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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

18 LAURI VALJAKKA,
19 *Plaintiff,*
20 v.
21 NETFLIX, INC.,
22 *Defendant.*

Case No. 4:22-cv-01490-JST
NETFLIX, INC.’S NOTICE OF MOTION
AND MOTION TO DISMISS
PLAINTIFF’S WILLFUL
INFRINGEMENT CLAIMS FOR
FAILURE TO STATE A CLAIM;
MEMORANDUM OF POINTS AND
AUTHORITIES

Date: August 25, 2022
Time: 2:00 PM
Place: Courtroom 6
Judge: Hon. Jon S. Tigar

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TABLE OF CONTENTS

	Page
NOTICE OF MOTION AND MOTION	1
MEMORANDUM OF POINTS AND AUTHORITIES	2
I. INTRODUCTION	2
II. STATEMENT OF FACTS	2
III. LEGAL STANDARDS.....	3
IV. ARGUMENT	4
A. Valjakka’s Pre-Suit Willful Infringement Claims Should Be Dismissed Because Valjakka Fails to Plead That Netflix Had Sufficient Knowledge of Infringement or Intent to Infringe the ’167 Patent.	4
B. Valjakka’s <i>Post-Suit</i> Allegations of Willful Infringement Should Also Be Dismissed Because They Are Based Solely on Notice Provided by the Complaint.....	6
C. Valjakka’s Willful Infringement Allegations Should Be Dismissed with Prejudice.....	7
V. CONCLUSION.....	8

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Anderson v. Intel Corp. Inv. Pol’y Comm.</i> , No. 19-CV-04618-LHK, 2022 WL 74002 (N.D. Cal. Jan. 8, 2022).....	7, 8
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	3
<i>Bench Walk Lighting LLC v. LG Innotek Co.</i> , 530 F. Supp. 3d 468 (D. Del. 2021).....	5
<i>BillJCo, LLC v. Apple Inc.</i> , No. 6:21-CV-00528-ADA, 2022 WL 299733 (W.D. Tex. Feb. 1, 2022).....	5
<i>CAP Co. v. McAfee, Inc.</i> , Nos. 14-cv-05068-JD, 14-cv-05071-JD, 2015 WL 3945875 (N.D. Cal. June 26, 2015)	6
<i>Fluidigm Corp. v. IONpath, Inc.</i> , No. C 19-05639 WHA, 2020 WL 408988 (N.D. Cal. Jan. 24, 2020).....	4, 5, 6
<i>MasterObjects, Inc. v. Amazon.com, Inc.</i> , No. C 20-08103 WHA, 2021 WL 4685306 (N.D. Cal. Oct. 7, 2021)	4, 8
<i>Salameh v. Tarsadia Hotel</i> , 726 F.3d 1124 (9th Cir. 2013).....	4, 7
<i>Sonos, Inc. v. Google LLC</i> , No. C 21-07559 WHA, 2022 WL 799367 (N.D. Cal. Mar. 16, 2022)	4, 5, 6, 7
<i>Teradyne, Inc. v. Astronics Test Sys., Inc.</i> , No. CV 20-2713-GW-SHK, 2020 WL 8173024 (C.D. Cal. 2020).....	5, 6
<i>Välinge Innovation AB v. Halstead New Eng. Corp.</i> , No. 16-1082-LPS-CJB, 2018 WL 2411218 (D. Del. May 29, 2018)	4
<i>Välinge Innovation AB v. Halstead New Eng. Corp.</i> , No. CV 16-1082-LPS-CJB, 2018 WL 11013901 (D. Del. Nov. 6, 2018).....	4
<i>Valjakka v. Netflix, Inc.</i> , No. 21-cv-00947 (W.D. Tex., Sept. 13, 2021).....	3
<i>Windy City Innovations, LLC v. Microsoft Corp.</i> , 193 F. Supp. 3d 1109 (N.D. Cal. 2016)	3

1	<i>Wrinkl, Inc. v. Facebook, Inc.</i> ,	
2	No. 20-cv-1345-RGA, 2021 WL 4477022 (D. Del. Sept. 30, 2021).....	7
3	<i>ZapFraud, Inc. v. Barracuda Networks, Inc.</i> ,	
4	528 F. Supp. 3d 247 (D. Del. 2021).....	7
5	STATUTES	
6	28 U.S.C. § 1292(b).....	7
7	35 U.S.C. § 101, <i>et seq.</i>	1
8	RULES	
9	FED. R. CIV. P. 12(b)(6).....	1, 3
10		
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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on August 25, 2022 at 2 pm, in Courtroom 6, Second Floor, United States District Court for the Northern District of California, Oakland Courthouse, 1301 Clay Street, Oakland, CA 94612, Defendant Netflix, Inc. (“Netflix” or “Defendant”) moves for an order dismissing the claims of willful infringement in Plaintiff Lauri Valjakka’s (“Valjakka” or “Plaintiff”) Second Amended Complaint (“SAC”). Dkt. 39. Netflix seeks an order dismissing Valjakka’s willful infringement allegations (SAC ¶¶ 20–22 and references to “willful infringement” in ¶ 26 and the Prayer for Relief) pursuant to Rules 8 and 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim. The issue to be decided is whether Valjakka’s SAC alleges sufficient facts to plead willful infringement of U.S. Patent No. 8,495,167 (“the ’167 Patent”) under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq.*

Defendant’s motion is based on this notice of motion, the accompanying memorandum of points and authorities, the pleadings and other papers submitted in this action, any oral argument or other material that may come before the Court at hearing, as well as any additional matters as to which this Court may take judicial notice.

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