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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

NOMADIX, INC.,

Plaintiff,

v.

GUEST-TEK INTERACTIVE  
ENTERTAINMENT LTD.,

Defendant.

Case No. CV19-04980 AB (FFMx)

**JUDGMENT**

1 Plaintiff Nomadix, Inc. (“Nomadix”), filed a Motion for Summary Judgment.  
2 (Dkt. No. 66.) After reviewing the opposition Defendant Guest-Tek Interactive  
3 Entertainment Ltd. (“Guest-Tek”) filed and hearing oral argument, the Court granted  
4 Nomadix’s motion. (Dkt. No. 113.) The Court now enters final judgment in favor of  
5 Plaintiff Nomadix as follows.

6 1. Defendant Guest-Tek, and its officers, agents, servants, employees,  
7 representatives, directors, attorneys, successors, affiliates, and assigns, and entities  
8 owned or controlled by Guest-Tek, and all those in active concert or participation  
9 with any of the foregoing, are hereby permanently **ENJOINED** from each of the  
10 following acts:

11 a. participating any further in, or otherwise taking any further  
12 action in, each of IPR2019-00211, IPR2019-00253, and IPR2019-01191  
13 before the Patent Trial and Appeal Board (“PTAB”) of the United States  
14 Patent and Trademark Office, except in furtherance of paragraph 2 below;

15 b. initiating, pursuing, prosecuting, or taking any steps with respect  
16 to any appeal or review of any judgment, decision, order, or disposition in any  
17 of IPR2019-00211, IPR2019-00253, and IPR2019-01191;

18 c. filing any additional petitions with the PTAB challenging a  
19 Nomadix patent licensed under the parties’ December 30, 2010 Confidential  
20 License Agreement (the “Agreement”); and

21 d. subject to clauses 7.1 and 7.2 of the Agreement, raising a dispute  
22 arising out of or in connection with the Agreement in any forum other than  
23 the United States District Court for the Central District of California, or, only  
24 if such dispute may not be brought in that District Court, a California Superior  
25 Court in Los Angeles or Orange County.

26 2. Defendant Guest-Tek is hereby **ORDERED** to join Plaintiff Nomadix  
27 in requesting that the PTAB terminate IPR2019-00211 and IPR2019-00253,  
28 including cooperating with Plaintiff Nomadix in taking steps—within two business

1 days of entry of this final judgment in the civil docket—to obtain authorization from  
2 the PTAB to file motions to terminate IPR2019-00211 and IPR2019-00253 and  
3 including, in each proceeding, joining—within two business days of obtaining such  
4 authorization—in a motion substantially of the following form:

5 JOINT MOTION TO TERMINATE PROCEEDING

6 Pursuant to 37 C.F.R. § 42.72, Petitioner and Patent Owner  
7 jointly move to terminate the present proceeding, Case [IPR2019-  
8 00211 *or* IPR2019-00253]. The Board authorized this joint motion on  
9 \_\_\_\_\_.

10 Petitioner filed a petition for *inter partes* review of U.S. Patent  
11 No. [7,953,857 *or* 8,626,922] on November 12, 2018. On January 23,  
12 2020, in *Nomadix, Inc. v. Guest-Tek Interactive Entertainment Ltd.*,  
13 Case No. CV19-04980 AB (FFMx), the United States District Court for  
14 the Central District of California (“the District Court”) granted a motion  
15 by Patent Owner for summary judgment, holding that, by initiating the  
16 present *inter partes* review proceeding, Petitioner violated the forum-  
17 selection clause in a patent license agreement that the parties entered  
18 into in December, 2010. (Ex. \_\_[copy of Dkt. No. 113].) On \_\_\_\_  
19 \_\_\_\_\_, the District Court entered final judgment in Patent Owner’s  
20 favor, ordering Petitioner to join Patent Owner in moving to terminate  
21 the present proceeding and enjoining Petitioner from otherwise  
22 participating further in the present proceeding. (Ex. \_\_\_\_\_ [copy  
23 of this judgment].) In particular, the District Court ordered Petitioner to  
24 join Patent Owner in filing the present motion to terminate. (*Id.*) The  
25 Board has not decided the merits of the *inter partes* review.  
26 Termination of this proceeding in its entirety as to all parties is proper  
27 and consistent with the District Court’s judgment.  
28

1 Defendant Guest-Tek is further hereby **ORDERED** to withdraw—within two  
2 business days of entry of this final judgment in the civil docket—the request for  
3 rehearing it filed in IPR2019-01191. If the PTAB nonetheless institutes review in  
4 IPR2019-01191, Defendant Guest-Tek is further hereby **ORDERED** to join  
5 Plaintiff Nomadix in requesting that the PTAB terminate IPR2019-01191 in the  
6 manner ordered above for IPR2019-00211 and IPR2019-00253 and to initiate such  
7 steps within two business days of such institution of review.

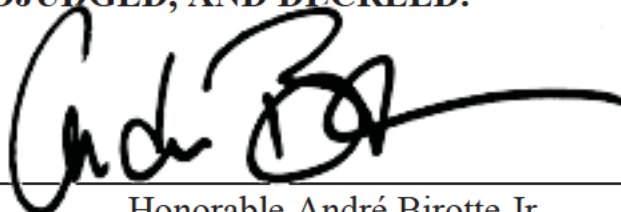
8 3. Defendant Guest-Tek, and its officers, agents, servants, employees,  
9 representatives, directors, attorneys, successors, affiliates, and assigns, and entities  
10 owned or controlled by Guest-Tek, and all those in active concert or participation  
11 with any of the foregoing, are hereby **ENJOINED** from taking any steps to avoid  
12 termination of IPR2019-00211 and IPR2019-00253 or to otherwise subvert the order  
13 in paragraph 2.

14 4. Plaintiff Nomadix is the prevailing party in this action and shall have  
15 14 days from the entry of this final judgment in the civil docket to file a motion to  
16 recover attorneys' fees and costs whether or not automatically taxable under Federal  
17 Rule of Civil Procedure 54(d)(1).

18 5. This Court retains jurisdiction for the purpose of implementing and  
19 enforcing this judgment, including the foregoing injunction, including by way of  
20 post-judgment discovery related thereto. Plaintiff Nomadix is permitted to conduct  
21 post-judgment discovery directed to compliance with, and enforcement of, this  
22 judgment.

23 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

24  
25  
26 Dated: April 22, 2020

  
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Honorable André Birotte Jr.