

1 Robert W. Unikel
 2 robertunikel@paulhastings.com
 3 Michelle Marek Figueiredo (IL Bar #6297112)
 4 michellemarek@paulhastings.com
 5 Matthew Richard Lind (IL Bar #6327241)
 6 mattlind@paulhastings.com
 7 John A. Cotiguala (IL Bar #6311056)
 8 johncotiguala@paulhastings.com
 9 PAUL HASTINGS LLP
 10 71 South Wacker Dr., 45th Floor
 11 Chicago, IL 60606
 12 Telephone: (312) 499-6000
 13 Facsimile: (312) 499-6100

Aaron S. Jacobs (CA Bar No. 214953)
 ajacobs@princelobel.com
 Kevin Gannon
 kgannon@princelobel.com
 PRINCE LOBEL TYE LLP
 One International Place, Suite 3700
 Boston, MA 02110
 Tel: (617) 456-8000
 Fax: (617) 456-8100
 Attorneys for Plaintiff Uniloc 2017 LLC

8 [ADDITIONAL COUNSEL LISTED ON
 9 SIGNATURE PAGE]

10 Attorneys for Defendant Google LLC

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 UNILOC 2017 LLC,
 16
 17 Plaintiff,
 18 v.
 19 GOOGLE LLC,
 20 Defendant.

Case No. 4:20-cv-05340-YGR
**STIPULATION AND ~~[PROPOSED]~~
 ORDER FOR ENTRY OF JUDGMENT**

21
 22
 23
 24
 25
 26
 27
 28

1 Plaintiff Uniloc 2017 LLC (“Uniloc”) and Defendant Google LLC (“Google”) hereby
2 stipulate as recited below and move for entry of final judgment of invalidity as to claim 1 of U.S.
3 Patent No. 6,452,515 (the “’515 patent”):

4 WHEREAS on November 17, 2018, Uniloc filed a Complaint (Dkt. No. 1) for patent
5 infringement against Google alleging that Google infringed the ’515 patent;

6 WHEREAS on May 6, 2019, Uniloc served its Disclosure of Asserted Claims and
7 Infringement Contentions alleging infringement of only claim 1 of the ’515 patent;

8 WHEREAS on October 18, 2019, Google filed a Renewed Motion to Dismiss for Lack of
9 Standing and Improper Venue (Dkt. No. 99);

10 WHEREAS on October 30, 2019, Google filed a Motion for Summary Judgment of Non-
11 Infringement (Dkt. No. 110);

12 WHEREAS on February 4, 2020, Magistrate Judge Payne issued a Claim Construction
13 Memorandum and Order (Dkt. No. 177) finding the phrase “[means] for encoding these labels in
14 a random order” from claim 1 of the ’515 patent indefinite for failure to disclose corresponding
15 structure in the specification;

16 WHEREAS on February 25, 2020, Google filed a Motion for Summary Judgment of
17 Invalidity in View of the Court’s Claim Construction Order (Dkt. No. 195) requesting that the
18 Court declare claim 1, the only claim asserted in this proceeding, invalid;

19 WHEREAS on March 25, 2020, Chief Judge Gilstrap issued an Order (Dkt. No. 229)
20 adopting the Claim Construction Memorandum and Order (Dkt. No. 177);

21 WHEREAS on May 1, 2020, Magistrate Judge Payne issued a Report and
22 Recommendation (Dkt. No. 240) recommending that Google’s Motion for Summary Judgment of
23 Invalidity (Dkt. No. 195) be granted;

24 WHEREAS on May 15, 2020, Uniloc filed an objection to the Report and
25 Recommendation (Dkt. No. 242) and on May 29, 2020, Google filed a Response, but the case was
26 transferred to this district before the Report and Recommendation was acted upon;

27 WHEREAS Uniloc and Google agree that final judgment of invalidity should be entered
28 by the Court as a result of the claim construction ruling;

1 WHEREAS Uniloc and Google agree that claim 1 of the '515 patent should be declared
2 invalid for indefiniteness, assuming the correctness of the claim construction ruling;

3 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED by Uniloc and
4 Google, subject to the approval of the Court, as follows:

- 5 1. Uniloc and Google stipulate and request that the Court enter final judgment that
6 claim 1 of the '515 patent is invalid;
- 7 2. Uniloc and Google stipulate and request that the Court enter final judgment in
8 favor of Google with respect to Uniloc's Complaint alleging patent infringement;
- 9 3. Uniloc reserves its right to appeal the determination that claim 1 of the '515 patent
10 is indefinite;
- 11 4. Google reserves its right to challenge Uniloc's standing on appeal;
- 12 5. Google reserves its right to re-raise all its defenses in this proceeding (including,
13 without limitation, lack of standing and non-infringement) if the Federal Circuit does not
14 affirm the judgment of invalidity on appeal; and
- 15 6. Google reserves its right to seek attorney's fees and costs in this proceeding.

16
17 IT IS SO STIPULATED.

18
19 Dated: August 28, 2020

Respectfully submitted,

20
21 By: /s/ Aaron S. Jacobs

By: /s/ Robert W. Unikel

22 Aaron S. Jacobs (CA Bar No. 214953)
 23 ajacobs@princelobel.com
 24 Kevin Gannon
 kgannon@princelobel.com
PRINCE LOBEL TYE LLP
 25 One International Place, Suite 3700
 Boston, MA 02110
 26 Tel: (617) 456-8000
 Fax: (617) 456-8100

Robert W. Unikel
 robertunikel@paulhastings.com
 Michelle Marek Figueiredo (IL Bar #6297112)
 michellemarek@paulhastings.com
 Matthew Richard Lind (IL Bar #6327241)
 mattlind@paulhastings.com
 John A. Cotiguala (IL Bar #6311056)
 johncotiguala@paulhastings.com
PAUL HASTINGS LLP
 71 South Wacker Dr., 45th Floor
 Chicago, IL 60606
 Telephone: (312) 499-6000

27
28 Attorneys for Plaintiff Uniloc 2017 LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Facsimile: (312) 499-6100

Elizabeth L. Brann (CA Bar #222873)
elizabethbrann@paulhastings.com
Ariell Nicole Bratton (CA Bar #317587)
ariellbratton@paulhastings.com
PAUL HASTINGS LLP
4747 Executive Drive, 12th Floor
San Diego, CA 92121
Telephone: (858) 458-3000
Facsimile: (858) 458-3005

Robert Laurenzi (NY Bar #3024676)
robertlaurenzi@paulhastings.com
PAUL HASTINGS LLP
200 Park Avenue, 26th Floor
New York, NY 10166
Telephone: (212) 318-6000
Facsimile: (212) 318-6100

Christopher W. Kennerly (TX Bar #795077)
chriskennerly@paulhastings.com
PAUL HASTINGS LLP
1117 South California Avenue
Palo Alto, CA 94304
Telephone: (650) 320-1800
Facsimile: (650) 320-1900

Grant N. Margeson (CA Bar #299308)
grantmargeson@paulhastings.com
PAUL HASTINGS LLP
101 California Street
Forty-Eighth Floor
San Francisco, California 94111
Telephone: (415) 856-7000
Facsimile: (415) 856-7100

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
E. Glenn Thames, Jr.
State Bar No.00785097
glennthames@potterminton.com
Patrick C. Clutter
State Bar No. 24036374
patrickclutter@potterminton.com
POTTER MINTON, P.C.
110 N. College Ave., Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

Attorneys for Defendant Google LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I attest that concurrence in the filing of this document has been obtained from its signatories.

Dated: August 28, 2020

By: /s/ Aaron S. Jacobs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 1, 2020


