

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.

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Case. No. 6:22-CV-0466-ADA-DTG

**DEFENDANT NXP USA, INC.’S ANSWER TO PLAINTIFF ADVANCED SILICON
TECHNOLOGIES LLC’S FIRST AMENDED COMPLAINT**

Defendant NXP USA, Inc. (“NXP”)¹ responds to Plaintiff Advanced Silicon Technologies LLC’s (“AST”) First Amended Complaint for Patent Infringement (“FAC”) as follows:

NXP USA denies infringement of any asserted claim of U.S. Patent Nos. 7,804,435 (the “435 patent”); and 8,933,945 (the “945 patent”) (collectively, “the Asserted Patents”). NXP also denies that AST is entitled to its requested relief or any other relief related to its allegations in the FAC. NXP further denies each and every allegation contained in the FAC unless expressly admitted in the following paragraphs. Any admitted factual allegation in the FAC is admitted only as to the specific admitted fact(s), and not as to any purported conclusion, characterization, implication, or speculation that may follow from the fact(s) as admitted.

NATURE OF THE ACTION

1. AST sues to stop, and to recover damages caused by, NXP’s infringement of AST’s patents.

¹ The parties have filed a Stipulation of Dismissal Without Prejudice of Defendants NXP Semiconductors N.V. and NXP B.V. Dkt. 34. Thus, the remaining defendant is NXP USA, Inc.

ANSWER: NXP admits that AST purports to state a claim for patent infringement, but NXP denies that it infringed any patents and denies that AST is entitled to damages. NXP denies any remaining allegations in Paragraph 1.

2. This action involves patents that stem from the research and design of innovative and proprietary technology developed by AST's licensee, Advanced Micro Devices, Inc. ("AMD"). AMD is an American multi-national company and pioneer of cutting-edge graphics processor and microprocessor technology. The asserted patents cover inventions relating to important aspects of AMD's integrated circuit and microfabrication technology.

ANSWER: NXP is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 2, and therefore denies the allegations in Paragraph 2.

3. Tracing its history back to Philips and Motorola Semiconductors, NXP in its present form took shape in 2015 through a merger with Freescale Semiconductor. See, e.g., <https://www.nxp.com/company/about-nxp/history:NXP-HISTORY>.

ANSWER: NXP denies the allegations in Paragraph 3.

PARTIES

4. Plaintiff Advanced Silicon Technologies LLC is a Delaware limited liability company with a principal place of business in Portland, Maine, and a mailing address of 533 Congress Street, Portland, Maine 04101.

ANSWER: NXP is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4, and therefore denies the allegations in Paragraph 4.

5. Defendant NXP USA, Inc. is a Delaware corporation with a principal place of business at 6501 W. William Cannon Drive, Austin, Texas 78735.

ANSWER: NXP admits that NXP USA, Inc. is a Delaware corporation with its principal place of business located at 6501 W. William Cannon Drive, Austin, TX 78735. NXP denies any remaining allegations in Paragraph 5.

6. AST's Original Complaint (ECF No. 1) named NXP Semiconductors N.V. and NXP B.V. as defendants. AST dismissed those parties without prejudice subject to conditions set forth in a stipulation filed with the Court (ECF No. 34).

ANSWER: NXP USA admits the allegations in Paragraph 6.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action presents a federal question under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 284, and 285.

ANSWER: NXP USA admits the allegations in Paragraph 9.

8. This Court specific or, alternatively, general jurisdiction over NXP because it is registered to do business in the State of Texas and operates its U.S. headquarters and a manufacturing facility in Austin, Texas. See <https://www.nxp.com/company/about-nxp/worldwide-locations/united-states:USA>. NXP has caused acts of infringement to occur in this District in violation of U.S.C. § 271. For example, on information and belief, at its Austin, Texas facilities NXP designs, develops, tests, uses, markets, imports, exports, offers to sell, and sells infringing products.

ANSWER: Without admitting personal jurisdiction is proper here, NXP does not contest personal jurisdiction for purposes of this litigation only. NXP USA denies that it “has caused acts of infringement to occur” and furthermore denies that it “designs, develops, tests, uses, markets, imports, exports, offers to sell, and sells infringing products.” NXP denies any remaining allegations in Paragraph 8.

9. Because NXP maintains more than minimum contacts with this District, the Court’s exercise of jurisdiction aligns with constitutional standards of fair play and substantial justice and arises directly from NXP’s purposeful minimum contacts in this District.

ANSWER: Without admitting personal jurisdiction is proper here, NXP does not contest personal jurisdiction for purposes of this litigation only. To the extent an answer is required, NXP denies any remaining allegations in Paragraph 9.

10. Venue is proper in this District under 28 U.S.C. § 1400(b) because NXP has regular and established places of business and has committed acts of infringement in this District. NXP maintains two offices, including its headquarters office, in this District. NXP advertises, for example, that semiconductor design and manufacturing activities take place at both of its Austin, Texas facilities. See, e.g., <https://www.nxp.com/company/about-nxp/worldwide-locations/united-states:USA>. NXP further advertises that “NXP owns and operates four wafer fabrication facilities in the US, two of which are in Austin, Texas . . . ,” and that “representative products of these fabs include microcontrollers (MCUs) and microprocessors (MPUs), power management devices, RF transceivers, amplifiers, and sensors.” *Id.*

ANSWER: The allegations regarding venue in Paragraph 10 are conclusions of law, rather than statements of fact, to which no response is required. Without admitting venue is proper here, NXP does not contest venue for purposes of this litigation in the Western District of Texas only. NXP denies that this Division is convenient, and reserves its rights to move for transfer under 28 U.S.C. § 1404. NXP denies that it “committed acts of infringement.” NXP denies any remaining allegations of Paragraph 10.

THE ASSERTED PATENTS

11. U.S. Patent No. 7,804,435, titled “Video decoder with reduced power consumption and method thereof,” issued September 28, 2010 (“’435 patent”), a true and correct copy of which is attached as Exhibit A. The application leading to the ’435 patent was filed August 31, 2006.

ANSWER: NXP admits that United States Patent No. 7,804,435 (“the ’435 patent”) states on its face that it is entitled “Video decoder with reduced power consumption and method thereof,” issued on September 28, 2010, and was filed on August 31, 2006. NXP denies any remaining allegations in Paragraph 11.

12. U.S. Patent No. 8,933,945, titled “Dividing work among multiple graphics pipelines using a super-tiling technique,” issued January 13, 2015 (“’945 patent”), a true and correct copy of which is attached as Exhibit B. The application leading to the ’945 patent was filed June 12, 2003, and claims priority to U.S. Provisional Appl. No. 60/429,641, filed November 27, 2002.

ANSWER: NXP admits that United States Patent No. 8,933,945 (“’945 patent”) states on its face that it is entitled “Dividing work among multiple graphics pipelines using a super-tiling technique,” issued on January 13, 2015, was filed on June 12, 2003, and claims priority to U.S. Provisional Appl. No. 60/429,641, filed November 27, 2002. NXP denies any remaining allegations in Paragraph 12.

13. The ’435 and ’945 patents (collectively, the “Asserted Patents”) are presumed valid and enforceable under 35 U.S.C. § 282.

ANSWER: Paragraph 13 contains conclusions of law, rather than statements of fact, to which no response is required. To the extent a response is required, NXP denies the allegations in Paragraph 13.

14. AST owns all right, title, and interest in the Asserted Patents, including the right to assert all causes of action involving the asserted patents and the right to any remedies for infringement, including for past damages. Exhibits C and D contain true and accurate copies of the assignment records for the '435 and '945 patents, respectively.

ANSWER: NXP is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 14, and therefore denies the allegations in Paragraph 14.

COUNT I: INFRINGEMENT OF THE '435 PATENT

15. AST incorporates the preceding paragraphs as if it repeated them all here.

ANSWER: NXP incorporates by reference the contents in the preceding Paragraphs 1-14 as if restated fully herein.

16. The '435 patent recites 26 claims, including independent claims 1, 9, 14, 19, 22, 25, and 26. See Ex. A, 17:43 to 20:33.

ANSWER: NXP admits that the '435 patent recites 26 claims and claims 1, 9, 14, 19, 22, 25, and 26 are independent claims. NXP denies any remaining allegations in Paragraph 16.

17. Claim 1 of the '435 patent reads:

An apparatus comprising:

a power management controller operatively couplable to a video decoder that decodes at least one encoded digital video stream and in response to a determination of encoding description data that describes a scheme used to encode the input stream, varies power consumption of at least one operational portion of the video decoder.

Ex. A. 17:54-60.

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