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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,
Petitioner,

v.

NOMADIX, INC.,
Patent Owner.

Case IPR2019-00253
Patent 8,626,922

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 7), Patent Owner Nomadix, Inc. requests that the Patent Trial and Appeal Board hear oral argument on the instituted grounds for U.S. Patent No. 8,626,922 and associated issues, including:

1. Claims 1 and 9 are not unpatentable in view of Bonomi (Ex. 1004) and Borella (Ex. 1006);
2. Claims 1 and 9 are not unpatentable in view of Chandran (Ex. 1005) and Rupp (Ex. 1007);
3. Claims 1 and 9 are not unpatentable in view of Teraslinna (Ex. 1008) and Bonomi (Ex. 1004);
4. Reply to any arguments or evidence raised in Petitioner's Petition or Reply;
5. Delay of Final Written Decision in view of related litigation concerning Petitioner's ability to pursue the present IPR;¹

¹ In *Nomadix, Inc. v. Guest Tek Interactive Entertainment Ltd.*, Case No. 2:19-cv-04980 (C.D. Cal.), Patent Owner has sought injunctive relief in the Central District of California in accordance with *Dodocase VR, Inc. v. MerchSource, LLC*, 767 F. App'x 930 (Fed. Cir. 2019), enjoining Petitioner from pursuing the present IPR, which Patent Owner contends violates a forum-selection clause in the parties'

6. Any other issues that the Board deems necessary to consider for terminating these proceedings or, in the alternative, issuing a Final Written Decision.

Patent Owner further requests permission to use audiovisual equipment to display demonstratives and exhibits, including the use of a computer, projector, and screen.

Patent Owner requests one (1) hour of argument time for each party to address both the instant IPR and related IPR2019-00211. Patent Owner thus requests the “ordinary” amount of time as per the update to the Office Patent Trial Practice Guide. Office Patent Trial Practice Guide, August 2018 Update, 83 Fed. Reg. 39,989 (Aug. 13, 2018) (“The Board expects to ordinarily provide for an hour of argument per side for a single proceeding, but a party may request more or less time depending on the circumstances of the case.”). Patent Owner anticipates that approximately three (3)

license agreement. Patent Owner’s motion for summary judgment is currently set for hearing on January 17, 2020. In any event, the case is set for a bench trial on May 12, 2020. If the Court does not rule on the necessary issues before the deadline for the Board to issue a Final Written Decision, Nomadix intends to seek permission from the Board to file a motion to extend the Board’s deadline. Further, Nomadix intends to seek permission from the Board to terminate the IPR should the Court rule in Patent Owner’s favor.

IPR2019-00253
Patent 8,626,922

people will attend the oral argument on its behalf.

The Board has previously scheduled the oral argument for February 25, 2020,
see Paper 7.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 14, 2020

/Kendall M. Loebbaka/

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IPR2019-00253
Patent 8,626,922

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Petitioner, a true and correct copy of PATENT OWNER'S REQUEST FOR ORAL ARGUMENT is being served electronically on January 14, 2020, to the e-mail addresses shown below:

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Dated: January 14, 2020

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