EXHIBIT 1

GIBSON DUNN

September 5, 2019

VIA E-MAIL (AJACOBS@PRINCELOBEL.COM)

Aaron S. Jacobs
PRINCE LOBEL TYE LLP
One International Place
Suite 3700
Boston, MA 02110

Re: UNILOC 2017 LLC, v. INFOR, INC. 8:19-cv-01150-JLS-ADS (C.D. CAL.)

Dear Aaron:

I write to address Uniloc's allegations that Infor infringes the 578 and 293 patents in the above-captioned case. As you know, Uniloc recently secured a decision from the Federal Circuit reversing a prior judgment that the 578 and 293 patents were directed to ineligible subject matter. *Uniloc USA, Inc. v. ADP, LLC*, 772 F. App'x 890 (Fed. Cir. 2019). Uniloc did so only by asserting that these patents were not directed to abstract software concepts, but rather to certain specific technologies used to centrally manage and distribute customized software over a network. *Id*. at 896-899. The Federal Circuit accepted those assertions and recited these requirements of the patents in its opinion. *Id*.

In the complaint, Uniloc has not even alleged that Infor uses these required technologies. Indeed, as discussed below, in the rare situation where Uniloc actually identifies claim elements, the allegations show that Infor's accused Workforce Management product does not even remotely resemble the claimed invention, as articulated by the Federal Circuit. Elsewhere, Uniloc ignores claim elements entirely. Both failings, under controlling law, compel that the case be dismissed. *See, e.g., N. Star Innovations Inc. v. Kingston Tech. Co., Inc*., 2018 WL 3155258, at *5 (C.D. Cal. May 7, 2018); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

A. The 578 Patent

The specification and claims of the 578 patent are directed to a system for delivering customized, configurable applications to client devices over a network. As the Federal Circuit expressly held, at Uniloc's behest, representative claim 1 of the 578 patent is directed to a system that "that allows for on-demand installation of two-tier customized applications" based on both a "user set" and an "administrator set" of a "plurality of configurable preferences." *Uniloc USA,* 772 F. App'x at 898. As the Court explained, "[t]he positioning of these components on the application server together with the application launcher on the client computer allows customization by both the administrator and the user in such a way as the installation can proceed on-demand with both sets of preferences." *Id*. at 899.

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There is no allegation in the complaint that Infor's Workforce Management product works anything like this. Indeed, as the complaint makes clear, Workforce Management is not a platform for distributing software of any kind, let alone "two-tier customized applications." Rather, Workforce Management is a web-based human resources solution that allows businesses to better manage their workforces, for example, by enabling employees to request certain shifts or time off, and employers to review and approve those requests. Complaint at ¶¶ 10-11.

Uniloc's own allegations show that the accused products do not remotely resemble the 578 patent, and do not use the core required technologies that the Federal Circuit recited in its decision. The alleged "configurable preferences" that Uniloc identifies in the complaint are not alleged to be configurable preferences of the application itself, or to relate to the customization or installation of the application. Indeed, the "user preferences" that Uniloc identifies in the complaint are alleged "preferences" for certain work schedules. *Id*. at ¶ 9. Similarly, the alleged "administrator preferences" are actions taken by employers to approve or deny employee requests, or establish workplace rules. *Id*. at ¶¶ 10-12. Nowhere does Uniloc ever allege—because it cannot—that these purported "preferences" are used to allow "installation [to] proceed on-demand with both sets of preferences," as required by the Federal Circuit. On this basis alone, the complaint must be dismissed.

Uniloc has also failed to address entire elements of the claims. For example, Uniloc has not even alleged what technology in the accused products purportedly satisfies the requirement for "distributing an application launcher program associated with the application program to a client coupled to the network." Again, this element is not only required by all of the claims, but it was emphasized by the Federal Circuit in its decision. Uniloc's inability to provide any factual basis for asserting that this element is satisfied is fatal.

B. The 293 Patent

The specification and claims of the 293 patent are directed to a system for centralized management and distribution of applications to clients from an "on demand server" coupled to a "centralized network management server." As the Federal Circuit expressly held, at Uniloc's behest, the claims of the 293 patent are directed to particular use of this topology, whereby "a file packet" is sent from the centralized network management server to the on demand server, and used to "enable the further functionality of initiating on-demand registration of the application." *Uniloc USA,* 772 F. App'x at 897. According the Court, "[t]his is the clear 'focus' of the claims and the asserted advance described in the specification." *Id*.

Nowhere in the complaint are there any allegations about where any of these required technologies, emphasized by the Federal Circuit, are to be found in the accused product.

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Nowhere does Uniloc even state what in the accused products constitutes the alleged network management server, the on demand server, or the file packet. Nor does Uniloc identify what allegedly performs the step of initiating on-demand registration of the application.

Indeed, Uniloc does little more in the Complaint than assert that "[t]he following image shows that a user has requested a program from Infor and that Infor has called the Workforce Management software from a source directory and delivered the software to a target directory at the user's device." Complaint at ¶ 25. That statement, which is not supported by the document, would establish nothing even if taken as true. But apart from that statement, Uniloc provides nothing more than a listing of the claim elements and a bare assertion that they are satisfied, without any supporting allegations of fact. *Id.* at ¶ 26. That is plainly insufficient as a matter of law.

<p style="text-align:center;">*   *   *</p>

We believe that Uniloc's pleading cannot be cured by amendment and request that Uniloc dismiss the case with prejudice. Please understand that in light of the circumstances above, and in light of the fact that this is the fifth time Uniloc has sued Infor (and the third time on these patents), Infor will seek all appropriate remedies if it is forced to expend additional resources in this case.

In the event Uniloc insists on maintaining this case, we ask that Uniloc promptly respond to this letter in writing, and provide a time to meet and confer no later than Thursday, September 12, in accordance with Local Rule 7-3 and ¶ 9(a) of Judge Staton's standing order, as we intend to file an appropriate motion to dismiss.

Sincerely,

/s Paul E. Torchia

Paul E. Torchia