

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

ADVANCED SILICON
TECHNOLOGIES LLC,

Plaintiff,

v.

NXP SEMICONDUCTORS N.V.,
NXP B.V., and
NXP USA, INC.,

Defendants.

§
§
§
§
§
§
§
§

Case No. 6:22-CV-00466-ADA-DTG

**JOINT NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
PLAINTIFF’S INDIRECT AND WILLFUL INFRINGEMENT ALLEGATIONS**

Plaintiff Advanced Silicon Technologies LLC (“Plaintiff”) and Defendants NXP Semiconductors N.V., NXP B.V., and NXP USA, Inc. (collectively, “Defendants”) hereby provide notice under Section VII of the Court’s Standing Order Governing Proceedings (OGP) 4.1—Patent Cases (dated April 14, 2022), of the following agreement:

Plaintiff voluntarily dismisses, without prejudice, its allegations against Defendants concerning indirect infringement (including inducement and contributory infringement) and the pre-suit portions of its allegations against Defendants concerning willful infringement of United States Patent Nos. 7,804,435 and 8,933,945;

Plaintiff may re-plead the dismissed allegations with specificity, if supported by a good faith basis under Rule 11, within three months after fact discovery opens, and the parties agree to permit fact discovery on indirect and willful infringement during those three months; and

Defendants do not waive their right to subsequently contest the sufficiency of post-suit allegations of willfulness, and Plaintiff does not dispute that Defendants may do so, for example, should the Plaintiff file an amended complaint.

Dated: August 1, 2022

Respectfully submitted,

By: /s/ Patrick A. Fitch

By: /s/ Richard S. Zembek

Brian A. Carpenter (State Bar No. 3840600)
carpenter@cclaw.com
Carstens & Cahoon, LLP
1105 Wooded Acres, Suite 415
Waco, Texas 76701
(254) 294-8154

Richard S. Zembek (SBN 00797726)
richard.zembek@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
Tel: (713) 651-5151
Fax: (713) 651-5246

Robert R. Brunelli (pro hac vice)
rbrunelli@sheridanross.com
Patrick A. Fitch (pro hac vice)
pfitch@sheridanross.com
Alex W. Ruge (pro hac vice)
aruge@sheridanross.com
Brian Boerman (pro hac vice)
bboerman@sheridanross.com
Sheridan Ross P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202
Phone: (303) 863-9700
Fax: (303) 863-0223
Email: litigation@sheridanross.com

Eric C. Green (SBN 24069824)
eric.green@nortonrosefulbright.com
Catherine Garza (SBN 24073318)
Cat.garza@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701
Tel: (512) 474-5201
Fax: (512) 536-4598

Counsel for Plaintiff Advanced Silicon Technologies LLC

Counsel for Defendants NXP Semiconductors N.V.; NXP B.V.; and NXP USA, Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that the parties conferred via email on July 29, 2022, and that Plaintiff and Defendants agree to request the relief sought herein.

/s/ Catherine Garza

Catherine Garza

CERTIFICATE OF SERVICE

I certify that on August 1, 2022, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Catherine Garza

Catherine Garza