

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

Ocean Semiconductor LLC,

Plaintiff

v.

Renesas Electronics Corporation and Renesas  
Electronics America, Inc.,

Defendants

Civil Action No.: 6:20-cv-1213

JURY TRIAL DEMANDED

PATENT CASE

**RENESAS'S RESPONSE TO OCEAN SEMICONDUCTOR'S MOTION FOR  
PRE-TRIAL CONSOLIDATION OF CO-PENDING RELATED CASES**

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. LEGAL STANDARD..... 1

III. ARGUMENT ..... 2

    A. Ocean’s Motion for Consolidation Is Based on its Misapprehension of this Court’s Practices and Orders ..... 2

    B. Ocean Ignores Key Differences Among the WDTX Defendants ..... 4

    C. Ocean Completely Misstates the Prejudice to the Parties ..... 8

    D. Consolidation Will Not Serve Judicial Efficiency ..... 9

IV. CONCLUSION..... 10

## TABLE OF AUTHORITIES

	Page(s)
<b>Cases</b>	
<i>In re Air Crash Disaster at Florida Everglades</i> , 549 F.2d 1006 (5th Cir. 1977) .....	2
<i>Arnold &amp; Co., LLC v. David K. Young Consulting, LLC</i> , No. SA-13-CV-00146-DAE, 2013 U.S. Dist. LEXIS 50103 (W.D. Tex. Apr. 8, 2013) .....	1
<i>Certified/LVI Environmental Servs., Inc. v. PI Construction Corp.</i> , No. SA-01-CA-1036-FB-NN, 2003 WL 1798542 (W.D. Tex. March 3, 2003) .....	2
<i>Cont'l Bank &amp; Trust Co. v. Platzer</i> , 304 F. Supp. 228 (S.D. Tex. 1969) .....	5
<i>DAC Surgical Partners P.A. v. United Healthcare Services, Inc</i> No. 4:11-cv-1355-MFH, 2013 WL 3229686 (S.D. Tex. June 24, 2013).....	9
<i>Dryshod Int'l, LLC v. Haas Outdoors, Inc.</i> , No. 1:18-CV-596-RP, 2019 U.S. Dist. LEXIS 179931 (W.D. Tex. Jan. 18, 2019) .....	7
<i>DynaEnergetics Eur. GmbH v. Hunting Titan, Inc, KTech</i> , 6:20-cv-00069-ADA, 2020 WL 3259807 (W.D. Tex. June 16, 2020).....	2
<i>Frazier v. Garrison ISD</i> , 980 F.2d 1514 (5th Cir. 1993) .....	5
<i>Gentry v. Smith</i> , 487 F.2d 571 (5th Cir. 1973) .....	1
<i>Keranos, LLC v. Analog Devices, Inc.</i> , No. 2:10CV207, 2012 WL 12892441 (E.D. Tex. Feb. 1, 2012).....	3, 8, 10
<i>Lay v. Spectrum Clubs, Inc.</i> , No. SA-12-CV-00754-DAE, 2013 WL 788080 (W.D. Tex. Mar. 1, 2013).....	2, 4
<i>Neutron Depot, LLC v. Bankrate, Inc.</i> , No. 2:14-cv-192, 2016 WL 3536721 (S.D. Tex. June 29, 2016).....	10
<i>Pedigo v. Austin Rumba, Inc.</i> , No. 08-803, 2010 WL 2730463 (W.D. Tex. June 24, 2010) .....	4, 5
<i>Pfeffer v. HAS Retail, Inc</i> No. SA-11-cv-959-XR, 2012 WL 394645, at *1 (W.D. Tex. Feb. 6, 2012) .....	6

*Raymond v. Ivest Props.*,  
No. SA-20-CV-00965-FB, 2021 WL 725819 (W.D. Tex. Feb. 17, 2021).....7

*Rembrandt Data Storage, LP v. Seagate Tech. LLC*,  
No. 10-CV-693-BBC, 2011 WL 12872499 (W.D. Wis. Mar. 2, 2011) .....9

*St. Bernard Gen. Hosp., Inc. v. Hosp. Serv. Ass’n of New Orleans, Inc.*,  
712 F.2d 978 (5th Cir. 1983) .....4, 8

*StratosAudio Inc. v. Volkswagen Group of America, Inc.*,  
Case No. 6:20-CV-01131-ADA.....3, 10

*U.S. v. Homeward Res., Inc.*,  
No. 12-461, 2016 WL 777000 (E.D. Tex. Feb. 29, 2016).....5

*YETI Coolers, LLC v. RTIC Drinkware, LLC*,  
No. 1:16-CV-909-RP, 2017 WL 5505325 (W.D. Tex. Jan. 18, 2017).....4, 5, 10

**Statutes**

35 U.S.C. § 315(e)(2).....9

## I. INTRODUCTION

Ocean Semiconductor LLC (“Ocean”) seeks to consolidate this action against Renesas Electronics Corp. and Renesas Electronics America, Inc. (collectively “Renesas”) with the six other actions that Ocean filed in this district<sup>1</sup> (collectively the “WDTX Defendants”). Ocean’s motion for consolidation should be denied. Ocean’s motion ignores both the general practices and orders of this Court. Further, Ocean’s motion ignores important differences among the Defendants. Ocean’s prejudice argument rings hollow given that Ocean – not the WDTX Defendants – commenced these proceedings, and Ocean’s prejudice argument completely disregards the prejudice the WDTX Defendants will suffer, individually and collectively, if consolidation is order. Finally, Ocean improperly discounts that consolidation would make the proceedings more complex and potentially unmanageable.

## II. LEGAL STANDARD

Consolidation of parties for pretrial purposes is governed by Rule 42(a), and it is entirely within the court’s discretion to consolidate matters for pretrial purposes. *See Gentry v. Smith*, 487 F.2d 571, 581 (5th Cir. 1973). In determining whether to consolidate actions, “courts consider factors such as whether the actions are pending before the same court; whether the actions involve a common party; any risk of prejudice or confusion from consolidation; the risk of inconsistent adjudications of common factual or legal questions if the matters are tried separately; whether consolidation will reduce the time and cost of trying the cases separately; and whether the cases are at the same stage of preparation for trial.” *Arnold & Co., LLC v. David K. Young Consulting, LLC*, No. SA-13-CV-00146-DAE, 2013 U.S. Dist. LEXIS 50103, at \*4 (W.D. Tex. Apr. 8, 2013).

<sup>1</sup> Those defendants include MediaTek Inc. and MediaTek USA Inc. (collectively “MediaTek”); NVIDIA Corp. (“NVIDIA”); NXP USA, Inc. (“NXP”); Silicon Laboratories Inc. (“Silicon Labs”); STMicroelectronics, Inc. (“STM”); and Western Digital Technologies, Inc. (“Western Digital”).

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.