

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

**NXP USA, INC.’S UNOPPOSED MOTION FOR LEAVE TO
AMENDED FINAL INVALIDITY CONTENTIONS**

NXP USA, Inc. (“NXP”) respectfully requests leave to amend its Final Invalidity Contentions directed to U.S. Patent No. 7,804,435 (“the ’435 patent”). NXP’s proposed amendments—which Advanced Silicon Technologies LLC (“AST”) does not oppose—address AST’s allegations (i) that the ’435 patent was conceived prior to its filing date and thus is entitled to an effective date earlier than its filing date; and (ii) that supposed functionality in NXP’s accused products related to “clock gating” or powering on or off system components infringes asserted claims of the ’435 patent.

Subsequent to service of NXP’s Final Invalidity Contentions, AST identified documents that purportedly support conception of the alleged invention in the ’435 patent prior to its filing date. NXP promptly served proposed amended contentions on AST responsive to this earlier date. Additionally, AST requested, and the Court granted, AST’s unopposed motion for leave to amend its Final Infringement Contentions on August 4, 2023. Dkt. 80 and associated text entry. AST’s First Amended Final Infringement Contentions include infringement theories relating to “clock gating” and powering on or off circuit components that were not previously advanced. Pursuant

to an agreement between the parties, NXP promptly served proposed amended contentions on AST that included prior art responsive to these new theories of infringement.

Good cause supports this motion. The amendments to NXP's invalidity contentions are directly responsive to arguments made after service of NXP's Final Invalidity Contentions. NXP has diligently provided drafts of its proposed amended contentions for AST's review. Permitting NXP to amend its contentions will not unduly prejudice AST. However, NXP's invalidity defense will be prejudiced if these amendments are not allowed. Granting this motion will not delay any deadline in this litigation, and sufficient time remains in fact discovery for the parties to pursue any additional discovery necessitated by these amendments. Accordingly, NXP requests that this unopposed motion be granted.

September 27, 2023

Respectfully submitted,

By: Eric C. Green

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***COUNSEL FOR DEFENDANT NXP USA,
INC.***

CERTIFICATE OF CONFERENCE

I conferred by phone and e-mail on behalf of NXP regarding this motion with counsel for
AST, which indicated via email on September 21, 2023 that AST does not oppose this motion.

By: /s/ Eric C. Green
Eric C. Green

CERTIFICATE OF SERVICE

I certify that on September 27, 2023, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Catherine Garza
Catherine Garza