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

Ocean Semiconductor LLC, Plaintiff v. Western Digital Technologies, Inc., Defendant.	Civil Action No.: 6:20-cv-1216 JURY TRIAL DEMANDED PATENT CASE

PLAINTIFF OCEAN SEMICONDUCTOR LLC'S OPPOSITION TO DEFENDANT WESTERN DIGITAL TECHNOLOGIES, INC.'S MOTION TO DISMISS

DATED: March 26, 2021

/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

Attorneys for Plaintiff,
Ocean Semiconductor LLC

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Other Authorities

Rules

Statutes

I. INTRODUCTION

Western Digital Technologies, Inc.'s ("WDT") Motion to Dismiss (Dkt. 12) is a hodgepodge of conclusory assertions about the adequacy of Ocean Semiconductor LLC's ("Ocean") Complaint (Dkt. 1) that both confuses the pleading standards and Rule 12(b)(6) law while citing to inapplicable case law and ignoring the extensive evidentiary presentation. While purporting to apply a "plausibility" standard, WDT actually argues for a much higher, legally improper, pleading standard that would require Ocean to lay out in the Complaint substantially more than is required. This misapplication of legal standards runs throughout WDT's Motion.

First, WDT wrongly argues that seven of the asserted patents cannot be asserted under 35 U.S.C. § 271(g) because they allegedly are not drawn to the manufacture of a product. WDT mischaracterizes what the patents cover, however, and ignores that each teaches and claims manufacturing activities and physical products that place them well within the ambit of § 271(g).

Similarly, in support of its inducement claims, Ocean has provided evidence and factual allegations—allegations that the Court must take as true—that would allow an inference that WDT knew about the manufacturing processes and equipment used to manufacture its own products by virtue of its contractual relationships with its foundries. Already exceeding what is typically required under the *Iqbal*/*Twombly* pleading standard, Ocean's Complaint also offered three specific classes of information that Ocean expects discovery will reveal and that would lend credence to Ocean's inducement allegations. If this information is not sufficient to meet the *Iqbal*/*Twombly* pleading standard, it is difficult to imagine anything that would.

Finally, on willfulness, WDT argues the same "lack of knowledge" debunked by Ocean as to inducement and then for an "egregiousness" requirement that is not the law while ignoring precedent establishing that notice letters are sufficient to show knowledge and to plausibly show that WDT should have known that its conduct amounted to infringement.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.