

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

PARKERVISION, INC.,

Plaintiff,

v.

REALTEK SEMICONDUCTOR CORP.,

Defendant.

Case No. 6:22-cv-01162-ADA

JURY TRIAL DEMANDED

**DEFENDANT'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM AND, IN THE ALTERNATIVE,
STAY PENDING APPEAL OF PTAB FINAL WRITTEN DECISION**

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...

This case should be dismissed or stayed, and ParkerVision’s response confirms it. ParkerVision alleges that Realtek *directly* infringes the four patents-in-suit. But ParkerVision does not (and cannot) plead any factual basis for such allegations. In apparent acknowledgment of the gross deficiencies in its Complaint, ParkerVision chose not to substantively oppose Realtek’s motion to dismiss. Instead, to further delay dismissal of its case, ParkerVision filed an equally deficient Amended Complaint. *See* Dkt. 51.

The purpose for ParkerVision’s gamesmanship is simple. It is a ploy to delay dismissal and harass Realtek into providing discovery—not for its sham suit against Realtek, but instead for use in ParkerVision’s parallel lawsuits against LG and TCL. ParkerVision’s tactics should not be rewarded.

At bottom, this case should be dismissed. In the alternative, the Court should impose a short stay (likely 10 months) to prevent the parties and the Court from wasting significant resources litigating a patent that the PTAB has already invalidated in a Final Written Decision (“FWD”).

I. THIS ACTION SHOULD ULTIMATELY BE DISMISSED

ParkerVision’s Amended Complaint suffers a number of the same—and additional—deficiencies as outlined in Realtek’s Motion. Pursuant to Rule 15, Realtek will file a renewed Motion to Dismiss addressing the Amended Complaint on June 8, 2023. *See* Fed. R. Civ. P. 15(a)(1), (3).

II. THIS ACTION SHOULD BE STAYED PENDING FEDERAL CIRCUIT APPEAL OF PTAB INVALIDATION OF U.S. PATENT NO. 7,292,835

In response to Realtek’s alternative request to stay, ParkerVision’s Opposition takes the exact opposite position it took in other litigation. The reason is plain. It seeks to game this Court’s procedures to obtain discovery to which it has no right.

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