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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GAMEVICE, INC.,
Plaintiff,
v.
NINTENDO CO., LTD., et al.,
Defendants.

Case No. [18-cv-01942-RS](#)

FINAL JUDGMENT

Whereas in this patent infringement action, Plaintiff Gamevice (“Gamevice”) averred that Defendants Nintendo Co., Ltd. and Nintendo of America Inc. (collectively, “Nintendo”) infringes on twenty claims across three of its patents (“the asserted claims”): claims 1-2 of U.S. Patent No. 9,855,498 (“the ’498 patent”), claims 1-4, 6-8, 16-19 of U.S. Patent No. 9,808,713 (“the ’713 patent”) and claims 1-4, 6, 7, and 12 of U.S. Patent No. 10,391,393 (“the ’393 patent”); and

Whereas on January 19, 2023, an order construing claims was issued and claim 12 of the ’393 patent was deemed invalid as indefinite (Dkt. 241); and

Whereas on March 14, 2023, in an order granting and denying in part Nintendo’s motion for summary judgment, all remaining asserted claims, except claim 16 of the ’713 patent, were deemed invalid as anticipated by the accused device, the Nintendo Switch (“the Switch”) (Dkt. 245); and

Whereas that order was amended following Gamevice’s motion for reconsideration, and six of the remaining asserted claims, i.e. claims 3, 4, 6, 7, and 16 of the ’713 patent and claim 6 of the ’393 patent, were determined to have a priority filing date that preceded the Switch (Dkt. 250);

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and

Whereas on October 31, 2023, Gamevice’s motion for summary judgment of infringement of claims 3, 4, 7, and 16 of the ’713 patent and claim 6 of the ’393 patent was denied, while Nintendo’s motion for summary judgment of noninfringement of the claims 3, 4, 6, 7, and 16 of the ’713 patent was granted because Gamevice cannot prove that the Switch contains the claim limitations “confinement structures” or “apertures” that “secure” (Dkt. 270);

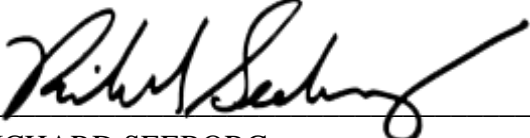
It is hereby ordered that judgment be entered: holding (a) claim 12 of the ’393 patent invalid as indefinite (b) claims 3, 4, 6, 7, and 16 of the ’713 patent and claim 6 of the ’393 patent not infringed by the Switch and (c) claims 1-2, 8, 17-19 of the ’713 patent, 1-2 of the ’498 patent, and claims 1-4, and 7 of the ’393 patent invalid as anticipated by the Switch, or, alternatively as not infringed.

Final judgment is entered in favor of Nintendo against Gamevice as to all claims for relief pleaded by Gamevice against Nintendo. Judgment is also entered in favor of Nintendo against Gamevice on the First Counterclaim for Declaration of Noninfringement of Nintendo of America, Inc. (“NOA”). It is hereby ordered that NOA has not directly or indirectly infringed on any valid claim of the ’498 patent, the ’713 patent, or the ’393 patent either literally or under the doctrine of equivalents. As Nintendo is the prevailing party, Gamevice shall pay its costs incurred on these claims.

Pursuant to Fed. R. Civ. Pro. 41(a)(2) the Second Counterclaim for Declaration of Invalidity of NOA is dismissed without prejudice, subject to reinstatement should the case be remanded. Each party shall bear its own costs and fees with respect to the Counterclaim.

IT IS SO ORDERED.

Dated: November 21, 2023



RICHARD SEEBORG
Chief United States District Judge