

**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-LY

**BANDSPEED'S RESPONSE TO REALTEK SEMICONDUCTOR  
CORPORATION'S RENEWED RULE 12 MOTION TO DISMISS**

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Plaintiff Bandspeed, LLC (“Bandspeed”) files its Response to Realtek Semiconductor Corporation’s (“Realtek”) Renewed Rule 12 Motion to Dismiss (the “Motion”).

## **I. REALTEK’S RULE 12 MOTION FAILS**

Realtek’s Rule 12 Motion to Dismiss for lack of jurisdiction fails. Realtek is subject to the Federal Long-Arm Statute under Rule 4(k)(2) because: (i) this is, indisputably, a federal claim under patent law; (ii) Realtek, by its own admission, is not subject to jurisdiction in any state’s court of general jurisdiction; and (iii) Realtek has sufficient contacts with the U.S. as a whole to satisfy due process standards and justify the application of Federal law. Realtek’s half-hearted identification of the Northern District of California (“NDCal”) as an appropriate forum (1) fails because Realtek has not met its burden that personal jurisdiction would be appropriate in the NDCal and (2) amounts to nothing more than blatant forum shopping.

Realtek is subject to specific jurisdiction because it purposefully directs activities to residents of this District. Further, Realtek is subject to specific jurisdiction under the stream of commerce theory because it sells Realtek products that are placed into the U.S. market, including products that are sold within the Western District of Texas.

## **A. BACKGROUND FACTS**

Realtek is a Taiwanese company. Doc. 22 at ¶ 9. By its own admission, Realtek is “‘at home’ in Taiwan, not in Texas or anywhere else in the United States.” Doc. 27 at 5. Realtek alleges it does not have any place of business, operations, real or personal property, or assets anywhere in the U.S.

Realtek has distributors for supply of its products to the U.S., including Future Electronics and WPG Americas, Inc. Doc. 22 at ¶¶ 20-21. Realtek’s website lists contact information for technical service that is directed specifically to its U.S. customers. Doc. 22 at ¶ 20.

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