

**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

**DEFENDANT SILICON LABORATORIES INC.' S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

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35 U.S.C. § 271(g) *passim*

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Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Silicon Laboratories Inc. (“Silicon Labs”) moves to dismiss Plaintiff Ocean Semiconductor LLC’s (“Ocean”) claims for infringement in its Complaint for Patent Infringement (“Complaint”). Dkt. 1.

I. INTRODUCTION

Complete dismissal (and at a minimum significant streamlining) is appropriate now in this seven-patent case. Ocean accuses essentially every Silicon Labs product of infringing each of seven patents, but the Complaint omits key factual allegations needed to plausibly allege such widespread infringement. Additionally, for four of the asserted patents, Ocean’s claims under 35 U.S.C. 271(g) do not fit the narrow requirements of the statute, which concerns importation of “a product which is made by a process patented in the United States.” Silicon Labs should not be made to defend against implausible and legally unsupportable allegations of infringement.

Ocean’s Complaint identifies five tools allegedly used by TSMC—a Silicon Labs contract manufacturer—that purportedly practice the methods in Ocean’s seven asserted patents. From here, Ocean makes the factually unsupported leap to concluding that third party TSMC uses at least four of the five tools during the manufacture of all of Silicon Labs’ “semiconductor products and devices,” *i.e.*, arguably **every single product** sold by Silicon Labs. Compl. at ¶¶ 11, 15, 17, 19. Indeed, Ocean’s Complaint never attempts to plausibly tie TSMC’s purported use of the identified tools to the creation and importation of **any** actual Silicon Labs product, much less **all** of them. Further, Ocean blanketly alleges that other, unnamed chip manufacturers do likewise, again without any plausible factual allegation connecting the tools to Silicon Labs’ products.

Silicon Labs is not the fabricator of **any** of the Accused Products, and Ocean makes no such allegation. Silicon Labs does not own the tools, run the tools, or perform the fabrication process of which Ocean complains. Indeed, Ocean does not even allege that Silicon Labs had any knowledge of the tools third party TSMC uses to manufacture its products, much less the detailed

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