

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

UNILOC 2017 LLC,

Plaintiff,

v.

ATHENAHEALTH, INC.,

Defendant.

Civil Action No. 1:19-cv-11278-RGS

ORAL ARGUMENT REQUESTED

---

DEFENDANT ATHENAHEALTH'S MOTION TO DISMISS THE COMPLAINT  
WITHOUT PREJUDICE TO REPLEAD

---

Defendant athenahealth, Inc. ("athenahealth") hereby moves this Court to dismiss each of the Counts in Plaintiff Uniloc 2017 LLC's ("Uniloc") Complaint under Federal Rule of Civil Procedure 12(b)(6), because the Complaint fails to plausibly plead claims of direct or indirect patent infringement. For the reasons set forth in the Memorandum in Support filed herewith, athenahealth asks the Court to dismiss the Complaint **without prejudice** for Uniloc to replead.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d) athenahealth believes that oral argument may assist the Court and wishes to be heard.

Dated: August 28, 2019

/s/ Steven R. Katz

Steven R. Katz (BBO #642732)

katz@fr.com

Matthew C. Berntsen (BBO #678533)

berntsen@fr.com

Christopher R. Dillon (BBO #640896)

dillon@fr.com

Andrew G. Pearson (BBO #688709)

pearson@fr.com

James Sebel (BBO #693531)

sebel@fr.com

FISH & RICHARDSON P.C.

One Marina Park Drive

Boston, MA 02210

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Attorneys for Defendant

athenahealth, Inc.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I hereby state that counsel for athenahealth, Inc. complied with the requirements of Local Rule 7.1(a)(2) by conferring in good faith with counsel for Uniloc 2017 LLC by telephone on August 23, 2019. Uniloc 2017 LLC opposes the relief requested in this motion.

/s/ Steven R. Katz

Steven R. Katz

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 28<sup>th</sup> day of August 2019.

/s/ Steven R. Katz

Steven R. Katz