

1 GREGORY P. STONE (State Bar No. 78329)  
 gregory.stone@mto.com  
 2 STEVEN M. PERRY (State Bar No. 106154)  
 steven.perry@mto.com  
 3 ELIZABETH A. LAUGHTON (State Bar No. 305800)  
 elizabeth.laughton@mto.com  
 4 MUNGER, TOLLES & OLSON LLP  
 350 South Grand Avenue, 50th Floor  
 5 Los Angeles, California 90071-3426  
 Telephone: (213) 683-9100  
 6 Facsimile: (213) 687-3702

7 Attorneys for Defendant  
 FLEX LOGIX TECHNOLOGIES, INC.

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION  
 12

13 KONDA TECHNOLOGIES, INC., a  
 California corporation,

14 Plaintiff,

15 vs.

16 FLEX LOGIX TECHNOLOGIES, INC., a  
 17 Delaware Corporation; DEJAN MARKOVIC,  
 PH.D., an individual; and CHENG C. WANG,  
 18 PH.D., an individual,

19 Defendants.  
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Case No. 5:18-cv-07581-LHK

**FLEX LOGIX TECHNOLOGIES, INC.'S  
 NOTICE OF MOTION AND MOTION TO  
 DISMISS FIRST AMENDED  
 COMPLAINT PURSUANT TO FED. R.  
 CIV. P. 12(b)(6) AND MEMORANDUM  
 OF POINTS AND AUTHORITIES IN  
 SUPPORT THEREOF**

Date: July 11, 2019  
 Time: 1:30 pm  
 Judge: Lucy H. Koh  
 Ctrm.: 8, 4th Floor

**NOTICE OF MOTION AND MOTION TO DISMISS**

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

PLEASE TAKE NOTICE that on July 11, 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”) will, pursuant to Federal Rule of Civil Procedure 12(b)(6), move the Court for an Order dismissing with prejudice all Counts of Konda Technologies, Inc.’s (“Konda Tech”) First Amended Complaint in this action that are asserted against Flex Logix.

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] Portions of 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 indirect or willful 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 and as barred by the statute of limitations; and

[4] Konda Tech’s Ninth Cause of Action for Misappropriation of Trade Secrets as barred by the statute of limitations and for failure to plead the use of reasonable efforts to maintain the secrecy of the alleged trade secrets.

This motion is based upon this Notice of Motion and Motion; the attached Memorandum of Points and Authorities; all other materials supporting this Motion or the Reply brief filed in support thereof; all pleadings on file in this matter; and any other materials or arguments the Court may receive at or before the hearing on this Motion.<sup>1</sup>

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<sup>1</sup> Defined terms in this Motion are also used in the accompanying Memorandum of Points and Authorities.

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DATED: March 18, 2019

MUNGER, TOLLES & OLSON LLP

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

Attorneys for Defendant FLEX LOGIX  
TECHNOLOGIES, INC.

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