

**From:** [Rocci, Steven](#)  
**To:** [Doug.Muehlhauser](#)  
**Cc:** [Guest-TekCA](#); [Nomadix.Guest-Tek](#)  
**Subject:** RE: Nomadix v Guest-Tek Conference of Counsel Regarding Motion Practice  
**Date:** Monday, November 4, 2019 1:23:36 PM

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Doug:

I've summarized our conference of counsel today, by annotating each of the agenda items below.

Steve

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**From:** Rocci, Steven  
**Sent:** Monday, November 4, 2019 9:10 AM  
**To:** 'Doug.Muehlhauser' <Doug.Muehlhauser@knobbe.com>  
**Cc:** Guest-TekCA <Guest-TekCA@bakerlaw.com>; Nomadix.Guest-Tek <Nomadix.Guest-Tek@knobbe.com>  
**Subject:** Nomadix v Guest-Tek Conference of Counsel Regarding Motion Practice

Doug,

Please use the following dial in for our 11:30 AM Pacific/2:30 PM Eastern call:

800-768-2983  
Code 564-8364

As I understand it, we will be discussing:

Nomadix's contemplated motion(s) for summary judgment on Guest-Tek's invalidity and misuse defenses, and on Nomadix's breach of contract claim based on Guest-Tek's alleged ongoing violations of the no-challenge clause; **Guest-Tek opposes these motions. It is Nomadix's position that these arise from the same operative facts and are therefore only one motion.**

Guest-Tek's contemplated motion(s) for summary judgment on one or more of: Guest-Tek's defense of Lack of Standing; Guest-Tek's counterclaims for No Patent Coverage by one or more of the asserted Bandwidth Management, Redirection, Property Management System, and/or Authentication patents, and for breach of the MOU; Nomadix's damages claims; **Nomadix opposes these motions, and asserts that they are more than one motion. With respect to the standing issue, it is Nomadix's position that the assignment on record at the Patent Office is inoperative, and that the patents were never owned by anyone other than Nomadix. Nomadix will direct us to the document from the NY action that, in Nomadix's view, demonstrates that Nomadix has been and is presently the owner of the patents.**

Extension of the present page limits for the above MSJ's; **Nomadix opposes a page extension.**

Guest-Tek's contemplated Rule 12(c) motion to dismiss the 2:19-cv-04980 case; Nomadix opposes both the Rule 12(c) motion and a motion to consolidate; and,

Nomadix's contemplated motion regarding Judge Mumm's Report and Recommendation. Nomadix inquired whether Guest-Tek will agree that Judge Mumm's report, recommending that Nomadix's second supplemental responses to Guest-Tek's interrogatory nos. 2 and 3, is/should be limited to non-OVI systems and does not strike Nomadix's second supplemental responses directed to OVI systems. Nomadix stated that it may not move on/object to the report if Guest-Tek will so agree. We advised you that we will promptly get back to you on this.

We advised you that Guest-Tek contemplates moving for summary judgment that claims 1 and 11 of the 917 patent are invalid as being anticipated by Trudeau. Nomadix opposes this motion

Steve

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