

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

Ocean Semiconductor LLC,

Plaintiff

v.

NXP Semiconductors N.V., NXP B.V. and
NXP USA, Inc.,

Defendant.

Civil Action No.: 6:20-cv-1212

JURY TRIAL DEMANDED

PATENT CASE

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ocean Semiconductor LLC (“Ocean Semiconductor” or “Plaintiff”) files this Complaint against NXP Semiconductors N.V. (“NXP Semiconductors”), NXP B.V. (“NXP B.V.”) and NXP USA, Inc. (“NXP USA”) (collectively “NXP” 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, NXP Semiconductors is a public limited liability company organized and existing under the laws of The Netherlands, and that NXP Semiconductors has a place of business at High Tech Campus 60, 5656 AG Eindhoven, The Netherlands.

4. On information and belief, NXP B.V. is a private company with limited liability organized and existing under the laws of The Netherlands, and that NXP B.V. has a place of business at High Tech Campus 60, 5656 AG Eindhoven, The Netherlands.

5. On information and belief, NXP USA is a corporation organized and existing under the laws of the state of Delaware, that NXP USA has its principal place of business at 6501 William Cannon Drive West, Austin, TX 78735, and that Corporation Service Company d/b/a CSC-Lawyers Inc., located at 211 E. 7th Street, Suite 620, Austin, Texas 78701, is a registered agent for service.

6. On information and belief, Defendant NXP 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.

7. 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, 6,420,097, 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 NXP for infringement and recover damages, including damages for past infringement.

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

9. Defendant NXP 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").

10. Defendant NXP, which has its own regular and established place of business in the United States (including two facilities in Austin, Texas), produces or contracts with third-party semiconductor fabricators or foundries ("NXP 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 NXP Foundry Partner is United Microelectronics Corp. ("UMC"). Another such NXP Foundry Partner is Taiwan Semiconductor Manufacturing Company Ltd. ("TSMC"). Both UMC and/or TSMC have a contractual partnership with NXP to design, develop, or manufacture semiconductor products including integrated circuits for NXP. *See, e.g.,* 2018 NXP Supplier List, <https://www.nxp.com/docs/en/supporting-information/2018-SUPPLIER-LIST.pdf> (last accessed October 27, 2020). Both UMC and/or TSMC have a contractual partnership with NXP to design, develop, or manufacture semiconductor products including integrated circuits for NXP.

11. On information and belief, Defendant NXP (directly or through one or more of its Foundry Partners such as UMC and/or TSMC) has a contractual relationship with Applied Materials, Inc. ("Applied Materials") (*see, e.g.,* "NXP AND APPLIED MATERIALS SIGN COMPREHENSIVE SERVICE CONTRACT," *available at* <https://www.appliedmaterials.com/en-sg/company/news/press-releases/2010/07/nxp-and->

applied-materials-sign-comprehensive-service-contract (last visited Oct. 12, 2020); *see also* UMC’s YY Chen video, <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) 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); *see also* NXP’s job posting requiring Exensio knowledge, “Analog Test Development Engineer, Entry Level,” *available at* <https://webcache.googleusercontent.com/search?q=cache:A3A2EGiaq4gJ:https://careers.unl.edu/jobs/nxp-semiconductors-analog-test-development-engineer-entry-level/+&cd=3&hl=en&ct=clnk&gl=us> (last visited Oct. 12, 2020)), and one or more of the NXP 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”) hardware and/or software (collectively, “E3 system”), PDF Solutions’ Exensio hardware and/or software (collectively, “Exensio system”), and/or other in-house or third-party advanced/automation process control system and platform hardware and/or software (e.g., with similar technical and functional features) to design, develop, and/or manufacture Defendant

NXP's semiconductor devices, including integrated circuits. *See also* "NXP and Applied Materials Sign Comprehensive Service Contract," *available at* <https://www.appliedmaterials.com/company/news/press-releases/2010/07/nxp-and-applied-materials-sign-comprehensive-service-contract> (last accessed October 12, 2020); *see also* LinkedIn Profile for Kibeom Kim, Sr. Product Engineer at NXP Semiconductors, *available at* <https://www.linkedin.com/in/kibeom-kim-3a77894b/> (last accessed October 12, 2020).

12. Upon information and belief, UMC and/or TSMC employ(s) Applied Materials' and 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.

13. On information and belief, Defendant NXP (directly or through its NXP 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, and/or devices for importation into the United States for use, sale, and/or offer for sale in this

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