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9                       UNITED STATES DISTRICT COURT

10                     NORTHERN DISTRICT OF CALIFORNIA

11                            SAN JOSE DIVISION

12

13   KONDA TECHNOLOGIES, INC., a          Case No. 5:18-cv-07581-LHK
     California corporation,
14
              Plaintiff,                   **NOTICE OF MOTION AND MOTION TO**
15                                         **DISMISS COMPLAINT PURSUANT TO**
         vs.                               **FED. R. CIV. P. 12(b)(6) AND TO STRIKE**
16                                         **PORTIONS OF COMPLAINT**
     FLEX LOGIX TECHNOLOGIES, INC,.        **PURSUANT TO FED. R. CIV. P. 12(f);**
17                                         **MEMORANDUM OF POINTS AND**
              Defendant.                   **AUTHORITIES IN SUPPORT THEREOF**
18
19                                         Date:      May 9, 2019
                                           Time:      1:30 p.m.
20                                         Judge:     Lucy H. Koh
                                           Ctrm.:     8, 4th Floor
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FLEX LOGIX EXHIBIT 1056

**NOTICE OF MOTION AND MOTION TO DISMISS AND TO STRIKE**

To Plaintiff Konda Technologies, Inc., and its counsel of record:

PLEASE TAKE NOTICE that on May 9, 2019, at 1:30 p.m., or as soon thereafter as the matter may be heard, in Courtroom No. 8 of the above-captioned Court, located at 4th Floor, 280 South 1st Street, San Jose, CA 95113, Defendant Flex Logix Technologies, Inc. ("Flex Logix") hereby does move the Court for an Order dismissing with prejudice in its entirety Konda Technologies, Inc.'s ("Konda Tech") complaint in this action pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or for an Order striking or dismissing certain portions of Konda's Complaint under Federal Rule of Civil Procedure 12(f) and/or 12(b)(6).

Specifically, Flex Logix moves for an Order dismissing with prejudice:

[1]     Konda Tech's Third, Fourth, and Sixth Causes of Action because those Causes of Action fail to state a claim for patent infringement due to the invalidity of each of the patents under 35 U.S.C. § 102.

[2]     Konda Tech's Second, Third, Fourth, Fifth, and Sixth Causes of Action because those Causes of Action do not plead facts sufficient to state a plausible claim for patent infringement.

[3]     Konda Tech's First Cause of Action for Unfair Business Practices pursuant to California Business & Professions Code Section 17200 et seq. as preempted by federal patent law and as barred by the statute of limitations.

In the event that Konda Tech's complaint is not dismissed in its entirety, Flex Logix also moves for an Order striking and/or dismissing Konda Tech's complaint's references to "fraud" due to the fact that the complaint's references to fraud are immaterial and impertinent with respect to the claims pled and scandalous and in view of the complaint's failure to plead any alleged fraud with particularity.

1    This motion is based upon this Notice of Motion and Motion; the attached Memorandum

2  of Points and Authorities[1]; all other materials supporting this Motion or the Reply brief filed in

3  support thereof; all pleadings on file in this matter; and any other materials or arguments the Court

4  may receive at or before the hearing on this Motion.

5

6  DATED:  January 24, 2019                    MUNGER, TOLLES & OLSON LLP

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9                                          By:      */s/  Gregory P. Stone*
                                                   GREGORY P. STONE

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11                                         Attorneys for Defendant FLEX LOGIX
                                           TECHNOLOGIES, INC.

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[1] Defined terms in this Motion are also used in the accompanying Memorandum of Points and Authorities.

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