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12 *Attorneys for Defendant NetSuite Inc.*

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 FIRST AMENDED  
COMPLAINT**

Judge: Hon. Josephine L. Staton  
Date: December 13, 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 December 13, 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 First Amended Complaint for patent  
8 infringement of 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 First Amended Complaint, like its original  
11 Complaint, fails to state a plausible claim for infringement under a claim construction  
12 ruling that was already issued on these same two asserted patents by Judge Schroeder  
13 in the United States District Court for the Eastern District of Texas.

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

17 **LOCAL RULE 7-3 STATEMENT**

18 This motion is made following the conference of counsel pursuant to Local  
19 Rule 7-3, which took place on October 4, 2019. Counsel for Plaintiff indicated that  
20 Plaintiff would oppose the present motion.

21 Dated: October 16, 2019

Respectfully submitted,

22 SHEARMAN & STERLING LLP

23 /s/ Matthew G. Berkowitz

24 Matthew G. Berkowitz

25 *Attorney for Defendant NetSuite Inc.*