

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

XR COMMUNICATIONS, LLC, dba VIVATO  
TECHNOLOGIES,

*Plaintiff,*

v.

ASUS COMPUTER INTERNATIONAL,  
ASUSTeK Computer, Inc.

*Defendant.*

Case No. 8:17-CV-02948-DOC

**FINAL JUDGMENT**

1 Case No. 2:17-CV-02948 is a patent infringement action brought by Plaintiff XR  
2 Communications, LLC, dba Vivato Technologies (“Vivato”) against Defendant ASUS Computer  
3 International and ASUSTeK Computer, Inc. (“ASUS”).

4 The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5 The claims asserted by Vivato against ASUS in this case relate to three patents-in-suit: U.S.  
6 Patent No. 7,062,296 (the “’296 patent”); U.S. Patent No. 7,729,728 (the “’728 patent”); and U.S.  
7 Patent No. 6,611,231 (the “’231 patent”).

8 All asserted claims from the ’296 patent and the ’728 patent were cancelled by the U.S. Patent  
9 Office pursuant to Final Written Decisions of the Patent Trial and Appeal Board in *Inter Partes* Review  
10 proceedings IPR2018-00725, IPR2018-00726, IPR2018-00763, IPR2018-00764, IPR2018-01017, and  
11 IPR2018-01018. Therefore, all claims relating to those two patents are hereby dismissed.

12 On January 4, 2022, this Court entered an order (as Dkt. No. 274 in *XR Communications, LLC*  
13 *v. D-Link Systems, Inc. et al.*, Case No. 8:17-cv-00596-DOC-JDE (Lead Case)) granting ASUS’s  
14 motion for judgment on the pleadings as to all claims relating to the ’231 patent based on collateral  
15 estoppel arising from final judgment of indefiniteness from the Northern District of California (*see*  
16 *Dkt. Nos. 191, 193, 194, XR Communications, LLC v. Ruckus Wireless*, 3:18-cv-01992-WHO).

17 THEREFORE, IT IS ORDERED AND ADJUDGED that: Final judgment is hereby entered in  
18 favor of ASUS and against Vivato on all remaining claims in this case asserted against ASUS.

19 This final judgment is without prejudice to the Parties’ rights to appeal any past or future  
20 order or judgment in the case or this present judgment. If the final judgment of indefiniteness from  
21 the Northern District of California is vacated or reversed in part or in whole at the Federal Circuit,  
22 the Parties shall be able to renew their respective claims and/or defenses relating to the ’231 patent in  
23 this action.

24  
25  
26 IT IS SO ORDERED

27 Date: \_\_\_\_\_ April 15 , 2022



28  
Honorable David O. Carter  
1 United States District Judge