

**IN 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**

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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.

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