *Robert Hart*
Robert Hart