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16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20 UNILOC 2017 LLC,
21 Plaintiff,
22 v.
23 INFOR, INC.,
24 Defendant.

CASE NO. 8:19-cv-01150-DOC-KES

**DEFENDANT INFOR, INC.'S
NOTICE OF MOTION AND
RENEWED MOTION TO
DISMISS PURSUANT TO
FED. R. CIV. P. 12(B)(6)**

Hearing

November 2, 2020
Time: 8:30 AM
Courtroom 9D
Judge: Hon. David O. Carter

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 2, 2020, at 8:30 AM, in
3 Courtroom 9D of the United States District Court for the Central District of California
4 at Ronald Reagan Federal Building and United States Courthouse, 411 W. Fourth
5 Street, Santa Ana, California, 92701, Defendant Infor, Inc. (“Infor”) will and hereby
6 does move the Court to dismiss with prejudice all claims asserted by Plaintiff Uniloc
7 2017 LLC (“Uniloc”) against Infor in the above-captioned matter under Federal Rule
8 of Civil Procedure 12(b)(6) on the following grounds:

9 Uniloc has failed, after amendment, to plead both a plausible case of
10 infringement and a plausible allegation that Uniloc gave Infor pre-suit notice of
11 infringement under 35 U.S.C. § 287(a) in accordance with *Ashcroft v. Iqbal*, 556 U.S.
12 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

13 This Motion is based on this Notice of Motion and Renewed Motion, the
14 Memorandum of Points and Authorities included herein, the accompanying
15 documents, all further pleadings that will be filed by Defendant Infor herein, the paper
16 and records on file herein, and on such further evidence and argument as the Court
17 may permit or require at or prior to the time of the hearing on this Motion.¹

18 **RELIEF SOUGHT**

19 Infor seeks an order dismissing Plaintiff’s claims with prejudice.

20 **LOCAL RULE 7-3 STATEMENT**

21 This Motion is made following the telephonic conference of counsel pursuant to
22 Local Rule 7-3, which took place on October 15, 2019. The parties were not able to
23
24

25
26 ¹ This renewed motion to dismiss is substantively identical to the renewed motion to
27 dismiss that Infor filed before Judge Staton on October 31, 2020, in Case 8:19-cv-
28 01150-JLS-ADS (Dkt. 35). This Court vacated the hearing date for this motion,
along with all other pending motions, when the Court consolidated and stayed the
various Uniloc cases before this Court on December 4, 2020. Dkt. 48.
In accordance with a recommendation of the docket clerk in this case, Infor has
re-filed this motion in this case.

1 reach an agreement, as discussed in the Declaration of Paul E. Torchia filed
2 concurrently herewith.

3
4 Dated: October 6, 2020

5 Respectfully submitted,
6 JOSHUA A. KREVITT
7 PAUL E. TORCHIA
8 WILLIAM C. ROOKLIDGE
9 FLORINA YEZRIL
10 JENNIFER J. RHO
11 ANDREW ROBB
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By: /s/ William C. Rooklidge
William C. Rooklidge

Attorneys for Defendant Infor, Inc.

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City of Irvine, State of California. I am over the age of 18 and not a party to the within action. My business address is 3161 Michelson Drive Irvine, CA 92612.

On October 5, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filings to all known counsel of record. I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

Executed on October 6, 2020, at Irvine, California.

By: /s/ William C. Rooklidge
William C. Rooklidge