

**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

PARKERVISION'S REPLY TO REALTEK'S MOTION TO DISMISS

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I. Introduction.

Since the time ParkerVision filed this suit on November 10, 2022, Realtek has made ceaseless attempts to avoid it—from dodging service and letter-writing campaigns to filing a mandamus petition (only to waive the issue being appealed)¹ and now filing a baseless motion to dismiss. But these actions are Realtek’s standard procedure when dealing with U.S. litigation. It is vexatious and needlessly drives up costs.

In the present motion, Realtek claims that ParkerVision (1) does not allege direct infringement, (2) does not allege indirect infringement, (3) does not sufficiently plead infringement, and (4) cannot recover damages because of an alleged failure to mark. Realtek is wrong on each of these issues.

First, Realtek simply ignores (and notably does not deny) allegations related to Realtek’s use, sale, offer for sell, and importation of infringing products in/into the U.S. Instead, Realtek focuses on allegations that are of no relevance. The Amended Complaint alleges multiple bases for Realtek’s direct infringement: (1) Realtek distributors (who are listed on Realtek’s website) sell, offer to sell, and/or import infringing products *on behalf of* Realtek in the U.S. and, thus, act as Realtek’s agents in the United States, (2) Realtek directly sells and offers to sell its infringing products to HP Inc. (a U.S. company), (3) Realtek used, sold, and/or offered to sell its infringing products at the Consumer Electronics Show in Las Vegas, and (4) Realtek has sought and received authorization from the FCC to sell Realtek infringing products in the United States.

Second, ParkerVision is not alleging, at this time, indirect infringement. This is simply a red herring.

¹ Realtek filed a mandamus petition related to this Court’s ruling on default judgment and alternative service. *See* Dkt. 39. After Realtek filed the mandamus petition, Realtek failed to move to dismiss the Complaint based on improper service, thus, waiving the issues on appeal.

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