

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Case No: 18-cv-966-CFC-CJB



**VLSI'S MEMORANDUM OF LAW IN OPPOSITION TO
INTEL'S MOTION FOR SUMMARY JUDGMENT NO. 4 OF NO
DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,523,331 (D.I. 820)**

(Intel's MSJ # 4)

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TABLE OF CONTENTS

	<u>Page</u>
I. SUMMARY OF ARGUMENTS	1
II. STATEMENT OF FACTS	1
III. INTEL DIRECLTY INFRINGES	1
A. Intel Directly Infringes At Least By Testing.....	1
B. Intel Directly Infringes By [REDACTED]	2
IV. INTEL'S MOTION REGARDING DAMAGES SHOULD BE DENIED.....	4
V. CONCLUSION.....	4

TABLE OF AUTHORITIES

Page(s)

Cases¹

Acceleration Bay v. Activision Blizzard,
324 F. Supp. 3d 470 (D. Del. 2018).....4

Akamai Techs. v. Limelight Networks,
797 F.3d 1020 (Fed. Cir. 2015) (*en banc*)2, 3

Carnegie Mellon U. v. Marvell Tech. Grp.,
807 F.3d 1283 (Fed. Cir. 2015)1, 4

Centillion Data Sys. v. Qwest Commcn's Int'l,
631 F.3d 1279 (Fed. Cir. 2011)3, 4

Sapphire Crossing v. Robinhood Markets,
2021 WL 149023 (D. Del. Jan. 15, 2021)1

Statutes

35 U.S.C. § 271(a)1, 2, 3

¹ All emphases added. All subsequent history and internal citations omitted, unless otherwise noted.

I. SUMMARY OF ARGUMENTS

Intel's ME/CSME subsystem infringes the '331 Patent. Its firmware runs on Intel's chipsets (platform controller hubs or "PCHs") embedded within host systems. ME/CSME subsystems use DRAM memory [REDACTED].

Intel directly infringes based on *Intel's actions* concerning chipsets *embedded within host systems*, including by testing chipsets, and [REDACTED].

VLSI offers damages theories for all acts of infringement, including testing.

II. STATEMENT OF FACTS

Pertinent facts are below and in the Responsive Concise Statement of Facts ("RSOF").

III. INTEL DIRECTLY INFRINGES

A. Intel Directly Infringes At Least By Testing

Direct infringement includes "making" or "using." 35 U.S.C. § 271(a). This includes testing. *Carnegie Mellon U. v. Marvell Tech. Grp.*, 807 F.3d 1283, 1296-97 (Fed. Cir. 2015) (affirming direct infringement via testing); *Sapphire Crossing v. Robinhood Markets*, 2021 WL 149023, at *3-4 (D. Del. Jan. 15, 2021) (same).

Intel [REDACTED], "making" and "using" the ME/CSME subsystem. RSOF ¶ 1. [REDACTED]

[REDACTED]

[REDACTED] RSOF ¶ 2. [REDACTED]

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