

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Ocean Semiconductor LLC,

Plaintiff

v.

Western Digital Technologies, Inc. (“WD”)

Defendant.

Civil Action No.: 6:20-cv-1216

JURY TRIAL DEMANDED

PATENT CASE

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ocean Semiconductor LLC (“Ocean Semiconductor” or “Plaintiff”) files this Complaint against Western Digital Technologies, Inc. (“Western Digital Technologies”) (“WD” or “Defendant”), seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Ocean Semiconductor is a limited liability company organized and existing under the laws of the State of Delaware, and its registered agent for service of process in Delaware is Rita Carnevale, 717 N. Union Street, Wilmington, DE 19805.

3. On information and belief, Defendant Western Digital Technologies is a Delaware corporation with a principal place of business at 7501 N. Capital of Texas Highway, Suite A 100, Austin, TX 78731 and 9442 N. Capital of Texas Highway, Austin, TX 78759. On information and belief, Defendants may be served through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, TX 78701.

4. On information and belief, Defendant WD sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial District, and introduces infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial District and elsewhere in the United States.

5. Plaintiff Ocean Semiconductor is the assignee and owner of the patents at issue in this action: U.S. Patents Nos. 6,660,651, 6,907,305, 6,725,402, 6,968,248, 7,080,330, 6,836,691, and 8,676,538 (collectively, the “Asserted Patents”). Ocean Semiconductor holds all substantial rights, title, and interest in the Asserted Patents, including the exclusive right to sue WD for infringement and recover damages, including damages for past infringement.

6. Plaintiff Ocean Semiconductor seeks monetary damages and prejudgment interest for Defendants’ past and ongoing direct and indirect infringement of the Asserted Patents.

7. Defendant WD is a semiconductor company that designs, develops, sells, offers to sell, and imports into the United States semiconductor products in the communications, internet of things, automotive, computer, and consumer electronics industry (“Accused Products”).

8. Defendant WD, which has its regular and established place of business in the United States (including two offices in Austin, Texas), produces or contracts with third-party semiconductor fabricators or foundries (“WD Foundry Partners”) that own, operate, or control

semiconductor fabrication plants (“fabs”) within and/or outside of the United States (“International Facilities”) to produce the Accused Products. One such WD Foundry Partner is Kioxia Corporation (“Kioxia”). Kioxia has a contractual partnership with WD to design, develop, or manufacture semiconductor products including integrated circuits for WD. *See, e.g.*, Western Digital Corporation 10-K filing for the fiscal year ended July 3, 2020, *available at* <https://investor.wdc.com/static-files/8ae52d00-aceb-4e11-9f83-4df2a681f081> (last accessed October 12, 2020).

9. On information and belief, Defendant WD (directly or through one or more of its WD Foundry Partners such as TSMC and/or Kioxia) has a contractual relationship with Applied Materials, Inc. (“Applied Materials”) (*see, e.g.*, “BRIEF-TSMC Orders Machinery Equipment Worth T\$1.06 Billion From Applied Materials,” *available at* <https://www.reuters.com/article/brief-tsmc-orders-machinery-equipment-wo/brief-tsmc-orders-machinery-equipment-worth-t1-06-billion-from-applied-materials-idUSS7N1QP04B> (last visited Oct. 12, 2020)), and PDF Solutions Inc. (“PDF Solutions”) (*see e.g.*, “Taiwan Semiconductor Manufacturing Company adopts PDF Solutions yield improvement technology,” *available at* <https://www.edn.com/taiwan-semiconductor-manufacturing-company-adopts-pdf-solutions-yield-improvement-technology/> (last accessed Oct. 12, 2020)); *see also* “Exensio: Big Data in the Fab,” *available at* <https://semiwiki.com/eda/4351-exensio-big-data-in-the-fab/> (last accessed Oct. 12, 2020)), and one or more of the WD Foundry Partners employ Applied Materials’ semiconductor fabrication or manufacturing equipment, platforms, and/or framework, including Applied Materials’ E3 system, including the E3 factory advanced/automation process control (“APC”) platform hardware and/or software (collectively, “E3 system”), PDF Solutions’ Exensio hardware and/or software (collectively, “Exensio system”), and/or other advanced/automation

process control system and platform hardware to design, develop, and/or manufacture Defendant WD's semiconductor devices, including integrated circuits.

10. Upon information and belief, Kioxia and/or TSMC employ(s) Applied Materials' and/or PDF Solutions' semiconductor fabrication or manufacturing equipment, platforms, and/or framework (e.g., Applied Materials' E3 system and/or PDF Solutions' Exensio system) at Kioxia and/or TSMC manufacturing facilities. *See, e.g.* LinkedIn profile for Boon Seong Saw, IT Manager at Western Digital, *available at* <https://www.linkedin.com/in/boon-seong-saw-b02bb19a/> (last accessed October 12, 2020); *see also* LinkedIn profile for Lai John Zhen, Senior Business Analyst at SanDisk, *available at* <https://www.linkedin.com/in/lai-john-zhen-835ab6113> (last accessed October 12, 2020).

11. On information and belief, Defendant WD (directly or through its WD Foundry Partners such as Kioxia and/or TSMC) employs Applied Materials' E3 system and/or PDF Solutions' Exensio system to develop or manufacture one or more systems, products, devices, and integrated circuits for importation into the United States for use, sale, and/or offer for sale in this District and throughout the United States, including, but not limited to, semiconductor products and devices, such as automotive products (e.g., iNAND® AT EU312, iNAND® AT EM122, iNAND® AT EM132, Automotive AT LD332, AT 132 (e.g., grades 2 and 3), AT 122 (e.g., grades 2 and 3), Industrial Wide Temp IX QD332, Industrial Ext Temp IX QD332, Industrial Ext Temp IX QD334, Industrial Wide Temp IX QD342, Commercial CL SN720, Commercial CL SN520), connected home products (e.g., iNAND® CH EM123/133, CH LD313, CH LD513, CH QD313, CH QD513, CH XB 513, CH XB 313, WD AV-25, WD AV-GP 1000, CL SN720, CL SN520, PC SA530), industrial and IoT products (e.g., iNAND® IX EM132, iNAND® IX EM122, iNAND® IX EU312, iNAND® IX MC EM131, Industrial IX LD342,

Industrial IX LD332, Industrial IX QD342, Industrial IX QD332, Industrial IX QD334, Commercial CL SN720, Commercial CL SN520, Commercial PC SN730, Commercial X600, Commercial PC SA530), mobile products (e.g., MC EU521, MC EU511, MC EU311/d, MC EM131/c, MC EM121/b, MC EM111/a, Commercial CL QD501, Commercial CL QD301, Commercial CL QD101), and surveillance products (e.g. CL EM132/122, IX EM122 Wide Temp, IX EM122 Extended Temp, WD Purple™ SC QD101 Ultra Endurance microSD™ Card), flash memory (e.g., 3D flash and NAND flash), RISC-V SweRVCore Family (e.g., EH1 and EH2), and similar systems, products, devices, and integrated circuits (“WD APC Products”).

12. On information and belief, Defendant WD (directly or through its WD Foundry Partners such as Kioxia and/or TSMC) uses Applied Materials’ E3 system and/or PDF Solutions’ Exensio system to design, develop, or manufacture the WD APC Products for importation into the United States for use, sale, and/or offer for sale in this district and throughout the United States.

13. On information and belief, Defendant WD, directly and/or through one or more of the WD Foundry Partners (e.g., Kioxia), also employs Applied Materials’ SmartFactory system or platform, including Advanced Productivity Family solutions and Smart Scheduling (collectively, “SmartFactory”) and/or other similar proprietary or third-party scheduling and dispatching platform hardware and/or software (e.g., with similar technical and functional features) to design, develop, and/or manufacture Defendant WD’s semiconductor devices, including integrated circuits. *See, e.g.*, “Nanochip Fab Solutions: Solutions for Factory and Equipment Efficiency,” at 18-19, *available at* <https://www.appliedmaterials.com/files/nanochip-journals/nanochip-fab-solutions-dec-2011.pdf> (last accessed Oct. 12, 2020) (showing Applied Materials’ SmartSched being adopted and used at Western Digital’s Yokkaichi factory); *see also*

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