

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

PARKERVISION, INC.,

Plaintiff,

v.

REALTEK SEMICONDUCTOR CORP.,

Defendants.

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NO. 6:22-cv-01162-ADA

**DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE**  
**PLAINTIFF'S AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM**

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Realtek Semiconductor Corporation (“Realtek”) respectfully requests that the Court dismiss with prejudice the Amended Complaint filed by ParkerVision, Inc. (“ParkerVision”) pursuant to Federal Rule of Civil Procedure 12(b)(6).

## I. INTRODUCTION

The Amended Complaint filed by ParkerVision is just as frivolous as its Original Complaint. Nothing in its amendment states a claim for infringement any more than the Original that was withdrawn. The changes are superficial; ParkerVision’s purpose is clear. This amendment is an improper tactic to delay an inevitable dismissal in the hope that the delay gives ParkerVision a chance at the discovery it otherwise has no basis to obtain.

ParkerVision hastily filed this action solely to obtain discovery after unsuccessfully litigating the very same claims against Hisense Co., Ltd., TCL Industry Holdings Co., and LG Electronics Inc. But in its haste, ParkerVision apparently neglected to perform an adequate pre-suit investigation. If it had, it would have determined that it has no case against Realtek. In its Original Complaint, ParkerVision alleged that Realtek directly infringes the four asserted patents “by testing” the accused products in the United States. But, as set forth in its original motion to dismiss, Realtek is a Taiwan company with no presence in the United States, and does not perform any testing of the accused products in the United States. As such, ParkerVision failed to plead facts to support such allegations in its Original Complaint, because no such facts exist.

Now, desperate to delay dismissal of this case, ParkerVision has filed the Amended Complaint alleging that Realtek directly infringes the four asserted patents “by demonstrating and testing (or having others on its behalf demonstrate and test, including without limitation HP Inc. and other U.S. customers, as well as Cortina Access, Inc. and Ubilinx Technology Inc.)” the accused products in the United States. But again, ParkerVision fails to plead facts to support such allegations.

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