

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

**OCEAN SEMICONDUCTOR LLC,**

**Plaintiff,**

v.

**SILICON LABORATORIES INC.**

**Defendant.**

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**CIVIL ACTION NO. 6:20-cv-1214**

**SILICON LABORATORIES INC.'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR PRETRIAL CONSOLIDATION**

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Defendant Silicon Laboratories Inc. (“Silicon Labs” or “Defendant”) opposes Ocean Semiconductor LLC’s (“Ocean” or “Plaintiff”) Motion for Pre-Trial Consolidation (“Ocean’s Motion”) (Dkt. 21 (hereinafter, “Mot.”)) of seven cases (Case Nos. 6:20-1210, 6:20-1211, 6:20-1212, 6:20-1213, 6:20-1214, 6:20-1215, and 6:20-1216) against disparate defendants (MediaTek Inc., NVIDIA Corp., NXP USA, Inc., Renesas Electronics Corp., Silicon Labs, STMicroelectronics, Inc., and Western Digital Technologies, Inc., collectively “Defendants”).

## I. INTRODUCTION

Ocean’s Motion ignores substantial prejudice to Silicon Labs that would result from consolidation. Ocean’s Motion seeks to hinder Silicon Labs’ ability to present relevant defenses by, for example, forcing Defendants to present joint defenses and arguments, limiting access to relevant witnesses, and restricting the pages available for dispositive briefing. While Ocean contends that it will be prejudiced absent consolidation, *Ocean* chose to pursue seven considerably different actions, and Ocean should not now be heard to argue it is prejudiced without consolidation. Ocean knew the burdens of initiating multiple suits, and Ocean—not Silicon Labs—must properly bear any consequence of Ocean’s decision.

Consolidating these seven separate actions, even for pretrial purposes, is unnecessary and impractical for several reasons. First, Ocean over-simplifies the details relevant to each action in a failed effort to establish sufficient common questions of law and fact. The reality is that these actions accuse seven different Defendants of infringing various combinations of ten different patents through importation of hundreds of distinct products manufactured by, at least, three foundry partners using multiple facilities with disparate tools. As such, the outcome of each case will be determined by the unique facts specific to each Defendant and its products.

Second, even if some common questions exist, the Court should exercise its discretion and deny Ocean’s Motion because, among other relevant factors, consolidation unnecessarily

complicates discovery, causes confusion with witnesses and ultimately a jury, and prejudices the Defendants. Given the stage and location of these cases, there is little risk of inconsistent results and minimal, if any, efficiency to be realized from consolidation.

For these, and other factors described below, Ocean's Motion should be denied.

## II. ARGUMENT

Ocean first fails to meet the "threshold requirement" showing that the seven cases involve a "common question of law or fact" sufficient to necessitate consolidation. *YETI Coolers, LLC v. RTIC Drinkware, LLC*, No. 1:16-CV-909-RP, 2017 WL 5505325, at \*2 (W.D. Tex. Jan. 18, 2017). Second, even where actions involve some overlap, "the mere presence of a common question does not require consolidation" but must be balanced against "inconvenience, delay and confusion that might result." *Cont'l Bank & Trust Co. v. Platzer*, 304 F. Supp. 228, 229–30 (S.D. Tex. 1969). In balancing whether consolidation is warranted, "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 WL 1411773, at \*2 (W.D. Tex. Apr. 8, 2013). Here, these factors weigh against consolidation. Ocean bears a threshold burden of establishing common questions, and that consolidation is warranted; Ocean fails on both counts.

### A. **Ocean Fails to Meet Its Threshold Burden Showing Common Questions**

Ocean's Motion does not directly address its threshold requirement to show that the seven cases involve common questions of law or fact (*YETI*, 2017 WL 5505325, at \*2), and instead infers that common questions of law and fact exist based solely on superficial

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