

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

XOCKETS, INC.,

Plaintiff,

v.

**NVIDIA CORPORATION,
MICROSOFT CORPORATION, and
RPX CORPORATION**

Defendants.

Civil Action No. 6:24-cv-00453-LS

JURY TRIAL DEMANDED

**DEFENDANT NVIDIA CORPORATION’S JOINDER IN DEFENDANT MICROSOFT
CORPORATION’S MOTION TO SEVER AND STAY PATENT CLAIMS UNDER
CUSTOMER-SUIT EXCEPTION**

Defendant NVIDIA Corporation hereby joins Microsoft’s Motion to Sever and Stay Patent Claims Under the Customer Suit Exception (Dkt. 139) for the reasons stated in that motion and supports the relief requested by Microsoft.

In short, the First Amended Complaint (Dkt. No. 7) accuses Microsoft of infringement based on the “use of the accused NVIDIA system and components that NVIDIA sells to Microsoft” (e.g., FAC, ¶ 83); any non-NVIDIA accused Microsoft products would not be properly joined in this case; NVIDIA is the primary source of witnesses and evidence related to the NVIDIA products and is in the best position to defend its products against Xockets’ patent claims; and Microsoft has agreed to be bound by the resolution of the issues of non-infringement and invalidity in the patent case against NVIDIA. *In re Nintendo of Am., Inc.*, 756 F.3d 1363, 1365–66 (Fed. Cir. 2014) (the customer-suit exception and Rule 21 severance is “designed to facilitate just, convenient, efficient, and less expensive determination”); *Sonrai Memory Ltd. v. Samsung Elecs. Co.*, No. 6:21-CV-00169-ADA, 2022 WL 572301 (W.D. Tex. Feb. 24, 2022) (severing and staying claims against

customer); *see also Spread Spectrum Screening LLC v. Eastman Kodak Co.*, 657 F.3d 1349, 1357-58 (Fed. Cir. 2011) (the stay “need only have the potential to resolve the ‘major issues’ concerning the claims against the customer—not every issue”).

Defendant NVIDIA therefore joins Microsoft’s Motion and requests the Court sever and stay the patent claims against Microsoft.

Dated: December 12, 2024

Respectfully submitted,

/s/ Mark N. Osborn

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**COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that, on December 12, 2024, I electronically submitted the foregoing document with the clerk of the United States District Court for the Western District of Texas, using the electronic case management CM/ECF system of the Court which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Mark N. Osborn _____

Mark Osborn