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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SANTA ANA DIVISION
13

14 UNILOC 2017 LLC, 15 Plaintiff, 16 v. 17 INFOR, INC. ET AL., 18 Defendants.	Case No. 8:19-cv-01150-DOC-KES (CONSOLIDATED) STIPULATION TO STAY PENDING APPEAL
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19 This is a consolidated case concerning two patents owned by Plaintiff, Uniloc
20 2017 LLC. The Court has entered Orders granting stipulations of voluntary dismissal
21 with prejudice as to the claims pending between Uniloc 2017 LLC and the Infor, Inc.
22 and Netsuite Inc. defendants. *See* Dkt. 71 (dismissing claims between Uniloc 2017
23 and Infor), Dkt. 92 (dismissing claims between Uniloc 2017 and Netsuite).

24 The claims between Uniloc 2017 and the following defendants remain pending
25 in this consolidated action: Square Enix, Inc. and Square Enix LLC; Square Enix
26 Holdings Co. Ltd. and Square Enix Co., Ltd.; Ubisoft, Inc. (the “Remaining
27 Defendants”). On March 18, 2021, the Court granted in part counter-defendant
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1 Uniloc’s claims for patent infringement relating to Ubisoft’s use of the Akamai
2 CDN.” Dkt. 103. The Court issued a Scheduling Order in this case on June 21,
3 2021. Dkt. 105.

4 Uniloc 2017 has informed the Remaining Defendants of the attached decision
5 in *Uniloc 2017 LLC v. Google LLC* (N.D. CA, Case No. 4:20-cv-04355, and various
6 related cases) (the “Google Order”). That court held that a third party had the ability
7 to sublicense the patents in the Uniloc portfolio as of the dates those actions were
8 filed; that that ability deprived Uniloc 2017 of constitutional standing to file the
9 actions; and that the court therefore did not have subject matter jurisdiction. As a
10 result, that court dismissed the actions, and Uniloc 2017 is appealing that decision.
11 Fed. Cir. Appeal No. 2021-1498.

12 Uniloc 2017 believes that an appellate decision upholding the Google Order
13 will require dismissal of this case against the Remaining Defendants for lack of
14 subject matter jurisdiction. Thus, Uniloc 2017 believes the Court cannot proceed
15 until the Federal Circuit resolves those issues, and has requested that the Remaining
16 Defendants stipulate to a stay pending the appeal.

17 Uniloc 2017 and the Remaining Defendants therefore STIPULATE, with the
18 consent of the Court, to stay these actions until the United States Court of Appeals for
19 the Federal Circuit issues a decision on the appeal of the Google Order. If the
20 Federal Circuit affirms the Google Order, within fourteen days after the mandate
21 issues Uniloc 2017 will move this Court to dismiss this lawsuit in its entirety for lack
22 of subject matter jurisdiction. Uniloc 2017 further stipulates that any future litigation
23 brought by Uniloc 2017 (or its successors in interest, if applicable) against the
24 Remaining Defendants or their affiliates on the patents-in-suit must proceed in the
25 Central District of California, and that Uniloc 2017 and any of its successors in
26 interest will not re-file its claims, or any new claims based on the same patents, in
27 any other judicial district.

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Respectfully submitted,

/s/ James J. Foster

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