

1 JOSHUA A. KREVITT, SBN 208552
jkrevitt@gibsondunn.com
2 PAUL E. TORCHIA (*pro hac vice*)
ptorchia@gibsondunn.com
3 FLORINA YEZRIL (*pro hac vice*)
fyezril@gibsondunn.com
4 GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
5 New York, NY 10166-0193
Telephone: 212.351.4000
6 Facsimile: 212.351.4035

7 JENNIFER J. RHO, SBN 254312
jrho@gibsondunn.com
8 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
9 Los Angeles, CA 90071-3197
Telephone: 213.229.7000
10 Facsimile: 213.229.7520

11 ANDREW ROBB, SBN 291438
arobb@gibsondunn.com
12 GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
13 Palo Alto, CA 94304-1211
Telephone: 650.849.5300
14 Facsimile: 650.849.5333

15 *Attorneys for Defendant Infor, Inc.*

16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

19 UNILOC 2017 LLC,
20 Plaintiff,
21 v.
22 INFOR, INC.,
23 Defendants.

CASE NO. 8:19-cv-01150-JLS-ADS

**DECLARATION OF PAUL E.
TORCHIA IN SUPPORT OF
DEFENDANT INFOR, INC.'S
RENEWED MOTION TO
DISMISS PURSUANT TO
FED. R. CIV. P. 12(B)(6)
AND MOTION TO STAY**

1 I, Paul E. Torchia, hereby declare and state:

2 1. I am Partner at the law firm of Gibson, Dunn & Crutcher LLP, attorneys
3 for Defendant Infor, Inc. (“Infor”) in the above titled action. I am a member in good
4 standing of the bar of the State of New York and am admitted to practice before this
5 Court *pro hac vice*. I make this declaration on my own knowledge.

6 2. Attached as **Exhibit 1** is a true and correct copy of Appellants Uniloc
7 Luxembourg S.A. and Uniloc USA, Inc.’s Opening Brief filed in *Uniloc USA, Inc. v.*
8 *ADP, LLC*, No. 18-1132, D.I. 53 (Fed. Cir. Aug. 22, 2018).

9 3. Attached as **Exhibit 2** is a true and correct copy of Appellants Uniloc
10 Luxembourg S.A. and Uniloc USA, Inc.’s Corrected Reply Brief filed in *Uniloc USA,*
11 *Inc. v. ADP, LLC*, No. 18-1132, D.I. 67 (Fed. Cir. Oct. 30, 2018).

12 4. Attached as **Exhibit 3** is a true and correct copy of a webpage titled “Infor
13 To Acquire Workbrain for \$227 Million,” dated April 5, 2007. The webpage was
14 printed on October 29, 2019 from the following URL:

15 [https://www.industryweek.com/information-technology/infor-acquire-workbrain-227-](https://www.industryweek.com/information-technology/infor-acquire-workbrain-227-million)
16 [million.](https://www.industryweek.com/information-technology/infor-acquire-workbrain-227-million)

17 5. Attached as **Exhibit 4** is a true and correct copy of a webpage titled “Infor
18 Enters Cloud CRM Market with Agreement to Acquire Saleslogix,” dated August 14,
19 2014. The webpage was printed on October 29, 2019 from the following URL:

20 [https://www.infor.com/news/infor-enters-cloud-crm-market-with-agreement-to-](https://www.infor.com/news/infor-enters-cloud-crm-market-with-agreement-to-acquire-saleslogix)
21 [acquire-saleslogix.](https://www.infor.com/news/infor-enters-cloud-crm-market-with-agreement-to-acquire-saleslogix)

22 6. Attached as **Exhibit 5** is a true and correct copy of a webpage titled “IBM
23 Simplifies Web Application Management,” dated October 7, 1998. The webpage was
24 printed on October 29, 2019 from the following URL:

25 [https://www-03.ibm.com/press/us/en/pressrelease/2433.wss.](https://www-03.ibm.com/press/us/en/pressrelease/2433.wss)

26 7. Counsel for Uniloc and I conferred over the telephone on October 15,
27 2019, regarding Infor’s intent to file its renewed motion to dismiss. On that call, I also
28 proposed that the parties find a way maintain the status quo and have the renewed

1 motion to dismiss heard on the same day as the scheduling conference, either by
2 proposing to move the scheduling conference out to the hearing date of the renewed
3 motion, accelerating the briefing schedule in an effort to keep the earlier scheduling
4 conference date, or some combination of the two. Counsel for Uniloc declined Infor's
5 proposals and stated that it would oppose Infor's motion to dismiss. Attached as
6 **Exhibit 6** is a true and correct copy of the email chain, beginning on October 14 and
7 ending on October 15, between myself and counsel for Uniloc regarding these
8 discussions.

9 8. On October 18, 2019, in connection with the parties Rule 26(f)
10 conference, I conferred with counsel for Uniloc about Infor's intent to file its motion to
11 stay discovery pending the ruling on Infor's motion to dismiss. Counsel for Uniloc
12 stated it would oppose that motion as well.

13
14 I declare under penalty of perjury pursuant to the laws of the United States of
15 America and the State of California that the foregoing is true and correct.

16
17 Executed at New York, New York, on this 31 day of October, 2019.

18
19 _____
20 */s/ Paul E. Torchia*
21 Paul E. Torchia
22
23
24
25
26
27
28