

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

BANDSPEED, LLC,

Plaintiff,

v.

REALTEK SEMICONDUCTOR
CORPORATION,

Defendant.

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CASE NO. 1:20-cv-00765

COMPLAINT

Plaintiff Bandspeed, LLC (“Bandspeed”), by and through its attorneys, files its Complaint against defendant Realtek Semiconductor Corporation (“Defendant”), and hereby alleges as follows:

I. NATURE OF ACTION

1. This is a patent infringement action to end Defendant’s unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating Bandspeed’s patented inventions.

2. Bandspeed is the owner of all right, title, and interest in and to:

- a. United States Patent No. 7,027,418 (“the ’418 Patent”), issued on April 11, 2006;
- b. United States Patent No. 7,477,624 (“the ’624 Patent”), issued on January 13, 2009;
- c. United States Patent No. 7,570,614 (“the ’614 patent”), issued on August 4, 2009;
- d. United States Patent No. 7,903,608 (“the ’608 Patent”), issued on March 8, 2011;
- e. United States Patent No. 8,542,643 (“the ’643 Patent”), issued on September 24, 2013;

- f. United States Patent No. 8,873,500 (“the ’500 Patent”), issued on October 28, 2014;
- g. United States Patent No. 9,379,769 (“the ’769 Patent”), issued on June 28, 2016;
- h. United States Patent No. 9,883,520 (“the ’520 Patent”), issued on January 30, 2018.

3. The ’418 Patent, ’624 Patent, ’614 Patent, ’608 Patent, ’643 Patent, ’500 Patent, ’769 Patent, and ’520 Patent are, collectively, the “Patents.”

4. Bandspeed has all substantial right and interest to the Patents, including all rights to recover for all past and future infringement thereof.

5. Upon information and belief, Defendant has been and currently is infringing, contributing to the infringement of, and/or inducing the infringement of Bandspeed’s Patents, by, among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States and the State of Texas, products that are covered by one or more claims of Bandspeed’s Patents and inducing such conduct by others.

6. Defendant manufactures, provides, sells, offers for sale, imports, and/or distributes Infringing Products (as defined herein) and services; and/or induces others to make and use of its Infringing Products and services in an infringing manner; and/or contributes to the making and use of Infringing Products and services by others, including its customers, who directly infringe the Patents.

II. THE PARTIES

7. Plaintiff Bandspeed is a Texas limited liability company with its principal place of business located in Austin, Texas.

8. Upon information and belief, Defendant Realtek Semiconductor Corporation is a corporation organized and existing under the laws of Taiwan, with a place of business located at No. 2, Innovation Road II, Hsinchu Science Park, Hsinchu 300, Taiwan.

9. Realtek Semiconductor Corporation may be served with process by serving the Texas Secretary of State, James E. Rudder Building, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because it engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute. This action arises out of that business.

10. Defendant manufactures and distributes electronics. Defendant, either itself and/or through the activities of its subsidiaries or agents, makes, uses, sells, offers for sale, and/or imports throughout the United States, including within this District, products, such as electronics, semiconductor devices, and integrated circuits, that infringe the Asserted Patents, defined below.

III. JURISDICTION AND VENUE

11. This is an action for patent infringement arising under the Patent Laws of the United States, in particular 35 U.S.C. §271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §1331 and 1338(a). Alternatively, this Court has jurisdiction over Defendant under Fed. R. Civ P. 4(k)(2) (“Federal Claim Outside State-Court Jurisdiction”).

12. Upon information and belief, Defendant is subject to this Court’s personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, Tex. Civ. Prac. & Rem. Code § 17.042, because (1) Defendant has done and continues to do business in Texas and the Western District of Texas; (2) Defendant has committed and continues to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, inducing others to commit acts

of patent infringement in Texas, and/or committing at least a portion of any other infringements alleged herein.

13. Upon information and belief, Defendant has purposefully directed its activities toward the State of Texas and purposefully availed itself of the privileges of conducting activities in the State of Texas. Plaintiff's causes of action for patent infringement arise out of and result from Defendant's contact with the State of Texas.

14. Upon information and belief, Defendant has solicited business in the State of Texas, transacted business within the State of Texas and/or attempted to derive financial benefit from residents of the State of Texas and the residents of this District, including benefits directly related to infringement of the Patents. Defendant has placed its products and/or services into the stream of commerce throughout the United States and has been actively engaged in transacting business in Texas and in the Western District of Texas.

15. Upon information and belief, Defendant, directly and/or through subsidiaries or intermediaries (including distributors, retailers, resellers and others), makes, imports, ships, distributes, offers for sale, sells, uses, and advertises its products and/or services in the United States, the State of Texas, and the Western District of Texas.

16. Upon information and belief, Defendant has purposefully and voluntarily placed infringing Bluetooth products into the stream of commerce by shipping Infringing Products through established distribution channels into the State of Texas, knowing or expecting that the Infringing Products would be shipped into Texas, and/or knowing or expecting that these Infringing Products would be incorporated into other products that would be shipped into Texas and would be purchased and used by customers in the State of Texas and the Western District of Texas.

17. Upon information and belief, Defendant interacts with subsidiaries, distributors, resellers and/or customers who sell the Infringing Products into Texas, knowing or expecting that these subsidiaries, distributors, resellers and/or customers will then sell the Infringing Products into the State of Texas, either directly or through intermediaries.

18. The Court's exercise of personal jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Defendant has established minimum contacts with the State of Texas.

19. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391 (c)(3) which provides that "a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants."

20. This District is familiar with the technology of the Patents and has presided over several lawsuits involving one or more of the Patents.

IV. NOTICE

21. On July 2, 2018, Bandspeed sent a letter to Defendant notifying Defendant of its Patents and the nature of Defendant's infringing activities (the "Notice Letter"). Defendant refused service of this letter.

22. On October 10, 2019, after acquiring pertinent email addresses of Defendant employees, Bandspeed sent an email to Defendant notifying Defendant of Defendant's infringing activities (the "Notice Email"). The Notice Email provided Defendant with detailed allegations about its infringing conduct including claim charts. Since July 2, 2018, and no later than October 10, 2019, Defendant actually knew of, or was willfully blind to, the existence of the Patents and the infringing nature of Defendant's activities.

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