UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ADVANCED INTEGRATED CIRCUIT PROCESS LLC, *Plaintiff,* v. UNITED MICROELECTRONICS CORPORATION *Defendant.*	Civil Action No. 2:24-cv-00730-JRG (Lead Case) **JURY TRIAL DEMANDED**
ADVANCED INTEGRATED CIRCUIT PROCESS LLC, *Plaintiff,* v. TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LIMITED. *Defendant.*	Civil Action No. 2:24-cv-00623-JRG (Member Case) **JURY TRIAL DEMANDED**

PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO AMEND INFRINGEMENT CONTENTIONS AGAINST DEFENDANT UNITED MICROELECTRONICS CORPORATION

TABLE OF AUTHORITIES

Page(s)

Cases

Arigna Tech. Ltd. v. Volkswagen AG,
No. 221CV00054JRGRSP, 2022 WL 2761288 (E.D. Tex. Jan. 19, 2022) 4

CogniPower LLC v. Samsung Elecs. Co.,
No. 2:23-CV-00160-JRG, 2024 WL 128207 (E.D. Tex. Jan. 11, 2024) 3

Garmin Ltd. v. Tomtom, Inc.,
No. 2:06-cv-338-LED, 2007 WL 2903843 (E.D. Tex. Oct. 3, 2007).....4

Greenthread, LLC v. OmniVision Techs., Inc.,
No. 2:23-CV-00157-JRG, 2024 WL 1744069 (E.D. Tex. Apr. 23, 2024) 3

KAIST IP US LLC v. Samsung Elecs. Co.,
No. 2:16-CV-01314-JRG-RSP, 2018 WL 1806765 (E.D. Tex. Apr. 17, 2018).....3

Packet Intelligence LLC v. NetScout Sys.,
No. 2:16-CV-230-JRG, 2017 WL 2531591 (E.D. Tex. Apr. 27, 2017) 2

Rules

Rule 3-1.....1, 2

Rule 3-2.....4

Rule 3-6(b).....1

Pursuant to Rule 3-6(b) of the Local Patent Rules, Plaintiff Advanced Integrated Circuit Process LLC ("AICP") respectfully moves for leave to amend its Disclosure of Asserted Claims and Infringement Contentions Pursuant to Local Patent Rules 3-1 and 3-2 with the amendments served on United Microelectronics Corporation ("UMC") on February 13, 2025. Defendant UMC does not oppose AICP's proposed amendments.

AICP seeks leave to amend for two reasons: (1) to correct a formatting error that led to the omission of a claim limitation in AICP's Patent Rule 3-1(c) Disclosures regarding the Asserted Claims of U.S. Patent No. 8,907,425 ("'425 Patent") and (2) to provide additional detail in support of the representativeness of its charting of exemplary products. AICP provided such additional detail in charts for U.S. Patent No. 7,579,227 (the "'227 Patent"), United States Patent No. 7,923,764 (the "'764 Patent"), United States Patent No. 8,198,686 (the "'686 Patent"), United States Patent No. 8,253,180 (the "'180 Patent"), United States Patent No. 8,587,076 (the "'076 Patent"), and United States Patent No. 8,796,779 (the "'779 Patent").

BACKGROUND

On January 7, 2025, AICP timely served its Disclosure of Asserted Claims and Infringement Contentions Pursuant to Local Patent Rules 3-1 and 3-2 on UMC. It later came to AICP's attention that its charting of the '425 Patent was inadvertently missing a claim limitation due to a formatting error. AICP fixed this issue and, at the same time, supplemented its infringement contentions with additional detail regarding the representativeness of its charting of exemplary products that arose from AICP's ongoing investigation.

On February 13, AICP served amended infringement contentions reflecting these changes on UMC and asked whether it would oppose AICP's seeking of leave to amend. UMC does not oppose.

ARGUMENT

Good cause exists to grant AICP's unopposed motion seeking leave to amend its Disclosure of Asserted Claims and Infringement Contentions Pursuant to Local Patent Rules 3-1 and 3-2. This Court considers four factors in evaluating good cause: "(1) the explanation for the failure to meet the deadline; (2) the importance of the thing that would be excluded if the proposed amendment is not allowed; (3) potential prejudice in allowing the thing that would be excluded; and (4) the availability of a continuance to cure such prejudice." *Packet Intelligence LLC v. NetScout Sys.*, No. 2:16-CV-230-JRG, 2017 WL 2531591, at *1 (E.D. Tex. Apr. 27, 2017) (citation omitted).

First, AICP timely served its infringement contentions and has been diligent. AICP's amended infringement contentions would add an inadvertently omitted claim limitation and provide additional information to supports it contention that other products created at the accused process nodes infringe Plaintiffs' patents. AICP identified the missing claim limitation shortly after serving its initial infringement contentions on UMC and served amended infringement contentions on February 13, more than seven weeks before UMC's invalidity contentions are due.

These additions do not change AICP's infringement theories. On the contrary, they provide additional explanation and clarification. This sort of supplementation is proper. Indeed, this Court has held that it is not necessary to supplement contentions to provide such information at all. *See KAIST IP US LLC v. Samsung Elecs. Co.*, No. 2:16-CV-01314-JRG-RSP, 2018 WL 1806765, at *3 (E.D. Tex. Apr. 17, 2018) (explaining that a plaintiff has no "*obligation* to supplement [its] contentions to include additional identifying information once known, so if [its] preliminary infringement contentions sufficiently identified the instrumentalities when served, they are sufficient now and the addition of more specific identifying information has no prejudicial effect.")

(emphasis in original); *see also Greenthread, LLC v. OmniVision Techs., Inc.*, No. 2:23-CV-00157-JRG, 2024 WL 1744069, at *3 (E.D. Tex. Apr. 23, 2024) (granting leave to amend where "[t]he amendments clarif[ied] what products [we]re accused" and "were made in direct response to the conversations between [the parties]").

Second, AICP's amendments are important. With respect to the addition of an inadvertently omitted claim limitation, this amendment is important because, without it, AICP's contentions appeared to omit evidence related to UMC's infringement of one claim limitation. *See CogniPower LLC v. Samsung Elecs. Co.*, No. 2:23-CV-00160-JRG, 2024 WL 128207, at *6 (E.D. Tex. Jan. 11, 2024) (granting leave to amend infringement contentions with the addition of new products because, otherwise, plaintiff "would be unable to accuse the additional products in this litigation"). AICP's other amendments are similarly important because they "provide[] additional information about how the accused products work." *Garmin Ltd. v. Tomtom, Inc.*, No. 2:06-cv-338-LED, 2007 WL 2903843, at *7 (E.D. Tex. Oct. 3, 2007); *Arigna Tech. Ltd. v. Volkswagen AG*, No. 221CV00054JRGRSP, 2022 WL 2761288, at *2 (E.D. Tex. Jan. 19, 2022) (agreeing that amendments providing greater detail of how plaintiff's infringement theory applies are important).

Third, there is no prejudice to UMC, which does not oppose amendment. This case is in its early stages, and discovery has just begun. AICP served its proposed amended infringement contentions on February 13, before discovery began and more than seven weeks before UMC's invalidity contentions are due. Moreover, a *Markman* hearing is not scheduled for months. For the same reason, there is no need for a continuance.

For these reasons, AICP respectfully requests that the Court grant this unopposed motion for leave to amend its Disclosure of Asserted Claims and Infringement Contentions Pursuant to Local Patent Rules 3-1 and 3-2.

Dated: March 7, 2025

Respectfully submitted,

/s/ Andrew Nassar

Justin A. Nelson – Lead Counsel
Texas State Bar No. 24034766
SUSMAN GODFREY LLP
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
jnelson@susmangodfrey.com

Kalpana Srinivasan
California State Bar No. 237460
SUSMAN GODFREY LLP
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
ksrinivasan@susmangodfrey.com

Ian Gore
Washington State Bar No. 54519
Kemper Diehl
Washington State Bar No. 53212
Bianca Rey
Washington State Bar No. 62422
SUSMAN GODFREY LLP
401 Union Street, Suite 3000
Seattle, Washington 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
igore@susmangodfrey.com
kdiehl@susmangodfrey.com
brey@susmangodfrey.com

Ravi Bhalla
New York State Bar No. 5748223
Andrew Nassar
New York State Bar No.: 6162226
SUSMAN GODFREY LLP
One Manhattan West, 50th Floor
New York, NY 10001

Telephone: (212) 336-8330
Facsimile: (212) 336-8340
rbhalla@susmangodfrey.com
anassar@susmangodfrey.com

Of Counsel:
Claire Abernathy Henry
Texas State Bar No. 24053063
Andrea Fair
Texas State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Telephone: (903) 757-6400
Fax: (903) 757-2323
claire@millerfairhenry.com
andrea@millerfairhenry.com

Attorneys for Plaintiff AICP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel for UMC were served with these documents electronically on March 7, 2025.

/s/ Andrew Nassar
Andrew Nassar, Susman Godfrey LLP

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the parties met and conferred by email. UMC stated that it does not oppose this motion on March 7, 2025.

/s/ Andrew Nassar
Andrew Nassar, Susman Godfrey LLP