

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ADVANCED MICRO DEVICES, INC. and
ATI TECHNOLOGIES ULC,

Plaintiffs,

v.

TCL INDUSTRIES HOLDINGS CO.,
LTD., ET AL.,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00134-JRG-RSP

ORDER

Before the Court are Defendant Realtek Semiconductor Corp.’s Motion for Relief from the Stay (**Dkt. No. 70**) and Motion to Strike Plaintiff’s Second Amended Complaint and For an Order to Show Cause (**Dkt. No. 71**). On August 11, 2022, the Court stayed the case as to all defendants except Realtek Semiconductor Corp pending resolution of proceedings before the International Trade Commission (ITC) involving substantially the same patents, products, parties, and issues. Order, Dkt. No. 44. On September 11, 2022, the Court granted Plaintiffs Advanced Micro Devices, Inc. and ATI Technologies ULC’s (collectively, “AMD”) motion for discretionary stay as to remaining defendant Realtek pending resolution of the same ITC proceedings. Order, Dkt. No. 65.

On March 7, 2023, Realtek notified AMD of its intent to file an action against AMD in the Northern District of California for breaching a license agreement that allegedly protects Realtek against AMD’s claims. Dkt. No. 70 at 2. Nearly six months into the stay, on March 9, 2023, AMD filed a Second Amended Complaint (Dkt. No. 69) addressing Realtek’s license agreement. *See* Second Amended Complaint, Dkt. No. 69 at ¶¶ 87–105, 196–207. AMD’s filing of the Second Amended Complaint gives rise to Realtek’s two motions before the Court. In essence, Realtek argues that AMD violated the Court’s Order (Dkt. No. 65) that “is specific in allowing precisely

one subsequent joint, filing.” Realtek explains that it is now in an untenable position of not knowing when to respond and if doing so would also violate the Court’s Order. Dkt. No. 70 at 3–4. Accordingly, Realtek requests that the Court strike the Second Amended Complaint and enter an order requiring AMD to show cause. Motion to Strike.

After due consideration, the Court **GRANTS IN PART** the Motion for Relief (**Dkt. No. 70**) as follows: the deadline for Realtek to respond to AMD’s Second Amended Complaint (Dkt. No. 69) is extended to 14 days from the date the Court lifts the stay as to this action, if and when that happens. The stay remains in effect at this time. This extension will cure any prejudice from AMD’s arguably premature filing of the Second Amended Complaint.

Consequently, the Motion to Strike Plaintiff’s Second Amended Complaint and For an Order to Show Cause (**Dkt. No. 71**) is hereby **DENIED**.

SIGNED this 8th day of April, 2023.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE