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13

14 **IN THE UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

18 NOMADIX, INC.,

19 Plaintiff,

20 v.

21 GUEST-TEK INTERACTIVE
22 ENTERTAINMENT LTD.,

23 Defendant.
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Case No.: 2:19-cv-04980 AB (FFMx)

**NOTICE OF MOTION AND
MOTION TO DISMISS FOR
IMPROPER CLAIM SPLITTING**

HEARING DATE: Dec. 6, 2019
10:00 a.m.
Courtroom 7B

Honorable André Birotte Jr.

1 Thomas D. Warren, SBN 160921
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Attorneys for Defendant
GUEST-TEK INTERACTIVE
ENTERTAINMENT LTD.

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 to dismiss
8 the Complaint under Fed. R. Civ. P. 12(c) on grounds that the Complaint constitutes
9 impermissible claim splitting.

10 This motion is supported by this Notice of Motion and Motion, the
11 accompanying Memorandum of Points and Authorities, the accompanying Request
12 for Judicial Notice, the accompanying Declaration of Kevin M. Bovard; all
13 pleadings on file in this action as well as the related matter, *Nomadix Inc. v. Guest-*
14 *Tek Interactive Entertainment Ltd.*, 2:16-cv-08033, and upon such other matters and
15 argument as may be presented to the Court at the time of the hearing.

16 This Motion is made following the pre-filing conference of counsel, which
17 took place on November 4, 2019.

18
19 Dated: November 8, 2019

Respectfully submitted,

BAKER & HOSTETLER LLP

21 By: /s/ Kevin M. Bovard

22 Attorneys for Defendant
23 GUEST-TEK INTERACTIVE
24 ENTERTAINMENT LTD.

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