

EXHIBIT G

Full docket text for document 44:

Judge Richard G. Stearns: ELECTRONIC ORDER entered finding as moot [27] Motion for Judgment on the Pleadings. The parties desire a dismissal of this case, but disagree whether the dismissal is to be with or without prejudice. For the following reason, this case will be DISMISSED WITH PREJUDICE.

Akamai moves for judgment on the pleadings, having discovered in September of 2019 that the two asserted patents had been assigned by IBM to Uniloc, and that under the assignment agreement, IBM had reserved licenses to the assigned patents, as well as "the right to grant sublicenses... to:... any IBM Strategic Partners." Dkt # 22-1 at § 2.1. Uniloc concedes that Akamai qualifies as a "Strategic Partner" under the agreement. However, Uniloc maintains that it nonetheless has viable infringement claims against Akamai (even though it agrees that it makes no business sense to pursue them and seeks a dismissal without prejudice as a result) because, while IBM could sublicense Akamai, Akamai does not assert that it is a licensee.

While Uniloc's reading of the assignment agreement is technically accurate, it is, as a practical matter, barred from asserting infringement claims against Akamai. The agreement designated entities like Akamai as third-party beneficiaries, *id.* § 2.5, and thus Uniloc is obligated to "indemnify [Akamai] from all losses, costs and expenses arising" from the "knowing" assertion or maintenance of a suit, *id.* at § 4.3.

Akamai refuses to stipulate to a dismissal. Unless Uniloc wishes to engage in a Sisyphean labor of suing Akamai and paying for the defense, Uniloc has no choice but to notice a dismissal under Fed. R. Civ. P. 41. Because a previous incarnation of the Uniloc corporate soul has already noticed the dismissal of identical claims against Akamai in 2017, this second dismissal perforce "operates as an adjudication on the merits," Fed. R. Civ. P. 41(a)(1) (B), that is, with prejudice. (Tang, Danni)

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