

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

**REALTEK’S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF’S FIRST  
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Realtek Semiconductor Corp. (“Defendant” or “Realtek”), by and through its undersigned counsel, hereby submits its Answer and Affirmative Defenses to Plaintiff Bandspeed, LLC’s (“Plaintiff” or “Bandspeed”) First Amended Complaint for Patent Infringement (“FAC”) dated March 13, 2022. To the extent any allegations in the FAC are not specifically admitted, Realtek denies them. In responding to the FAC, Realtek uses the headings employed by Bandspeed strictly as a convenience to the Court, and does not admit any allegation made in, or inference suggested by, such headings. Realtek answers the numbered paragraphs of the FAC as follows:

**I. NATURE OF ACTION**

1. Realtek admits that this is a patent infringement action. Realtek denies the remaining allegations directed to Realtek in paragraph 1 of the FAC.

2. Realtek admits that United States Patent No. 7,027,418 (“the ’418 Patent”), on its face, purports to have an issue date of April 11, 2006. Realtek further admits that United States Patent No. 7,477,624 (“the ’624 Patent”), on its face, purports to have an issue date of January 13, 2009. Realtek further admits that United States Patent No. 7,570,614 (“the ’614 patent”), on its face, purports to have an issue date of August 4, 2009. Realtek further admits that United States Patent No. 7,903,608 (“the ’608 Patent”), on its face, purports to have an issue date of March 8, 2011. Realtek further admits that United States Patent No. 8,542,643 (“the ’643 Patent”), on its face, purports to have an issue date of September 24, 2013. Realtek further admits that United States Patent No. 8,873,500 (“the ’500 Patent”), on its face, purports to have an issue date of October 28, 2014. Realtek further admits that United States Patent No. 9,379,769 (“the ’769 Patent”), on its face, purports to have an issue date of June 28, 2016. Realtek further admits that United States Patent No. 9,883,520 (“the ’520 Patent”) (collectively, the “Asserted Patents”), on its face, purports to have an issue date of January 30, 2018. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 of the FAC, and therefore denies them.

3. Admitted.

4. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the FAC, and therefore denies them.

5. Denied.

6. Denied.

## II. THE PARTIES

7. Realtek admits that Bandspeed purports to incorporate by reference the allegations of all the foregoing paragraphs. Except as explicitly admitted, Realtek denies any allegations contained in paragraph 7 of the FAC.

8. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the FAC, and therefore denies them.

9. Realtek admits that it 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.

10. The allegations of paragraph 10 state a legal contention to which no response is required. To the extent that a response is nonetheless deemed to be required, Realtek lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations of paragraph 10 of the FAC, and therefore denies them.

## III. JURISDICTION AND VENUE

11. Realtek admits that Bandspeed purports to incorporate by reference the allegations of all the foregoing paragraphs. Except as explicitly admitted, Realtek denies any allegations contained in paragraph 11 of the FAC.

12. The allegations of paragraph 12 state legal contentions to which no response is required. To the extent that a response is nonetheless deemed to be required, Realtek admits that Bandspeed purports to bring a patent infringement action under Title 35 of the United States Code. Realtek further admits that 28 U.S.C. §§ 1331 and 1338(a) confer jurisdiction as to claims arising under the patent laws and claims arising under the laws of the United States upon this Court. Realtek expressly denies that it has committed any acts of infringement in this or any other state.

Except as explicitly admitted, Realtek denies any allegations contained in paragraph 12 of the FAC.

13. The allegations of paragraph 13 state a legal contention to which no response is required. To the extent that a response is nonetheless deemed to be required, Realtek denies the remaining allegations in paragraph 13 of the FAC.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the FAC, and therefore denies them.

22. Realtek admits that it has participated in the International Consumer Electronics Show (CES) one or more years. Except as explicitly admitted, Realtek denies any allegations contained in paragraph 22 of the FAC. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

23. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 23 of the FAC, and therefore denies them. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

24. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 24 of the FAC, and therefore denies them.

25. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 25 of the FAC, and therefore denies them. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

26. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 26 of the FAC, and therefore denies them. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

27. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 27 of the FAC, and therefore denies them. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

28. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 28 of the FAC, and therefore denies them. Realtek expressly denies that any Realtek product infringes any claim of the Asserted Patents.

29. Denied.

30. Realtek admits that its 2019 Annual Report states, “Realtek will actively expand the high-end smart speaker 11ac market in Europe and America.” Except as explicitly admitted, Realtek denies any allegations contained in paragraph 30 of the FAC.

31. Realtek admits that its 2020 Annual Report recites “actively and strategically expand in the smart speaker market in Europe and America.” Except as explicitly admitted, Realtek denies any allegations contained in paragraph 31 of the FAC.

32. Realtek lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 32 of the FAC that pertain to the WiFi Alliance, and therefore denies them. Except as explicitly admitted, Realtek denies any allegations contained in paragraph 32 of the FAC.

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