

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

OCEAN SEMICONDUCTORS LLC,

Plaintiff,

v.

NXP SEMICONDUCTORS N.V., et al.,

Defendants.

Civil Action No. 6:20-CV-1212-ADA

JURY TRIAL DEMANDED

NXP USA, INC.'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant NXP USA, Inc. (“NXP” or “Defendant”) answers Plaintiff’s Complaint for Patent Infringement (Dkt. No. 1) (the “Complaint”) and asserts its affirmative defenses as set forth below. NXP denies that it has infringed or does infringe any valid and enforceable claim of the patents-in-suit, and NXP denies all allegations of the Complaint that are not expressly admitted below. NXP denies that the NXP entities identified in the Complaint are properly treated collectively for any purpose other than convenience—specifically, it is improper to treat the entities collectively in making factual allegations or legal claims where Plaintiff does not have a good faith basis for making such allegations or claim against each such entity individually.

NATURE OF THE ACTION

1. NXP admits that the Complaint purports to plead an action for patent infringement. NXP denies that it is liable for patent infringement and denies any remaining allegations in paragraph 1 of the Complaint.

PARTIES

2. NXP is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 and, therefore, denies them.

3. NXP admits that NXP Semiconductors N.V. is a Dutch public company with limited liability (naamloze vennootschap) organized under the laws of the Netherlands with a global headquarters at 60 High Tech Campus, Eindhoven, Netherlands, 5656 AG whose only material assets are the direct ownership of 100% of the shares of NXP B.V. NXP denies any remaining allegations.

4. Admit.

5. Admit.

6. Denied.

7. NXP is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 and, therefore, denies them.

8. NXP admits that Plaintiff purports to seek monetary damages and prejudgment interest. NXP denies all remaining allegations, including that Plaintiff is entitled to any relief whatsoever.

9. Denied.

10. Denied.

11. NXP admits that AMAT is a supplier. NXP denies any other allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

12. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

13. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

14. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

15. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

16. Denied.

17. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

18. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information

sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

19. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

20. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

21. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

22. NXP denies the allegations to the extent they are made directly as to NXP. With respect to allegations made against third parties, NXP is without knowledge or information sufficient to form a belief as to the truth of such allegations and, therefore, denies them. NXP denies any remaining allegations.

23. Denied.

24. Denied.

25. Denied.

JURISDICTION AND VENUE

26. NXP admits that the Complaint purports to allege claims for patent infringement under United States law. NXP denies any liability to Plaintiff for patent infringement or under any other claim or theory.

27. NXP admits that this Court has subject matter jurisdiction over claims arising under the patent laws of the United States.

28. NXP does not deny that this Court possesses personal jurisdiction over NXP USA, Inc. in this action. NXP denies all remaining allegations.

29. Denied.

30. Denied.

31. Denied.

THE PATENTS-IN-SUIT

32. NXP admits that Exhibit A purports to be the patent described in paragraph 32. NXP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 32 and, therefore, denies them.

33. NXP is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 and, therefore, denies them.

34. NXP is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 and, therefore, denies them.

35. Denied.

36. Denied.

37. Denied.

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