

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

Ocean Semiconductor LLC,

Plaintiff

v.

NVIDIA Corporation,

Defendant.

Civil Action No.: 6:20-cv-01211-ADA

JURY TRIAL DEMANDED

PATENT CASE

**MOTION BY PLAINTIFF OCEAN SEMICONDUCTOR LLC'S FOR
LEAVE TO FILE SUR-REPLY IN OPPOSITION TO DEFENDANT NVIDIA
CORPORATION'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

/s/ Alex Chan

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DATED: April 9, 2021

In this patent infringement case, Plaintiff Ocean Semiconductor LLC (“Ocean” or “Plaintiff”) filed its complaint (Dkt. 1) (the “Complaint”) against Defendant NVIDIA Corporation (“NVIDIA” or “Defendant”). On March 12, 2021, NVIDIA filed a Motion to Dismiss the Complaint under Fed. R. Civ. P. 12(b)(6) with a supporting brief. (Dkt. 13, the “Motion.”) On March 26, 2021, Ocean filed a responsive brief in opposition (Dkt. 17) and on April 2, 2021, NVIDIA filed a Reply (Dkt. 18).

Ocean hereby moves this Court, pursuant to Local Rule CV-7(f)(1), for leave to file a Sur-reply.

In its Reply, NVIDIA asserts new arguments and cites new legal authority not presented in its Motion that present an inaccurate description of the Complaint and the applicable cases interpreting the pleading standard for direct infringement.

Because these new arguments and authority were presented for the first time in NVIDIA’s Reply, Ocean has not had an opportunity to respond to or address them.

A copy of the Sur-reply that Ocean will file, if granted leave to do so by the Court, is attached as Exhibit A.

Dated: April 9, 2021

/s/ Alex Chan

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Attorneys for Plaintiff

OCEAN SEMICONDUCTOR LLC

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), the undersigned, counsel for Plaintiff, hereby certifies that on April 9, 2021, counsel for Plaintiff conferred by email with counsel for Defendant and that Defendant is opposed to the relief requested herein.

/s/ Alex Chan

Alex Chan

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2021, I caused a copy of this document to be served by transmitting it via e-mail or electronic transmission to counsel of record for Defendant.

/s/ Alex Chan

Alex Chan