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14 Attorneys for Defendant DROPBOX, INC.

15 **IN THE UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **OAKLAND DIVISION**

18 SYNCHRONOSS TECHNOLOGIES, INC.,

No. 4:16-cv-00119-HSG

19 Plaintiff,

**DROPBOX, INC.'S UNOPPOSED
 MOTION FOR LEAVE TO FILE
 STATEMENT OF RECENT
 DECISION; ORDER**

20 v.

21 DROPBOX, INC.,

22 Defendant.

Judge: Hon. Haywood S. Gilliam, Jr.
 Complaint Filed: March 27, 2015
 Case Transferred: January 8, 2016

1 Pursuant to Local Rule 7-11, Defendant Dropbox, Inc. (“Dropbox”) respectfully moves
2 the Court for leave to file the attached Statement of Recent Decision regarding the Federal
3 Circuit’s recent precedential opinion in *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises,*
4 *Inc.*, Nos. 2018-2215, 2018-2254 (Fed. Cir. Jan. 13, 2020) (attached as Exhibit A to the
5 Statement of Recent Decision). The Federal Circuit’s decision in *Eko Brands* is relevant to
6 Dropbox’s pending Motion for Attorney’s Fees pursuant to 35 U.S.C. § 285, Dkt. No. 436.¹
7 Specifically, in *Eko Brands* the Federal Circuit affirmed a district court’s decision to award
8 attorney’s fees pursuant to § 285 “because of [a patentee’s] unreasonable pursuit of its
9 infringement claims” after claim construction foreclosed them. Slip op. at 8–10; *see Eko Brands*
10 *v. Adrian Rivera Maynez Enters., Inc.*, Case No. C15-522RSL, ECF No. 130 (W.D. Wash. Nov.
11 3, 2016) (attached as Exhibit B to the Statement of Recent Decision).

12 Counsel for Plaintiff Synchronoss Technologies, Inc. (“Synchronoss”) has indicated that
13 Synchronoss does not oppose this Motion.

14 For the foregoing reasons, Dropbox respectfully requests permission to file the attached
15 Statement of Recent Decision citing the Federal Circuit’s opinion in *Eko Brands*.

16 Dated: January 28, 2020

Respectfully submitted,

17 By: /s/ Thomas H. L. Selby
18 Thomas H. L. Selby (*Pro Hac Vice*)
19 David M. Krinsky (*Pro Hac Vice*)
20 Adam D. Harber (*Pro Hac Vice*)
21 Christopher J. Mandernach (*Pro Hac Vice*)
22 Sarah L. O’Connor (*Pro Hac Vice*)
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24 WILLIAMS & CONNOLLY LLP

25 Jonathan A. Patchen (SBN 237346)

26 BAKER BOTTS LLP

27 Attorneys for Defendant DROPBOX, INC.

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¹ Because the Court vacated the hearing on Dropbox’s Motion, Dkt. No. 507, Dropbox submits
this Motion pursuant to Civ. L.R. 7-11 and not Civ. L.R. 7-3(d)(2), which permits filing a
statement of recent decision before the noticed hearing date.

1 **ATTESTATION**

2 I, D. Shayon Ghosh, am the ECF user whose ID and password are being used to file the
3 above **DROPBOX, INC.’S UNOPPOSED MOTION FOR LEAVE TO FILE STATEMENT**
4 **OF RECENT DECISION**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that
5 each listed counsel above has concurred in this filing.

6 */s/ D. Shayon Ghosh*
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ORDER

THIS MATTER, having come before the Court upon Defendant Dropbox, Inc.'s Unopposed Motion for Leave to File Statement of Recent Decision, and the Court having reviewed the papers submitted on the Motion, and good cause having been shown,

IT IS ORDERED that Dropbox, Inc.'s Unopposed Motion for Leave to File Statement of Recent Decision is GRANTED.

SO ORDERED.

Dated: 1/29/2020



HON. HAYWOOD S. GILLIAM, JR.

UNITED STATES DISTRICT JUDGE