

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

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SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Plaintiffs,

-vs.-

NVIDIA CORPORATION, VELOCITY  
MICRO, INC. D/B/A VELOCITY MICRO,  
AND VELOCITY HOLDINGS, LLC,

Defendants.

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Civil Action No. 3:14-cv-757-REP

**[CORRECTED] MEMORANDUM IN SUPPORT OF DEFENDANT NVIDIA  
CORPORATION'S OPPOSITION TO PLAINTIFF SAMSUNG'S MOTION TO SEVER**

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Defendant NVIDIA Corporation (“NVIDIA”) respectfully opposes Samsung’s Motion to Sever.

## **I. INTRODUCTION**

On April 14, 2015, in full compliance with all rules of procedure and prior to the Court-ordered deadline for the amendment of pleadings, NVIDIA amended its answer to assert four counterclaim patents—patents for which NVIDIA gave Samsung notice of infringement more than a year ago. The NVIDIA counterclaim patents are directed at Samsung’s infringing graphics processing units (“GPUs”), the same technology and type of product that Samsung alleges infringes six of the asserted Samsung patents. On April 15, 2015, with full knowledge of NVIDIA’s counterclaims, Samsung sought an aggressive discovery and trial schedule. But Samsung now contends that the Court’s current schedule is “impossible” to meet unless NVIDIA’s counterclaims are severed. (Mot. at 10.)

What is sauce for the goose is sauce for the gander. Samsung has known about the four NVIDIA counterclaim patents since early 2014, and is currently litigating related patents in an International Trade Commission (“ITC”) Investigation. Samsung is well-prepared to litigate the counterclaim patents now. Samsung’s request to sever and avoid the Court’s typical schedule on NVIDIA’s counterclaims merely reflects Samsung’s tactical preferences. Having chosen to litigate this suit in this district as a plaintiff, Samsung should be held to the Court’s typical schedule as a defendant.

Samsung’s Motion to Sever should be denied because: (i) the products at issue in the counterclaims relate to the same type of products (GPUs) at issue for six of Samsung’s eight asserted patents, (ii) Samsung has failed to demonstrate that severing NVIDIA’s timely-filed counterclaims from this case would promote the prompt and efficient disposition of the litigation, and (iii) Samsung has not demonstrated that it will suffer prejudice if NVIDIA’s counterclaims

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