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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 SANTA ANA DIVISION  
13

14 UNILOC 2017 LLC, 15 Plaintiff, 16 v. 17 INFOR, INC. ET AL., 18 Defendants.	Case No. 8:19-cv-01150-DOC-KES (CONSOLIDATED) STIPULATION TO STAY PENDING APPEAL
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19 This is a consolidated case concerning two patents owned by Plaintiff, Uniloc  
20 2017 LLC. The Court has entered Orders granting stipulations of voluntary dismissal  
21 with prejudice as to the claims pending between Uniloc 2017 LLC and the Infor, Inc.  
22 and Netsuite Inc. defendants. *See* Dkt. 71 (dismissing claims between Uniloc 2017  
23 and Infor), Dkt. 92 (dismissing claims between Uniloc 2017 and Netsuite).

24 The claims between Uniloc 2017 and the following defendants remain pending  
25 in this consolidated action: Square Enix, Inc. and Square Enix LLC; Square Enix  
26 Holdings Co. Ltd. and Square Enix Co., Ltd.; Ubisoft, Inc. (the “Remaining  
27 Defendants”). On March 18, 2021, the Court granted in part counter-defendant  
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1 Uniloc’s claims for patent infringement relating to Ubisoft’s use of the Akamai  
2 CDN.” Dkt. 103. The Court issued a Scheduling Order in this case on June 21,  
3 2021. Dkt. 105.

4 Uniloc 2017 has informed the Remaining Defendants of the attached decision  
5 in *Uniloc 2017 LLC v. Google LLC* (N.D. CA, Case No. 4:20-cv-04355, and various  
6 related cases) (the “Google Order”). That court held that a third party had the ability  
7 to sublicense the patents in the Uniloc portfolio as of the dates those actions were  
8 filed; that that ability deprived Uniloc 2017 of constitutional standing to file the  
9 actions; and that the court therefore did not have subject matter jurisdiction. As a  
10 result, that court dismissed the actions, and Uniloc 2017 is appealing that decision.  
11 Fed. Cir. Appeal No. 2021-1498.

12 Uniloc 2017 believes that an appellate decision upholding the Google Order  
13 will require dismissal of this case against the Remaining Defendants for lack of  
14 subject matter jurisdiction. Thus, Uniloc 2017 believes the Court cannot proceed  
15 until the Federal Circuit resolves those issues, and has requested that the Remaining  
16 Defendants stipulate to a stay pending the appeal.

17 Uniloc 2017 and the Remaining Defendants therefore STIPULATE, with the  
18 consent of the Court, to stay these actions until the United States Court of Appeals for  
19 the Federal Circuit issues a decision on the appeal of the Google Order. If the  
20 Federal Circuit affirms the Google Order, within fourteen days after the mandate  
21 issues Uniloc 2017 will move this Court to dismiss this lawsuit in its entirety for lack  
22 of subject matter jurisdiction. Uniloc 2017 further stipulates that any future litigation  
23 brought by Uniloc 2017 (or its successors in interest, if applicable) against the  
24 Remaining Defendants or their affiliates on the patents-in-suit must proceed in the  
25 Central District of California, and that Uniloc 2017 and any of its successors in  
26 interest will not re-file its claims, or any new claims based on the same patents, in  
27 any other judicial district.

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Respectfully submitted,

*/s/ James J. Foster*

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