

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

Ocean Semiconductor LLC,

Plaintiff

v.

NVIDIA Corporation (“NVIDIA”),

Defendant.

Civil Action No.: 6:20-cv-1211

JURY TRIAL DEMANDED

PATENT CASE

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ocean Semiconductor LLC (“Ocean Semiconductor” or “Plaintiff”) files this Complaint against NVIDIA Corporation (“NVIDIA” 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 NVIDIA is a corporation organized and existing under the laws of Delaware, with its principal place of business at 2701 San Tomas Expressway, Santa Clara, CA 95050. NVIDIA is registered with the State of Texas and may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th St., Suite 620, Austin, TX 78701. On information and belief, NVIDIA has a regional office in this District, including at least at 11001 Lakeline Blvd., Building 2, Suite 100, Austin, TX 78717.

4. On information and belief, Defendant NVIDIA 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, 6,725,402, 6,907,305, 6,968,248, 8,120,170, 8,847,383, 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 NVIDIA for infringement and recover damages, including damages for past infringement.

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

7. Defendant NVIDIA 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 NVIDIA, which has its own design centers in the United States (including a facility in Austin, Texas), contracts with third-party semiconductor fabricators or foundries (“NVIDIA 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 NVIDIA Foundry Partner is United Microelectronics Corp. (“UMC”). *See, e.g.*, “NVIDIA Increases Foundry Outsourcing to TSMC and UMC,” *available at* <https://www.techpowerup.com/60649/nvidia-increases-foundry-outsourcing-to-tsmc-and-umc> (last accessed October 12, 2020). Another NVIDIA Foundry Partner is Taiwan Semiconductor Manufacturing Company Ltd. (“TSMC”). *See* “Nvidia plans for Ampere, Hopper with TSMC orders,” *available at* <https://techreport.com/news/3470476/nvidia-tsmc-5nm-7nm-ampere-hopper/> (last accessed October 12, 2020). Both UMC and TSMC have a contractual partnership with NVIDIA to design, develop, or manufacture semiconductor products including integrated circuits for NVIDIA.

9. On information and belief, Defendant NVIDIA (directly or through one or more of its Foundry Partners such as UMC and TSMC) has a contractual relationship with Applied Materials, Inc. (“Applied Materials”) (*see, e.g.*, UMC’s YY Chen video, *available at* <https://www.appliedmaterials.com/automation-software> (last accessed October 12, 2020)); *see also* Applied Materials’ job posting for “TSMC F15 E3 project,” *available at* http://www.mse.ntu.edu.tw/attachments/article/154/AMT_Summer%20Student%20Program_Job%20Post_2013.pdf (last accessed October 12, 2020); *see also* “NVIDIA to transfer 28nm chip orders to UMC,” *available at* <https://www.digitimes.com/news/a20170724PD214.html> (last visited Oct. 12, 2020); *see also* “BRIEF-UMC orders machinery equipment from Applied Materials’ unit,” *available at* <https://www.reuters.com/article/brief-umc-orders-machinery->

equipment-fro/brief-umc-orders-machinery-equipment-from-applied-materials-unit-idUKH9N1M601Z (last visited Oct. 12, 2020); *see also* “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”) (*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 NVIDIA Foundry Partners (*e.g.*, UMC and/or TSMC) 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 and/or software to design, develop, and/or manufacture Defendant NVIDIA’s semiconductor devices, including integrated circuits.

10. Upon information and belief, UMC and/or TSMC employ 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 their manufacturing facilities. Applied Materials has received supplier awards and recognition from UMC. *See, e.g.*, <https://www.appliedmaterials.com/files/nanochip->

journals/nanochip_v7_iss2_112912.pdf (last accessed October 12, 2020); *see also* <https://www.appliedmaterials.com/nanochip/nanochip-technology-journal/july-2014> (last visited October 12, 2020); *see also* <https://www.appliedmaterials.com/files/nanochip-journals/nanochip-fab-solutions-12-2014-revised.pdf> (last accessed October 12, 2020). Applied Materials also has received supplier awards and recognition from TSMC. *See, e.g.*, “TSMC Recognizes Outstanding Suppliers at Supply Chain Management Forum,” *available at* <https://pr.tsmc.com/english/news/1873> (last accessed October 12, 2020). On information and belief, TSMC also employs PDF Solutions’ Exensio system at TSMC’s manufacturing facilities.

11. On information and belief, Defendant NVIDIA (directly or through its NVIDIA Foundry Partners such as UMC and/or TSMC) employs Applied Materials’ E3 system and/or PDF Solutions’ Exensio system to design, 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, graphics cards (e.g. GEFORCE RTX models (including, but not limited to, GEFORCE RTX 2060, 2060 SUPER, 2070, 2070 SUPER, 2080, 2080 SUPER, 3070, 3080, and 3090), GEFORCE GTX models (including, but not limited to, GEFORCE GTX 1650, 1650 SUPER, 1660, and 1660 Super), GEFORCE GTX TI models (including, but not limited to, GEFORCE GTX 1650 TI and 1660 TI), TITAN RTX models (including, but not limited to, TITAN RTX , TITAN XP models, ZOTAC models, GIGABYTE models, ASUS models, MSI models, and EVGA models), SHIELD devices, SHIELD TV media streamers, Jetson developer kits (e.g., NANO, NANO 2GB, and NANO MODULE), QUADRO professional graphics cards (e.g., QUADRO RTX 8000, QUADRO RTX 8000 NVLink HB Bridge, QUADRO RTX 6000, QUADRO RTX 6000 NVLink HB Bridge, QUADRO GV100, QUADRO GV100 Bridge, and

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