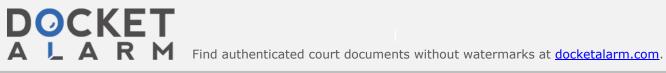
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13	UNITED STATES DISTRICT COURT		
14	CENTRAL DISTRICT OF CALIFORNIA		
15	SOUTHEI	RN DIVISION	
16	UNILOC 2017 LLC,	I	
17	Plaintiff,	CASE NO. 8:19	9-cv-01150-DOC-KES
18	V.	(CONSOLIDA	TED)
19	INFOR, Inc.,	UBISOFT, INC.'S NOTICE OF	
20	Defendant.		D MOTION FOR ON THE PLEADINGS
21			O FED. R. CIV. P. 12(C)
22	UBISOFT, INC.	Judge:	Hon. David O. Carter
23	Plaintiff,	Date Filed:	November 23, 2020
24	v.	Hearing Date: Time:	December 21, 2020 8:30 AM
25	UNILOC 2017, LLC,	Location:	Ronald Reagan Federal
26	Defendant.		Building, Courtroom 9D
27			
28		•	



## TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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

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

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



Dated: November 23, 2020 Respectfully submitted, 1 2 3 /s/Michelle L. Marriott Michelle L. Marriott (pro hac vice) 4 michelle.marriott@eriseip.com 5 Eric A. Buresh (pro hac vice) eric.buresh@eriseip.com 6 Mark C. Lang (pro hac vice) 7 mark.lang@eriseip.com Chris R. Schmidt (SBN 298761) 8 chris.schmidt@eriseip.com 9 ERISE IP, P.A. 7015 College Blvd., Suite 700 10 Overland Park, KS 66211 11 Phone: (913)777-5600 Fax: (913)777-5601 12 13 Stephen S. Smith (SBN 166539) ssmith@stephensmithlaw.com 14 LAW OFFICES OF STEPHEN S. SMITH, P.C. 15 303 North Glenoaks Blvd., Suite 200 Burbank, CA 91502 16 Phone: (310)955-5824 17 Fax: (310)955-5824 18 Attorneys for Ubisoft, Inc. 19 20 21 22 23 24 25 26 27 28

