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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

SQUARE ENIX, INC., AND SQUARE ENIX LLC, Plaintiffs, v. UNILOC 2017 LLC, Defendant.	Case No. 8:19-cv-01061-DOC-KES Hearing: December 4, 2019, 3pm Judge: David O. Carter
UBISOFT, INC., Plaintiff, v. UNILOC 2017 LLC, Defendant.	Case No. 8:19-cv-01062-DOC-KES Hearing: December 4, 2019, 3pm Judge: David O. Carter
UNILOC 2017 LLC, Plaintiff, v. INFOR, INC., Defendant.	Case No. 8:19-cv-01150-DOC-KES Hearing: December 4, 2019, 3pm Judge: David O. Carter
UNILOC 2017 LLC, Plaintiff, v. NETSUITE, INC., Defendant.	Case No. 8:19-cv-01151-DOC-KES Hearing: December 4, 2019, 3pm Judge: David O. Carter

SUPPLEMENTAL BRIEFING OF UNILOC 2017

Uniloc 2017 responds to this Court's December 2 order for briefing:

1.

In *Uniloc 2017 LLC v. Square Enix Holdings Co., Ltd.* 2:2019-cv-00221 (TXED), Uniloc is currently in the process of serving Square Enix Holdings Co., LTD and Square Enix Co., LTD through the Hague because Square Enix's counsel refuses to accept service. The Texas court has entered an order granting Uniloc's Motion for Appointment of an International Process Server.

The *Square Enix* case pending in Texas will affect the *Square Enix* case before this Court because the Square Enix entities named in the Texas suit are, according to representations by Square Enix's counsel, the entities who developed the accused product and have discoverable information concerning the accused product. The parties will be hindered in moving forward in this Court without discovery from the Square Enix entities in Japan who are named parties to the Texas action.

The Square Enix case pending in Texas could cause delay in the other related cases pending in this Court if the schedules are aligned.

2. & 3.

The interlocutory claim construction Uniloc 2017 referred to in its Supplemental Rule 26(f) Report had been issued by Judge Schroeder in the Eastern District of Texas on August 16, 2017, and involved a large number of claim terms. On September 27, 2017, plaintiffs in that action, Uniloc USA, Inc., and Uniloc Luxembourg, S.A., filed a motion to reconsider the construction of two of the terms, with respect to the same patents as involved in the current actions in this Court. Before that motion had been fully briefed, however, Judge Schroeder dismissed the entire action on §101 grounds and thus denied, as moot, the motion to reconsider.

After the §101 decision was reversed with respect to the patents involved in these actions, the Texas action was remanded. Uniloc 2017 then refiled its Motion to Reconsider. Briefing of that motion will be completed by December 10.

That interlocutory claim construction is the same one that NetSuite contends would be dispositive in this case. Uniloc 2017 does not agree with NetSuite's contention, for reasons Uniloc 2017 will set forth when it responds to NetSuite's motion. Uniloc 2017 also contends Judge Schroeder's interlocutory claim construction would not be dispositive of the case against the other three accused infringers.

4.

Of the three options the Court is considering, Uniloc 2017 urges the Court to choose (iii). In the *Square Enix* action, Uniloc 2017 has retained Texas counsel, who is also handling the Texas action and who is not involved in the other three actions. Further, the *Square Enix* action raises issues as to whether other Square Enix related entities need to be added, as well as the question of which action – Texas or California – should take precedence.

The other three actions contain no such threshold issues, and thus can move ahead immediately, yielding the “efficient resolution” this Court is seeking.

Dated: December 3, 2019

Respectfully Submitted,

/s/ James J. Foster

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ATTESTATION OF FILER

I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

/s/ James J. Foster