IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNILOC 2017 LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:19-cv-11276
v.	)	
	)	
AKAMAI TECHNOLOGIES, INC.,	)	**FILED UNDER SEAL**
	)	
Defendant.	)	

**MEMORANDUM OF LAW IN SUPPORT OF AKAMAI TECHNOLOGIES, INC.'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

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I.   INTRODUCTION

Uniloc 2017 LLC ("Uniloc") has no basis to maintain this case against Akamai Technologies, Inc. ("Akamai"). Indeed, as stated in its October 2, 2019 Reply to Defendant's Counterclaims, Uniloc agrees that the case should be dismissed. *See* Dkt. 25 ("Uniloc Reply") ¶ 49 (admitting that Uniloc "will ask this Court to dismiss the action"). Thus, the only questions left for the Court to decide are: (1) whether the case should be dismissed with prejudice; and (2) whether Uniloc and its counsel should reimburse Akamai's fees and costs because they unreasonably filed multiple litigations against Akamai alleging infringement of U.S. Patent Nos. 7,069,293 and 6,324,578 ("Asserted Patents"), despite having no right to assert them against Akamai. Akamai respectfully submits that this case should be dismissed with prejudice.

This is the ***third time*** that Uniloc entities have sued Akamai for infringement of the Asserted Patents. *See* Dkt. 21 ("Akamai Counterclaims") ¶ 47; Uniloc Reply ¶ 47. Uniloc is the successor of two prior Uniloc entities that also sued Akamai on these same patents, namely: Uniloc Luxembourg S.A. and Uniloc USA, Inc. All three Uniloc entities are patent assertion entities that are managed by the same person, Craig Etchegoyen, and in each of these three cases they have been represented by the same counsel at Prince Lobel Tye LLP. *See* Akamai Counterclaims ¶¶ 50-51; Uniloc Reply ¶¶ 50-51. In each case, the Uniloc plaintiffs filed suit, demanded that Akamai pay a significant settlement, and then dismissed the case shortly thereafter (once in response to an Akamai motion to dismiss and a second time in response to a district court finding the patents invalid under 35 U.S.C. § 101).[1] Akamai Counterclaims ¶ 48; Uniloc Reply ¶ 48. Uniloc now concedes that this case should be dismissed as well. *See* Akamai Counterclaims ¶ 49; Uniloc Reply ¶ 49.

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[1] *See Uniloc USA, Inc. v. ADP, LLC*, 279 F. Supp. 3d 736 (E.D. Tex. 2017), *aff'd in part, rev'd in part and remanded*, 772 F. App'x 890 (Fed. Cir. 2019).

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