

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

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

Plaintiffs,

-v.-

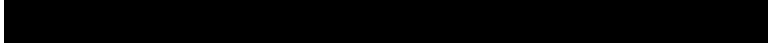
NVIDIA CORPORATION, OLD MICRO,  
INC. F/K/A VELOCITY MICRO, INC., AND  
VELOCITY HOLDINGS, LLC,

Defendants.

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



**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION *IN LIMINE* NO. 3 TO  
PRECLUDE CERTAIN EVIDENCE AND TESTIMONY RELATING TO  
U.S. PATENT NOS. 6,287,902 AND 8,252,675**



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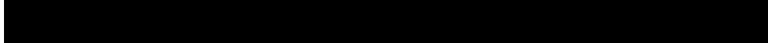
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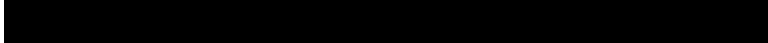
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Defendants NVIDIA Corporation, Velocity Micro, Inc. d/b/a Velocity Micro, and Velocity Holdings, LLC (collectively, “Defendants”) hereby respectfully submit this memorandum in support of its Motion *in Limine* No. 3, which seeks an Order:

1. Precluding Plaintiff Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (collectively, “Samsung”) expert Dr. Richard Fair from offering testimony or opinions regarding infringement of U.S. Patent No. 8,252,675 (“’675 patent”) or U.S. Patent No. 6,287,902 (“’902 patent”) under the doctrine of equivalents.
2. Precluding Dr. Fair from offering testimony or opinions regarding secondary considerations of non-obviousness with respect to:
  - a. Copying by others (’675 patent and ’902 patent)
  - b. Recognition/praise by others (’675 patent and ’902 patent)
  - c. Commercial success (’675 patent)
3. Precluding Samsung from offering evidence or eliciting testimony regarding its 

**I. DR. FAIR SHOULD BE PRECLUDED FROM OFFERING TESTIMONY OR OPINIONS REGARDING INFRINGEMENT OF THE ’675 OR ’902 PATENTS UNDER THE DOCTRINE OF EQUIVALENTS.**

Samsung should be precluded from eliciting testimony from its technical expert Dr. Richard Fair regarding infringement under the doctrine of equivalents.

It is black letter law that to establish infringement under the doctrine of equivalents, a patentee must provide “particularized testimony and linking argument as [to] the equivalence between the claim limitation and the alleged equivalent.” *Gemalto S.A. v. HTC Corp.*, 754 F.3d 1364, 1374 (Fed. Cir. 2014); *AquaTex Indus., Inc. v. Techniche Solutions*, 479 F.3d 1320, 1328 (Fed. Cir. 2007) (same). “Generalized testimony as to the overall similarity between the claims and the accused infringer’s product or process will not suffice.” *Gemalto*, 754 F.3d at 1374. (quoting *Tex. Instruments, Inc. v. Cypress Semiconductor Corp.*, 90 F.3d 1558, 1567 (Fed. Cir.

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