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

17 UNILOC 2017 LLC,
18 Plaintiff,
19 v.
20 NETSUITE, INC.,
21 Defendant.

Case No. 8:19-cv-01151-JLS-DFM

**NETSUITE'S NOTICE OF
MOTION AND MOTION TO
DISMISS**

Judge: Hon. Josephine L. Staton
Date: November 1, 2019
Time: 10:30 AM
Location: Ronald Reagan Federal
Building, Courtroom 10A

1 TO PLAINTIFF UNILOC 2017 LLC AND ITS COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on November 1, 2019, at 10:30 a.m., or as soon
3 thereafter as counsel may be heard, in Courtroom 10A before the Honorable
4 Josephine L. Staton of the United States District Court for the Central District of
5 California, located at 411 West Fourth Street, Santa Ana, California 92701-4516,
6 defendant NetSuite, Inc. (“NetSuite”) will, and hereby does, move to dismiss plaintiff
7 Uniloc 2017 LLC’s (“Uniloc”) claims in its Complaint for patent infringement of
8 U.S. Patent Nos. 6,324,578 and 7,069,293.

9 NetSuite makes this motion pursuant to Federal Rule of Civil Procedure
10 12(b)(6) on the ground that Uniloc’s Complaint fails to state a plausible claim for
11 infringement under a claim construction ruling that was already issued on these same
12 two asserted patents by Judge Schroeder in the United States District Court for the
13 Eastern District of Texas.

14 This motion is supported by the attached Memorandum of Points and
15 Authorities; the Declaration of Matthew G. Berkowitz and accompanying exhibits;
16 the files, records, and pleadings in this action; and any arguments presented at the
17 time of the hearing on this motion.

18 **LOCAL RULE 7-3 STATEMENT**

19 This motion is made following the conference of counsel pursuant to Local
20 Rule 7-3, which took place on September 4, 2019. Counsel for Plaintiff indicated that
21 Plaintiff was not interested in amending the complaint. *See* Declaration of Matthew
22 Berkowitz In Support of NetSuite’s Motion to Dismiss ¶ 7.

23
24 Dated: September 12, 2019

Respectfully submitted,

SHEARMAN & STERLING LLP

/s/ Matthew G. Berkowitz

Matthew G. Berkowitz

Attorney for Defendant NetSuite, Inc.