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 SAN DIEGO COUNTY REGIONAL AIRPORT  
 8 AUTHORITY

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 10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 PARK ASSIST, LLC,  
 13  
 Plaintiff,  
 14  
 v.  
 15 SAN DIEGO COUNTY REGIONAL  
 16 AIRPORT AUTHORITY and ACE  
 PARKING MANAGEMENT, INC.,  
 17  
 Defendants.

Case No. 3:18-cv-02068-BEN-MDD

**DEFENDANT SAN DIEGO  
 COUNTY REGIONAL AIRPORT  
 AUTHORITY'S NOTICE OF  
 MOTION AND MOTION TO  
 DISMISS AMENDED  
 COMPLAINT UNDER  
 35 U.S.C. § 101**

Date: December 10, 2018  
 Time: 10:30 a.m.  
 Ctrm: 5A  
 Judge: Hon. Roger T. Benitez

Demand for Jury Trial

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**NOTICE OF MOTION AND MOTION**

TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF RECORD: PLEASE TAKE NOTICE that on December 10, 2018, at 10:30 a.m. or as soon thereafter as the matter may be heard in Courtroom 5A, before the Honorable Roger T. Benitez, SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY will and hereby does move the Court to dismiss Park Assist LLC’s Amended Complaint with prejudice.

As set forth in the accompanying Memorandum of Points and Authorities, the claims of the patent-in-suit are directed to subject matter that is ineligible for patenting under 35 U.S.C. § 101 and contain no elements that transform them into patentable subject matter. The Court should invalidate those claims and dismiss the Amended Complaint with prejudice.

This Motion is based on this Notice, the Memorandum of Points and Authorities and materials filed herewith, and all records, pleadings and files herein, and any other matters that the Court deems appropriate.

Dated: November 8, 2018

MORRISON & FOERSTER LLP

By: /s/ Eric M. Acker  
ERIC M. ACKER  
EAcker@mofo.com

Attorneys for Defendant  
SAN DIEGO COUNTY  
REGIONAL AIRPORT  
AUTHORITY

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**CERTIFICATE OF SERVICE**

The undersigned hereby certified that on November 8, 2018 a true and correct copy of the foregoing was transmitted electronically to the Electronic Filing System of the United States District Court for the Southern District of California which, under Local Civil Rule 5.4(b)-(d), is believed to have sent notice of such filing, constituting service of the filed document, on all Filing Users, all of whom are believed to have consented to electronic service.

Executed on November 8, 2018, at San Diego, California.

/s/ Eric M. Acker  
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