

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

PARKERVISION, INC.,

Plaintiff,

v.

REALTEK SEMICONDUCTOR CORP.,

Defendant.

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NO. 6:22-cv-01162-ADA

**DEFENDANT'S OPPOSITION TO**  
**PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT**

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Defendant Realtek Semiconductor Corp. (“Defendant” or “Realtek”), specially appearing herein for this limited purpose,<sup>1</sup> files this Opposition to Plaintiff’s Motion for Clerk’s Entry of Default (the “Motion”) (Dkt. 12). Plaintiff ParkerVision, Inc. (“Plaintiff” or “ParkerVision”) failed to properly serve Realtek, and is therefore not entitled to entry of default. Moreover, even if ParkerVision’s attempt at service was effective (which it was not), Plaintiff cannot show that Realtek did not “otherwise defend,” as required under Fed. R. Civ. P. 55(a). Accordingly, Plaintiff’s Motion has no basis, and should be denied.

## I. INTRODUCTION

ParkerVision’s Motion is just the latest among the ever-changing and improper tactics it has pursued in litigating its infringement case. In connection with separate complaints brought three years ago against Hisense, TCL, and LG, ParkerVision knew it would need discovery of Realtek as a third party. But failing to follow the Court’s procedures and deadlines to obtain that discovery, ParkerVision sought stay of those actions to file this action against Realtek instead. Now, ParkerVision again willfully disregards this Court’s rules and seeks to circumvent the law as to Realtek’s due process rights by filing this Motion—a motion that is plainly without merit.

*First*, Realtek is not in default because ParkerVision has not effected service. By ParkerVision’s own admission: “In Taiwan, service of the summons and complaint must be administered by the clerk of a Taiwanese court with jurisdiction over Realtek.” Dkt. 10 at 9. Consequently, ParkerVision has never effected service because it has never sought the

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<sup>1</sup> By filing this Opposition, Realtek does not concede jurisdiction over it nor does it waive service. Nothing in this Response should be interpreted as a general appearance or waiver or relinquishment of Realtek’s rights to assert defenses or objections including, without limitation, the defenses of: (1) lack of personal jurisdiction; (2) improper venue and/or forum non conveniens; (3) insufficient process; (4) insufficient service of process; (5) failure to state a claim upon which relief can be granted; (6) failure to join a party under Rule 19; (7) improper joinder of claims and/or parties; and (8) any other procedural or substantive defense available under state or federal law.

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