UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

Advanced Silicon Technologies LLC,	Civil Action No. 6:22-cv-00466-ADA-DTG
Plaintiff,	
v.	
NXP Semiconductors N.V., NXP B.V., and NXP USA, Inc.,	**Jury Trial Demanded**
Defendants.	

AST's Unopposed Motion for Leave to Amend Final Infringement Contentions

Advanced Silicon Technologies LLC respectfully seeks leave to amend its Final Infringement Contentions. AST's proposed amendment incorporates evidence derived from documents and source code produced by Defendant NXP USA, Inc. since AST served its Final Infringement Contentions. Good cause supports this motion because fact discovery is ongoing, and the source code and accompanying documents contained new information not previously available to AST, and so that AST can more fully put NXP on notice of its infringement claims.

A party may amend its final infringement contentions if good cause exists and with leave of Court. *See* Fed. R. Civ. P. 16(b)(4); *MV3 Partners LLC v. Roku, Inc.*, No. 6:18-CV-00308-ADA, 2020 U.S. Dist. LEXIS 264454, at *2 (W.D. Tex. Mar. 23, 2020). The absence of prejudice, by itself, can support granting leave. *E.g.*, *Kinetic Concepts, Inc. v. BlueSky Med. Corp.*, No. SA-08-CV-102-RF, 2009 WL 10664413, at *2–3 (W.D. Tex. Dec. 21, 2009).

Good cause supports this Motion. The information added to the proposed amended contentions comes directly from source code and document discovery not yet produced when AST served its Final Infringement Contentions. AST has diligently pursued this information from NXP and provided drafts of its proposed contentions for NXP's review as part of the meet-and-confer process within a few weeks of receiving the printed source code and documents relied on in the proposed amendments. Permitting AST to amend its contentions and provide updated claim charts would not unduly prejudice NXP, which does not oppose this motion, whereas denying AST leave to amend would prejudice AST's ability to pursue its infringement case. Ample time remains in fact discovery for the parties to pursue any follow up discovery necessitated by this amendment. And granting this motion would not delay any deadline in this litigation, as fact discovery does not close until October 27, 2023 and opening expert reports are not due until November 9. *See* ECF 79.

AST respectfully requests the Court grant its Unopposed Motion for Leave to Amend Its Final Infringement Contentions.

<div align="right">Respectfully submitted,</div>

Dated: August 4, 2023

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CERTIFICATE OF CONFERENCE

I conferred by phone and e-mail on behalf of AST about this motion with Mr. Eric Green, on behalf of NXP, on several occasions—most recently July 31, 2023. NXP does not oppose this motion.

By: */s/ Patrick A. Fitch*_____

Patrick A. Fitch (admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the above-referenced matter.

*/s/ Thomas J. Armento*_____

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