

1 Steven J. Rocci (Admitted *Pro Hac Vice*)
Email: *srocci@bakerlaw.com*
2 Kevin M. Bovard, SBN 247521
Email: *kbovard@bakerlaw.com*
3 Jeffrey W. Lesovitz (Admitted *Pro Hac Vice*)
Email: *jlesovitz@bakerlaw.com*
4 **BAKER & HOSTETLER LLP**
2929 Arch Street, 12th Floor
5 Philadelphia, PA 19104-2891
Telephone: 215-568-3100
6 Facsimile: 215-568-3439

7 *Attorneys for Defendant/Counter-Claimant*
8 GUEST-TEK INTERACTIVE
ENTERTAINMENT LTD.

9 *(additional counsel listed on following page)*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13
14 NOMADIX, INC.,
15 Plaintiff,
16 v.
17 GUEST-TEK INTERACTIVE
ENTERTAINMENT LTD.,
18 Defendant/Counter-
19 Claimant,
20 v.
21 NOMADIX, INC.,
22 Counter-Defendant.

Case No.: 2:16-cv-08033-AB-FFM
[*Honorable André Birotte Jr.*]

**GUEST-TEK’S NOTICE OF
MOTION AND MOTION TO
EXCEED PAGE LIMIT ON
MOTION FOR SUMMARY
JUDGMENT**

Hearing:
December 6, 2019
10:00 a.m.
Courtroom 7B

Pretrial Conference:
March 13, 2020

Trial:
April 14, 2020

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ATTORNEYS AT LAW
LOS ANGELES

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BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

1 Michael J. Swope (Admitted *Pro Hac Vice*)
2 *Email: mswope@bakerlaw.com*
3 Curt R. Hinline (Admitted *Pro Hac Vice*)
4 *Email: chineline@bakerlaw.com*
5 **BAKER & HOSTETLER LLP**
6 999 Third Avenue, Suite 3500
7 Seattle, WA 98104-4040
8 Telephone: 206-332-1379
9 Facsimile: 206-624-7317

6 Andrew E. Samuels (Admitted *Pro Hac Vice*)
7 *Email: asamuels@bakerlaw.com*
8 **BAKER & HOSTETLER LLP**
9 200 Civic Center Drive, Suite 1200
10 Columbus, OH 43215
11 Telephone: 614-228-1541
12 Facsimile: 614-462-2616

10 Michael R. Matthias, SBN 57728
11 *Email: mmatthias@bakerlaw.com*
12 **BAKER & HOSTETLER LLP**
13 11601 Wilshire Boulevard, Suite 1400
14 Los Angeles, CA 90025-0509
15 Telephone: 310-820-8800
16 Facsimile: 310-820-8859

14 *Attorneys for Defendant/Counter-Claimant*
15 GUEST-TEK INTERACTIVE
16 ENTERTAINMENT LTD.

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1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR**
2 **COUNSEL OF RECORD HEREIN:**

3 **PLEASE TAKE NOTICE** that on Friday, December 6, 2019 at 10:00 a.m.,
4 or as soon thereafter as this matter may be heard, in Courtroom 7B of the above-
5 captioned court, located at 350 W. First Street, Los Angeles, California 90012,
6 before the Honorable André Birotte Jr., Defendant/Counter-Claimant Guest-Tek
7 Interactive Entertainment Ltd. (“Guest-Tek”) will, and hereby does, move for leave
8 to exceed the 25-page limit on its memorandum in support of Guest-Tek’s
9 contemplated motion for summary judgment.¹ Specifically, Guest-Tek seeks leave
10 to file a 50-page omnibus memorandum in support of a combined motion for
11 summary judgment of (i) no patent coverage by the asserted claims (16 in total) of
12 four of the six asserted patents, (ii) invalidity of the two asserted claims of one of
13 those patents, and (iii) no breach of contract by reason of alleged underpayment of
14 royalties on the non-OVI instrumentalities for which Nomadix’s technical expert did
15 not provide a claim coverage report.

16 This Motion is based on this Notice of Motion; the accompanying
17 Memorandum of Points and Authorities; the declaration of Kevin M. Bovard,
18 including the exhibits attached thereto; the pleadings and papers filed in this action;
19 and any other arguments, evidence, and matters submitted to the Court at the hearing
20 or otherwise. Guest-Tek will also lodge a proposed order for the Court’s
21 consideration.

22 On November 4, 2019, Guest-Tek’s counsel met and conferred with counsel
23 for Plaintiff Nomadix, Inc. (“Nomadix”) about this motion. During the conference,
24 Nomadix’s counsel stated that it would not agree to this motion.

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28 ¹ Under the scheduling order, summary judgment motions must be heard by January
10, 2020, and thus filed by December 6, 2019. (D.I. 342 at 3.)

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Dated: November 8, 2019

Respectfully submitted,
BAKER & HOSTETLER LLP

By: /s/ Kevin M. Bovard

Attorneys for Defendant
GUEST-TEK INTERACTIVE
ENTERTAINMENT LTD.

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Good cause exists for Guest-Tek to file a 50-page omnibus memorandum in
3 support of its contemplated motion for summary judgment. A memorandum of
4 points and authorities may “exceed 25 pages in length” when “permitted by order of
5 the judge.” L.R. 11-6. And under this Court’s standing order, summary judgment
6 briefs may exceed 25 pages for good cause. (D.I. 11 at 4) (*accord*
7 <https://www.cacd.uscourts.gov/honorable-andré-birotte-jr> (last visited Nov. 6,
8 2019)). Guest-Tek contemplates moving for summary judgment of no patent
9 coverage by the asserted claims (16 in total) of four of the six asserted patents, (ii)
10 invalidity of the two asserted claims of one of those patents, and (iii) no breach of
11 contract by reason of alleged underpayment of royalties on the non-OVI
12 instrumentalities for which Nomadix’s technical expert did not provide a claim
13 coverage report.

14 This Court recently granted leave to file a 50-page memorandum in a similarly
15 complex case. *See Twin Rivers Eng’g, Inc. v. Fieldpiece Instruments, Inc.*, No. 2:16-
16 cv-04502 MLH (MRW). In *Twin Rivers*, the plaintiff moved for leave to file a 50-
17 page memorandum in support of its motions for partial summary judgment of
18 liability under both the Lanham Act and the Sherman Act. *Id.*, D.I. 281-1 at 2
19 (attached as Ex. A to Bovard Decl.). The memorandum would cover “complex issues
20 of patent law, unfair competition law, and antitrust law.” *Id.* The Court granted the
21 plaintiff’s motion and allowed the parties to file 50-page summary judgment
22 memoranda. *Id.*, D.I. 282 (attached as Ex. B to Bovard Decl.), D.I. 284 (attached as
23 Ex. C to Bovard Decl.).

24 Likewise, the Southern District of California granted the defendants leave to
25 file a 60-page “omnibus brief” in support of all their motions for judgment on the
26 pleadings or motions for summary judgment. *Zest IP Holdings, LLC v. Implant*
27 *Direct Mfg. LLC*, No. 10-cv-0541-GPC-WVG, D.I. 462 (S.D. Cal. Aug. 14, 2014)
28 (attached as Ex. D to Bovard Decl.). The “multiple and complex” patent and

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