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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.

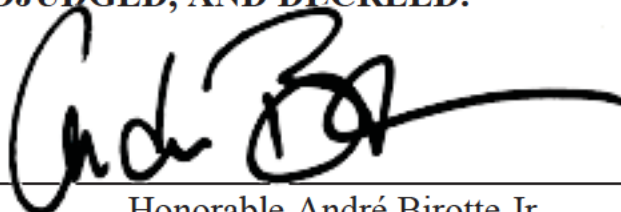
8 3. Defendant Guest-Tek, and its officers, agents, servants, employees,
9 representatives, directors, attorneys, successors, affiliates, and assigns, and entities
10 owned or controlled by Guest-Tek, and all those in active concert or participation
11 with any of the foregoing, are hereby **ENJOINED** 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.**

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25
26 Dated: April 22, 2020



Honorable André Birotte Jr.