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

OCEAN SEMICONDUCTOR LLC,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	NO. 6:20-cv-01215-ADA
	§	
STMICROELECTRONICS, INC.,	§	
	§	
Defendant.	§	
	§	

DEFENDANT STMICROELECTRONICS, INC.'S
PARTIAL MOTION TO DISMISS UNDER RULE 12(b)(6)

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

STATUTES

I.   INTRODUCTION

Ocean Semiconductor LLC ("Ocean Semiconductor") filed a lengthy Complaint against STMicroelectronics, Inc. ("ST Inc.") alleging infringement of eight patents relating to semiconductor technology. Despite its hefty page-count, that Complaint suffers from multiple infirmities that merit dismissal of several claims.

First, Ocean Semiconductor alleges that ST Inc. infringes patents under 35 U.S.C. § 271(g) even though the claims of those patents cannot, as a matter of law, support that assertion. Section 271(g) allows a patent holder to assert infringement claims based on a product sold, offered for sale, used in the U.S., or imported into the U.S., if that product was "made by" a process patented in the U.S. As the courts have recognized, this statute has limits. The Federal Circuit has repeatedly held that § 271(g) only applies when the claimed process creates a physical product. If the claimed process does not do so, § 271(g) cannot provide the basis for an infringement claim. In this case, Ocean Semiconductor alleges that semiconductor chips infringe under § 271(g) based on methods claimed in the eight asserted patents. It is clear, however, that the asserted method claims for at least four of the patents do not produce any physical product. Those claims recite processes for detecting manufacturing faults, reacting to detected faults by halting manufacturing or sharing fault-related data, and scheduling manufacturing activities. None of these processes produces a tangible good and each is removed from the steps performed to make an actual product. The mismatch between the claimed methods and the scope of § 271(g) precludes Ocean Semiconductor's infringement claims for the four asserted patents. For that reason, ST Inc. requests that the Court dismiss those § 271(g) claims with prejudice.

Second, for all asserted patents, Ocean Semiconductor provides threadbare allegations of induced infringement and willfulness. In each instance, Ocean Semiconductor fails to plead plausible facts to support that ST Inc. possessed the knowledge and intent, or performed the

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