

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,
Petitioner,

v.

NOMADIX, INC.,
Patent Owner.

IPR2019-00211 (Patent 7,953,857 B2)
IPR2019-00253 (Patent 8,626,922 B2)¹

Before SALLY C. MEDLEY, DANIEL J. GALLIGAN, and
JASON W. MELVIN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

TERMINATION
Dismissal After Institution of Trial
37 C.F.R. § 42.72

¹ This Order is being entered in each of the above-identified proceedings.
The proceedings have not been consolidated and the parties are not
authorized to use a consolidated caption.

IPR2019-00211, Patent 7,953,857 B2
IPR2019-00253, Patent 8,626,922 B2

On May 6, 2020, the parties filed a Joint Motion to Terminate Proceeding in each of IPR2019-00211 and IPR2019-00253 pursuant to 37 C.F.R. § 42.72. IPR2019-00211, Paper 33.² The parties represent that in *Nomadix, Inc. v. Guest Tek Interactive Entertainment Ltd.*, Case No. CV19-04980 AB (FFMx), the District Court granted Patent Owner's motion for summary judgment, determining that, by filing petitions in these proceedings, Petitioner violated a forum-selection clause per a patent license agreement between the parties. *Id.* (citing Ex. 2009). The parties further represent that the District Court's judgment orders Petitioner to join Patent Owner to move to terminate the present proceedings. *Id.* (citing Ex. 2010). In accordance with the judgment, the parties jointly move to terminate the proceedings. *Id.*³

On May 28 and May 30, 2019, we instituted review respectively in IPR2019-00253 and IPR2019-00211. At this juncture of the proceedings, we have not entered a final decision. Based on the facts of these proceedings, it is appropriate to terminate the proceedings without rendering a final written decision. *See* 37 C.F.R. § 42.72.

² For purposes of this decision, we cite to the motion filed in IPR2019-00211, as it is representative of the motion filed in both proceedings.

³ In authorizing the parties to file the joint motion to terminate, we instructed the parties that they must file any agreements required under 35 U.S.C. § 317(b), or, if there are no such agreements, the parties should represent that in the motion. Ex. 3003. We interpret the parties' silence as a representation that no such agreement required under 35 U.S.C. § 317(b) exists.

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It is
ORDERED that the joint motions to terminate the proceedings are
granted; and
FURTHER ORDERED that the proceedings are *terminated*.

PETITIONER:

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