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12 *Attorneys for Ubisoft, Inc.*

13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**  
 15 **SOUTHERN DIVISION**

16 UNILOC 2017 LLC,  
 17 Plaintiff,  
 18 v.  
 19 INFOR, Inc.,  
 20 Defendant.

21 \_\_\_\_\_  
 22 UBISOFT, INC.  
 23 Plaintiff,  
 24 v.  
 25 UNILOC 2017, LLC,  
 26 Defendant.  
 27 \_\_\_\_\_  
 28

CASE NO. 8:19-cv-01150-DOC-KES  
(CONSOLIDATED)

**UBISOFT, INC.’S NOTICE OF  
 MOTION AND MOTION FOR  
 JUDGMENT ON THE PLEADINGS  
 PURSUANT TO FED. R. CIV. P. 12(C)**

Judge: Hon. David O. Carter  
 Date Filed: November 23, 2020  
 Hearing Date: December 21, 2020  
 Time: 8:30 AM  
 Location: Ronald Reagan Federal  
 Building, Courtroom 9D

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           **NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure  
3 12(c), on December 21, 2020, or as soon thereafter as the matter may be heard, in  
4 Courtroom 9D by the Honorable David O. Carter of the United States District Court for  
5 the Central District of California, located at 411 West 4<sup>th</sup> Street, Santa Ana, California  
6 92701, Counter Defendant Ubisoft, Inc. (“Ubisoft”) will, and hereby does, move for an  
7 order granting judgment on the pleadings on Counter Plaintiff Uniloc 2017, LLC’s  
8 (“Uniloc”) claims with prejudice.

9           This motion is brought pursuant to Federal Rule of Civil Procedure 12(c).  
10 Uniloc’s counterclaims for infringement of U.S. Patent Nos. 6,324,578 and 7,069,293  
11 (the “Asserted Patents”) are barred as a matter of law by the doctrine of claim preclusion  
12 and the *Kessler* doctrine. More specifically, Uniloc’s allegations of infringement against  
13 Ubisoft accuse a Content Delivery Network provided by Akamai Technologies, Inc. of  
14 performing limitations of the asserted claims. Uniloc previously sued Akamai  
15 Technologies, Inc. for infringement of the Asserted Patents, accusing Akamai’s Content  
16 Delivery Network of infringement. That lawsuit was dismissed with prejudice, and  
17 operates as an adjudication on the merits. Accordingly, Uniloc’s claims for infringement  
18 in this case are barred as a matter of law by the doctrine claim preclusion and the *Kessler*  
19 doctrine, and Ubisoft respectfully requests that its motion for judgment on the pleadings  
20 be granted.

21           This motion is made following the conference of counsel pursuant to L.R. 7-3  
22 which took place on November 16, 2020. Counsel for Uniloc, Jim Foster, stated that  
23 Uniloc opposes the present motion.

1 Dated: November 23, 2020

Respectfully submitted,

2  
3 /s/Michelle L. Marriott

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