

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

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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 district¹ (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).

¹ 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”).

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