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20
21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

23 UNILOC 2017 LLC,

24 Plaintiff,

25 v.

26 INFOR, INC.,

27 Defendant.
28

CASE NO. 8:19-cv-01150-DOC-KES

**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)**

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. Counsel for
28 Uniloc stated that it would oppose Infor’s motion to dismiss. Attached as **Exhibit 6** is

1 a true and correct copy of the email chain, beginning on October 14, 2019 and ending
2 on October 15, 2019, between myself and counsel for Uniloc regarding these
3 discussions.

4
5 I declare under penalty of perjury pursuant to the laws of the United States of
6 America and the State of California that the foregoing is true and correct.

7
8 Executed at New York, New York, on this 5 day of October, 2020.

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10 _____
11 */s/ Paul E. Torchia*
12 Paul E. Torchia
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