

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

Ocean Semiconductor LLC,

Plaintiff

v.

Silicon Laboratories Inc.,

Defendant.

Civil Action No.: 6:20-cv-1214

JURY TRIAL DEMANDED

PATENT CASE

**UNOPPOSED MOTION BY PLAINTIFF OCEAN SEMICONDUCTOR LLC'S FOR
LEAVE TO FILE SUR-REPLY IN OPPOSITION TO DEFENDANT SILICON
LABORATORIES INC.'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

/s/ Alex Chan

Timothy Devlin

tdevlin@devlinlawfirm.com

Henrik D. Parker

hparker@devlinlawfirm.com

Alex Chan (State Bar No. 24108051)

achan@devlinlawfirm.com

DEVLIN LAW FIRM LLC

1526 Gilpin Avenue

Wilmington, Delaware 19806

Telephone: (302) 449-9010

Facsimile: (302) 353-4251

DATED: April 8, 2021

In this patent infringement case, Plaintiff Ocean Semiconductor LLC (“Ocean” or “Plaintiff”) filed its complaint (Dkt. 1) (the “Complaint”) against Defendant Silicon Laboratories Inc. (“Silicon Labs” or “Defendant”). In lieu of an answer, Silicon Labs filed a Motion to Dismiss the Complaint under Fed. R. Civ. P. 12(b)(6) with a supporting brief. (Dkt. 14, the “Motion.”) On March 25, 2021, Ocean filed a responsive brief in opposition (Dkt. 16) and on April 1, 2021, Silicon Labs filed a reply brief (Dkt. 17).

Ocean hereby moves this Court, pursuant to Local Rule CV-7(f)(1), for permission to file a sur-reply brief for the following reasons.

In its Reply, Silicon Labs asserts new arguments and cites new legal authority not presented in their original opening brief which present an inaccurate description of the Complaint and the applicable cases interpreting the pleading standard for direct and indirect infringement. In particular, Silicon Lab’s new arguments are directed to challenging Ocean’s claims in the Complaint regarding induced infringement and direct infringement under 35 U.S.C. § 271(g), and the new authority not previously cited includes Justice Breyer’s concurrence in *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923, 1932 (2016) and *Mich. Motor Techs. LLC v. Volkswagen Aktiengesellschaft*, 472 F. Supp. 3d 377, 383 (E.D. Mich. 2020).

Because these new arguments and authority were presented for the first time in Silicon Labs’ Reply, Ocean has not had any opportunity to respond to or address the new legal arguments or authority in briefing regarding Defendant’s Motion to Dismiss.

A copy of the sur-reply brief that Ocean would file, if permitted to do so by the Court, is attached as Exhibit A.

Dated: April 8, 2021

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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 2, 2021, counsel for Plaintiff conferred by email with counsel for Defendant and that Defendant is unopposed to the relief requested herein.

/s/ Alex Chan

Alex Chan

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 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