IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC., and
UNILOC LUXEMBOURG, S.A.,
 	
      Plaintiffs,
V.
 	
ADP, LLC.
 	
      Defendant.
	CASE NO. 2:16-cv-00741-JRG
	
	(CONSOLIDATED CASE)
	
	JURY TRIAL DEMANDED

UNILOC USA, INC., and
UNILOC LUXEMBOURG, S.A.,
 	
      Plaintiffs,
V.
 	
BIG FISH GAMES, INC.,
 	
      Defendant.
	CASE NO. 2:16-cv-00858-JRG
	
	(INDIVIDUAL CASE)
	
	JURY TRIAL DEMANDED

DEFENDANT BIG FISH GAMES, INC.'S MOTION TO DISMISS
<u>THE COMPLAINT FOR FAILURE TO STATE A CLAIM</u>

TABLE OF CONTENTS

Page

<u>TABLE OF AUTHORITIES</u>

Page(s)

Cases

Statutes

Other Authorities

Plaintiffs Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together, "Uniloc") accuse Defendant Big Fish Games, Inc. ("Big Fish") of infringing three U.S. patents, each of which purports to claim configurations of servers and clients in a networked environment. But each asserted patent simply claims a known, abstract, and conventional technique for information management. In *Alice Corp. Pty. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014), the Supreme Court made clear that such techniques are unpatentable as a matter of law, and numerous decisions (including decisions of this Court) have applied *Alice* at the pleading stage to dismiss cases asserting similar patents.

Because all claims of the asserted patents are invalid under 35 U.S.C. § 101, Big Fish respectfully moves this Court for dismissal of the complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim.[1]

BACKGROUND

Big Fish is a Seattle, Washington-based company that provides market-leading games, including "board" games, arcade games, and social casino games, to users around the world via online platforms and mobile applications for PC, Mac, iPad, iPhone, and Android devices. Uniloc is a Luxembourg-based patent-assertion entity that filed this action against Big Fish on August 2, 2016, for allegedly infringing U.S. Patent Nos. 6,324,578 (the "'578 Patent"); 6,510,466 (the "'466 Patent"); and 7,069,293 (the "'293 Patent") (collectively, the "Patents-in-Suit"). The three patents claim a priority date of December 14, 1998, and were allegedly assigned to Uniloc from the original owner, IBM, in 2016. Plaintiffs are currently asserting one or more of these or related patents against nearly twenty unrelated companies, including Big Fish.

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[1]   The arguments presented here are substantially similar to those presented in the motions to dismiss filed by Defendant ADP, LLC at ECF No. 17 in Case No. 2:16-cv-741[JRG] and Defendant Salesforce.com, Inc. at ECF No. 24 in Case No. 2:16-cv-744[JRG].

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