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18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 INTEL CORPORATION and APPLE INC.,

21 Plaintiffs,

22 v.

23 FORTRESS INVESTMENT GROUP LLC,
 FORTRESS CREDIT CO. LLC, UNILOC
 24 2017 LLC, UNILOC USA, INC., UNILOC
 LUXEMBOURG S.A.R.L., VLSI
 25 TECHNOLOGY LLC, INVT SPE LLC,
 INVENTERGY GLOBAL, INC., DSS
 26 TECHNOLOGY MANAGEMENT, INC., IXI
 IP, LLC, and SEVEN NETWORKS, LLC,

27 Defendants.
28

Case No. 3:19-cv-07651-EMC

**DEFENDANTS' JOINT NOTICE OF
MOTION AND MOTION TO DISMISS
AND TO STRIKE PLAINTIFFS'
COMPLAINT**

Hon. Edward M. Chen

Date: April 23, 2020
 Time: 1:30 p.m.
 Dept.: Courtroom 5

NOTICE OF MOTION AND MOTION

1
2 PLEASE TAKE NOTICE THAT, at 1:30 p.m. on April 23, 2020, in Courtroom 5, 17th
3 floor of 450 Golden Gate Avenue, San Francisco, CA 94102, before the Honorable Judge Edward
4 M. Chen, Defendants Fortress Investment Group LLC (“Fortress”), Fortress Credit Co. LLC
5 (“Fortress Credit”), Uniloc 2017 LLC (“Uniloc 2017”), Uniloc USA, Inc. (“Uniloc USA”), Uniloc
6 Luxembourg S.a.r.l. (“Uniloc Luxembourg”), VLSI Technology LLC (“VLSI”), INVT SPE LLC
7 (“INVT”), Inventergy Global, Inc. (“Inventergy”), DSS Technology Management, Inc. (“DSS”),
8 IXI IP LLC (“IXI”), and Seven Networks, LLC (“Seven Networks” and collectively
9 “Defendants”) will appear and move to dismiss and to strike the Complaint of Plaintiffs Apple Inc.
10 (“Apple”) and Intel Corporation (“Intel” and collectively “Plaintiffs”). Specifically, Defendants
11 move to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and move to
12 strike Plaintiffs’ state law claims pursuant to California Code of Civil Procedure § 425.16. This
13 motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the
14 Declaration of Michael D. Harbour, Defendants’ Request for Judicial Notice, and any other filing,
15 evidence, or argument presented in this matter.

16 Defendants will be entitled to an award of attorneys’ fees and costs if they prevail on their
17 motion to strike. *See* Cal. Code Civ. Proc. § 425.16(c)(1). Should Defendants prevail, they
18 request that the amount of the award be reserved for later briefing following the April 23 hearing.

STATEMENT OF ISSUES TO BE DECIDED

- 19
20 1. Whether Plaintiffs have pleaded a viable antitrust market or market power;
21 2. Whether Plaintiffs have pleaded a cognizable antitrust injury;
22 3. Whether the *Noerr-Pennington* doctrine bars Plaintiffs’ claims under Section 1 of the
23 Sherman Act, 15 U.S.C. § 1, and California Business & Professions Code § 17200;
24 4. Whether Plaintiffs have pleaded a viable Sherman Act Section 1 claim;
25 5. Whether Plaintiffs have pleaded a viable Clayton Act Section 7 claim, 15 U.S.C. § 18;
26 6. Whether Plaintiffs’ California state law claims should be stricken under California’s Anti-
27 SLAPP statute or alternatively dismissed under Rule 12(b)(6); and
28 7. Whether some of Plaintiffs’ claims are barred by the relevant statute of limitations periods.

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