

1 MICHELLE L. MARRIOTT (*pro hac vice*)
 michelle.marriott@eriseip.com
 2 ERIC A. BURESH (*pro hac vice*)
 eric.buresh@eriseip.com
 3 MARK C. LANG (*pro hac vice*)
 mark.lang@eriseip.com
 4 CHRIS R. SCHMIDT (SBN 298761)
 chris.schmidt@eriseip.com
 5 ERISE IP, P.A.
 6 7015 College Blvd, Suite 700
 Overland Park, Kansas 66211
 7 Telephone: 913.777.5600
 Facsimile: 913.777.5601
 8

9 Stephen S. Smith
 Law Offices of Stephen S. Smith, P.C.
 10 303 North Glenoaks Blvd., Suite 200
 Burbank, CA 91502
 11 Phone: (310)955-5824

12 *Attorneys for Ubisoft, Inc.*

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**
 15 **SOUTHERN DIVISION**

16 UNILOC 2017 LLC,
 17 Plaintiff,
 18 v.
 19 INFOR, Inc.,
 20 Defendant.

21 _____
 22 UBISOFT, INC.
 23 Plaintiff,
 24 v.
 25 UNILOC 2017, LLC,
 26 Defendant.
 27 _____
 28

CASE NO. 8:19-cv-01150-DOC-KES
 (CONSOLIDATED)

**UBISOFT, INC.’S NOTICE OF
 MOTION AND MOTION FOR
 JUDGMENT ON THE PLEADINGS
 PURSUANT TO FED. R. CIV. P. 12(C)**

Judge: Hon. David O. Carter
 Date Filed: November 23, 2020
 Hearing Date: December 21, 2020
 Time: 8:30 AM
 Location: Ronald Reagan Federal
 Building, Courtroom 9D

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

2 **NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure
3 12(c), on December 21, 2020, or as soon thereafter as the matter may be heard, in
4 Courtroom 9D by the Honorable David O. Carter of the United States District Court for
5 the Central District of California, located at 411 West 4th Street, Santa Ana, California
6 92701, Counter Defendant Ubisoft, Inc. (“Ubisoft”) will, and hereby does, move for an
7 order granting judgment on the pleadings on Counter Plaintiff Uniloc 2017, LLC’s
8 (“Uniloc”) claims with prejudice.

9 This motion is brought pursuant to Federal Rule of Civil Procedure 12(c).
10 Uniloc’s counterclaims for infringement of U.S. Patent Nos. 6,324,578 and 7,069,293
11 (the “Asserted Patents”) are barred as a matter of law by the doctrine of claim preclusion
12 and the *Kessler* doctrine. More specifically, Uniloc’s allegations of infringement against
13 Ubisoft accuse a Content Delivery Network provided by Akamai Technologies, Inc. of
14 performing limitations of the asserted claims. Uniloc previously sued Akamai
15 Technologies, Inc. for infringement of the Asserted Patents, accusing Akamai’s Content
16 Delivery Network of infringement. That lawsuit was dismissed with prejudice, and
17 operates as an adjudication on the merits. Accordingly, Uniloc’s claims for infringement
18 in this case are barred as a matter of law by the doctrine claim preclusion and the *Kessler*
19 doctrine, and Ubisoft respectfully requests that its motion for judgment on the pleadings
20 be granted.

21 This motion is made following the conference of counsel pursuant to L.R. 7-3
22 which took place on November 16, 2020. Counsel for Uniloc, Jim Foster, stated that
23 Uniloc opposes the present motion.

1 Dated: November 23, 2020

Respectfully submitted,

2
3 /s/Michelle L. Marriott

4 Michelle L. Marriott (*pro hac vice*)

5 michelle.marriott@eriseip.com

6 Eric A. Buresh (*pro hac vice*)

7 eric.buresh@eriseip.com

8 Mark C. Lang (*pro hac vice*)

9 mark.lang@eriseip.com

10 Chris R. Schmidt (SBN 298761)

11 chris.schmidt@eriseip.com

12 ERISE IP, P.A.

13 7015 College Blvd., Suite 700

14 Overland Park, KS 66211

15 Phone: (913)777-5600

16 Fax: (913)777-5601

17 Stephen S. Smith (SBN 166539)

18 ssmith@stephensmithlaw.com

19 LAW OFFICES OF STEPHEN S. SMITH, P.C.

20 303 North Glenoaks Blvd., Suite 200

21 Burbank, CA 91502

22 Phone: (310)955-5824

23 Fax: (310)955-5824

24 *Attorneys for Ubisoft, Inc.*

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